



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

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### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

January 10, 2017 @7:00 PM

**3<sup>rd</sup> Floor Jury Assembly Room New Addition-Becker County Courthouse**  
Detroit Lakes, MN. 56502

**APPLICANT:**  
Danielson Wallace & Renee  
28200 Co Hwy 21  
Callaway, MN 56521

**Project Location:** 28200 Co Hwy 21

**APPLICATION AND DESCRIPTION OF PROJECT:**  
Request a Conditional Use permit to have a feedlot over 500 head.

**LEGAL LAND DESCRIPTION:** 040197000 Callaway  
NE1/4 OF SE1/4, SE1/4 OF NE1/4 & SW1/4 OF SW1/4, Section 34, TWP 141, Range 41

**REFER TO BECKER COUNTY ZONING ORDINANCE**

**Replies/Comments:** Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**FAX Number:** 218-846-7266  
**email:** zoning@co.becker.mn.us

If you have questions about the Project, feel free to call 218-846-7314.

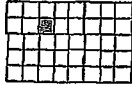
**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**\*\* Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

"I think having land and not ruining it is the most beautiful art that anybody could ever want to own" ~ Andy Warhol

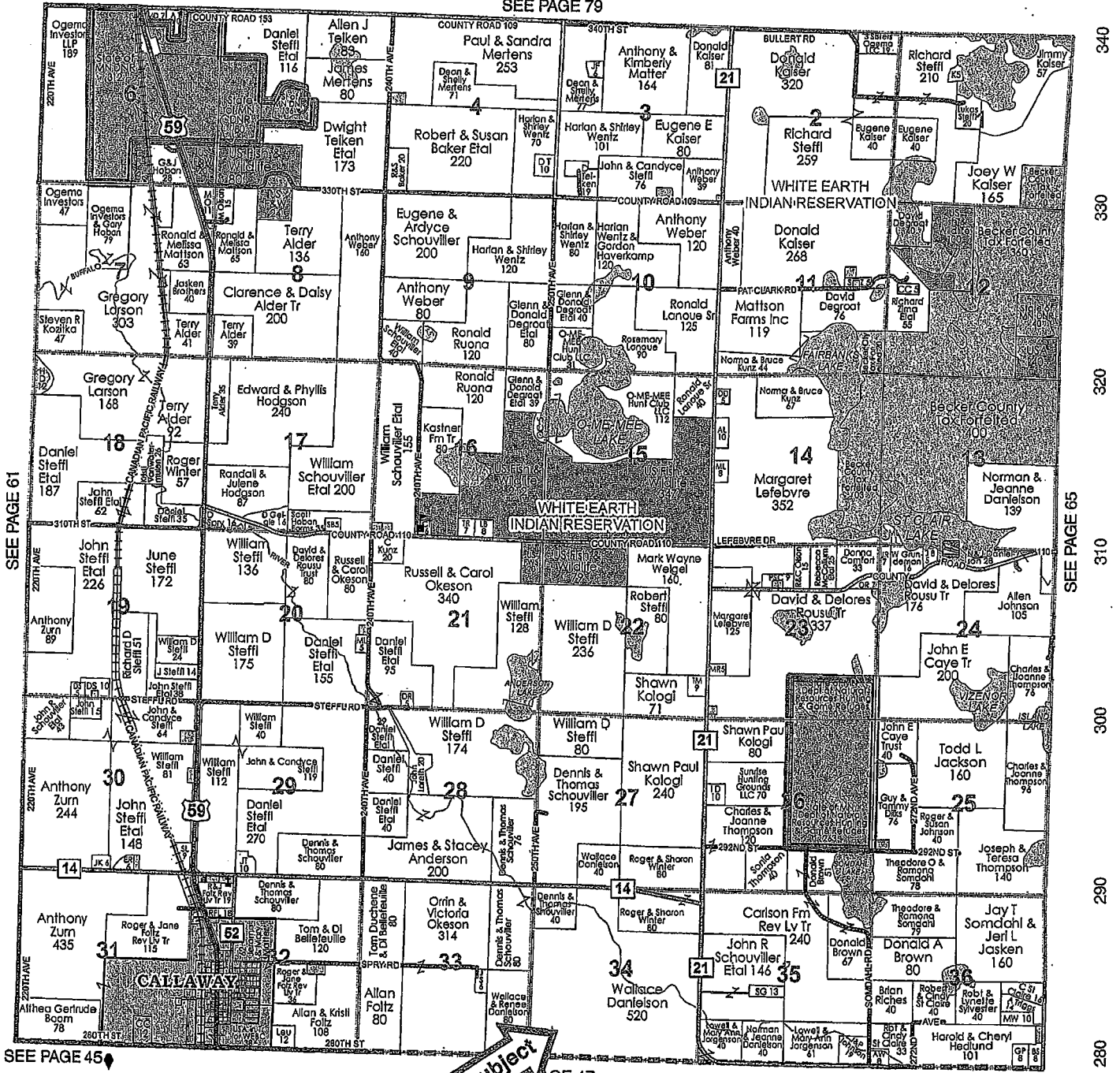


Callaway

Township 141N - Range 41W

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SEE PAGE 45

Subject  
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~ CONDITIONAL USE APPLICATION ~

BECKER COUNTY PLANNING & ZONING

915 LAKE AVENUE, DETROIT LAKES, MN 56501  
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	04,019700
APP	CUP
YEAR	
SCANNED	

PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)

First name(s): Wallace Last name: Danielson

Mailing Address: 28200 County Highway 21 City, State, Zip Callaway MN 56521

Phone Number(s): 701-847-9065 Project Address: 28200 County Highway 21

Parcel number(s) of property: \_\_\_\_\_ Sect - Twp - Range: 34-141-41

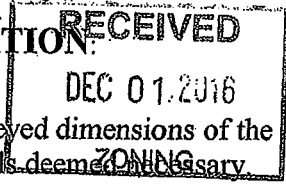
Township Name: Callaway Legal Description: SE1/4 of SE1/4 of Section 34

REASON FOR CONDITIONAL USE REQUEST: Feedlot over 500 head

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

Wallace Danielson SIGNATURE OF APPLICANT 12-1-16 DATE

OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:



1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings; parking area and all other materials deemed necessary.
3. Non-refundable filing fee of \$326.00. If in Cormorant Township add \$25.00 surcharge to the filing fee (\$351.00). Make check payable to Becker County Zoning.
4. Is the conditional use permit request after the fact?  Yes  No  
If yes, after the fact application fee is an additional \$600.00.

\*\*\*\*\*

Office Use Only

This application is hereby (accepted) or (rejected) as presented.

[Signature] SIGNATURE - ZONING ADMINISTRATOR 12-1-16 DATE

412551

WARRANTY DEED  
Individuals to Joint Tenants

MINNESOTA UNIFORM CONVEYANCING BLANKS (1978)

No delinquent taxes and transfer entered;  
 Certificate of Real Estate Value  
 (✓) Filed ( ) not required  
 Certificate of Real Estate Value No. 285  
April 12, 1995  
Keith J. Bakker  
 County Auditor  
 By [Signature]  
 Deputy  
04.0200.000

BECKER COUNTY RECORDER  
 STATE OF MINNESOTA  
 Microfilm No. 412551  
 Date APR 12 1995 11:00 a.m.  
 I hereby certify that the within instrument  
 was recorded in the office of Becker  
 County Recorder  
[Signature]  
 Dpty [Signature] Co. Recorder

STATE DEED TAX DUE HEREON: \$ 62.70

Date: April 11, 1995

FOR VALUABLE CONSIDERATION, NORMAN W. DANIELSON and JEANNE L. DANIELSON, husband and wife, Grantors, hereby convey and warrant to WALLACE V. DANIELSON and RENEE M. DANIELSON, Grantees, as joint tenants, real property in Becker County, Minnesota, described as follows:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 34, Township 141 North of Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota.

The seller certifies that the seller does not know of any wells on the described real property.

together with all hereditaments and appurtenances thereto, subject to the following exceptions: Restrictions, reservations and rights of record, if any.

[Signature]  
 Norman W. Danielson  
[Signature]  
 Jeanne L. Danielson

STATE OF MINNESOTA )  
 ) ss  
 COUNTY OF BECKER )

The foregoing instrument was acknowledged before me this 11th day of April, 1995, by Norman W. Danielson and Jeanne L. Danielson, husband and wife, Grantors.

[Signature]  
 Notary Public, Becker County, Mn  
 My commission expires: 1/31/2000



Arthur D. Bakker

Tax Statements for the real property described in this instrument should be sent to:

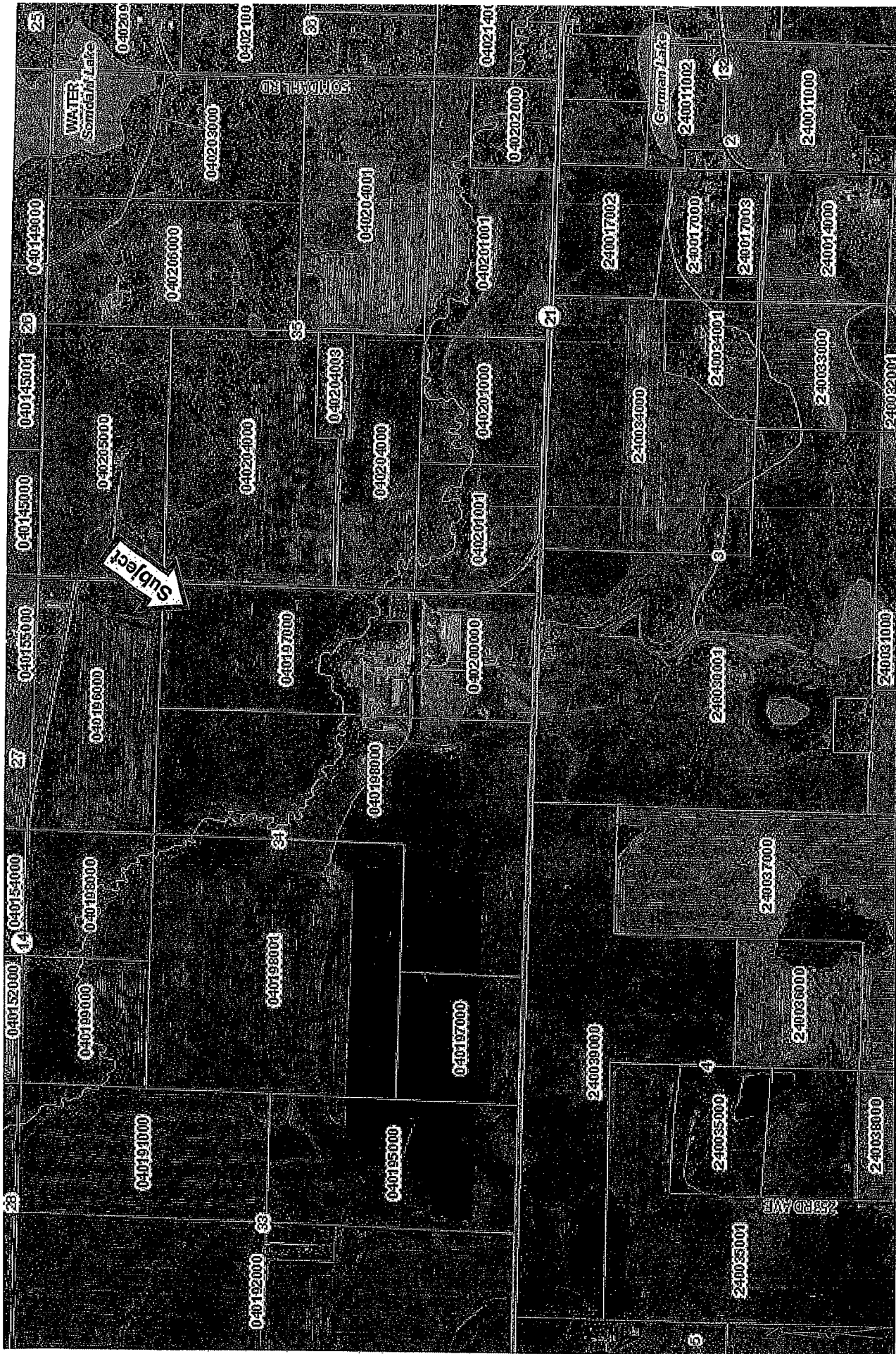
Wallace V. & Renee M. Danielson  
 R.R. 1, Box 38  
 Callaway, MN 56521

This instrument was drafted by  
 IRVINE, RANSTAD, BRIGGS, KARKELA & ZIEGLER, P.A.  
 P.O. Box 683 - 114 West Holmes St.  
 Detroit Lakes, Minnesota 56502  
 (WNB/sn)

Charge \_\_\_\_\_  
 Paid  \_\_\_\_\_  
 Numerical \_\_\_\_\_  
 Tract  \_\_\_\_\_  
 Grantor \_\_\_\_\_  
 Grantee \_\_\_\_\_  
 Compared  \_\_\_\_\_

1995  
 RECEIPT # 40018  
 BECKER COUNTY  
 DEED TAX  
 AMT. PD. 62.70

Farm Co.



Becker County



1:16,000

Date: 12/27/2016

This map is not a certified or certified for accuracy. It is for informational purposes only. For more information, contact the office of the county auditor.

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



# STATE OF MINNESOTA INDIVIDUAL ANIMAL FEEDLOT PERMIT

State Disposal System (SDS) Permit MN0071064



DRAFT PERMIT  
as of Nov 18, 2016

## STATE OF MINNESOTA MINNESOTA POLLUTION CONTROL AGENCY

**PERMITTEE:** Wallace Danielson

**FACILITY NAME:** Wallace V Danielson Farm

**FACILITY LOCATION:**

¼ Section	Section	Township	Range	Township Name	County
SE	34	T141N	R41W	Callaway	Becker

**ISSUANCE DATE:** TBD

**EXPIRATION DATE:** TBD

In compliance with Minn. Stat. chs. 115 and 116, as amended, and Minn. R. chs. 7001, 7009, 7020, 7053, and 7060, the Minnesota Pollution Control Agency (MPCA) authorizes the Permittee to construct and operate their livestock and poultry facility, as identified above, in accordance with the conditions set forth in this SDS Permit ("Permit"). This Permit is not a substitute for a National Pollutant Discharge Elimination System (NPDES) Permit, if the facility is required by federal law to obtain such a permit.

This Permit shall become effective on the issuance date identified above, and supersedes any permit under which this facility previously received coverage. A copy of this Permit must be kept at the facility or owner's business address at all times.

This Permit expires at midnight on the expiration date identified above.

*Signature:* \_\_\_\_\_

Lisa M. Scheirer  
Supervisor, West Feedlot Unit  
Watershed Division

*on behalf of the Minnesota Pollution Control Agency*

*Printed on recycled paper containing at least 100 percent paper recycled by consumers*

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## 1. Permitted Facility Description

### 1.1. Existing Facility

The existing Facility consists of two combined registered feedlots, "Wallace V Danielson Farm" and "Rene & Wallace Danielson Farm." The existing Facility is made up of the following components:

1. One approximately 170-foot by 60-foot by 8-foot unpermitted or noncertified earthen liquid manure storage area.
2. One 40-foot by 60-foot partial confinement barn associated with an approximately 260-foot by 115-foot open lot.
3. One 80-foot by 60-foot partial confinement barn associated with an approximately 80-foot by 90-foot open lot.
4. One 40-foot by 60-foot partial confinement barn associated with an approximately 240-foot by 240-foot open lot.
5. One approximately 240-foot by 190-foot open lot.
6. One approximately 220-foot by 80-foot open lot.
7. One 110-foot by 70-foot partial confinement barn associated with an approximately 140-foot by 150-foot open lot.
8. One 185-foot by 60-foot concrete feed storage bunker.
9. One 70-foot by 50-foot commodities building.
10. One 40-foot by 80-foot partial confinement barn associated with an approximately 80-foot by 70-foot open lot.
11. One approximately 270-foot by 120-foot feed storage area.
14. One approximately 700-foot by 520-foot open lot.
15. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot.
16. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot.
17. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot.
18. One 16-foot by 16-foot dead animal management area.
19. One approximately 520-foot by 470-foot open lot.
20. One approximately 370-foot by 170-foot by 3-foot unpermitted or noncertified liquid manure storage area.
21. One approximately 1,300-foot by 330-foot open lot.

22. One approximately 200-foot by 100-foot feed storage area.

The existing Facility's combined feedlot registrations include a total of 999 beef feeder cattle and 290 beef calves, or a total of 757.3 animal units (AU).

### **1.2. Proposed Construction and/or Expansion**

This Permit authorizes the Permittee to construct the following facility components in accordance with Minn. R. 7020, the schedule of compliance in Part 3 and all other Parts of this Permit, and the Permit application and associated approved plans and specifications.

12. One approximately 310-foot by 145-foot (one acre) vegetated infiltration area for collecting open lot and feed storage area runoff.
13. One approximately 470-foot by 320-foot by 8-foot earthen lined liquid manure storage area for storing open lot and feed storage area runoff.

After the facility components listed above are constructed and all schedule of compliance items listed in Part 3 are completed, this Permit authorizes the Permittee to increase the total AU housed at the Facility by 498.7 AU.

### **1.3. Final Facility**

The final Facility will consist of all permitted components and animal units listed under one feedlot registration. To reflect this, the feedlot registration for Rene & Wallace Danielson Farm will be deactivated.

The final Facility will consist of:

- A. One 40-foot by 60-foot partial confinement barn associated with an approximately 260-foot by 115-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- B. One 80-foot by 60-foot partial confinement barn associated with an approximately 80-foot by 90-foot open lot with runoff controls for housing 20 head of beef slaughter cattle (20 AU).
- C. One 40-foot by 60-foot partial confinement barn associated with an approximately 240-foot by 180-foot open lot with runoff controls for housing 80 head of beef slaughter cattle (80 AU).
- D. One approximately 240-foot by 190-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- E. One approximately 220-foot by 80-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100,AU).
- F. One 110-foot by 70-foot partial confinement barn associated with an approximately 140-foot by 150-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- G. One 185-foot by 60-foot concrete feed storage bunker with runoff controls.
- H. One 70-foot by 50-foot commodities building.

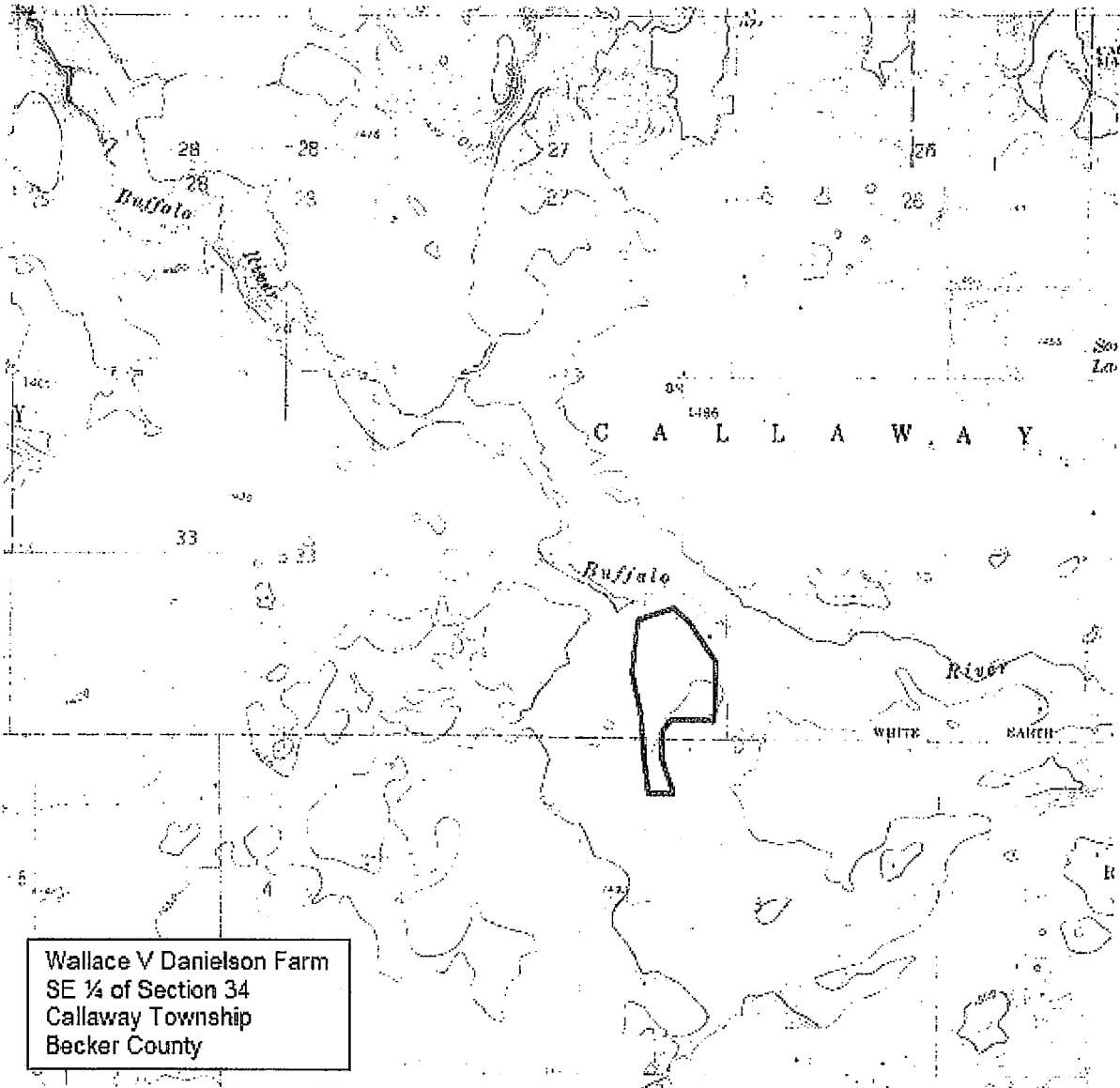
- I. One 40-foot by 80-foot partial confinement barn associated with an approximately 80-foot by 70-foot open lot with runoff controls for housing 50 head of beef slaughter cattle (50 AU).
- J. One approximately 270-foot by 120-foot feed storage area with runoff controls.
- K. One approximately 310-foot by 145-foot (1 acre) vegetated infiltration area for collecting open lot and feed storage area runoff.
- L. One approximately 470-foot by 320-foot by 8-foot earthen lined liquid manure storage area for storing open lot and feed storage area runoff.
- M. One approximately 500-foot by 250-foot open lot with runoff controls for housing 200 head of beef slaughter cattle (200 AU).
- N. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- O. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- P. One 30-foot by 60-foot partial confinement barn associated with an approximately 130-foot by 100-foot open lot with runoff controls for housing 100 head of beef slaughter cattle (100 AU).
- Q. One 16-foot by 16-foot dead animal management area.
- R. One approximately 360-foot by 470-foot open lot with runoff controls for housing 156 head of beef slaughter cattle (156 AU).
- S. One approximately 300-foot by 250-foot open lot with runoff controls for housing 50 head of beef slaughter cattle (50 AU).
- T. One approximately 200-foot by 100-foot feed storage area with runoff controls.

The Permittee is authorized to operate the final Facility at a final **capacity** of 1,256 AU in accordance with this Permit and any approved plans and specifications submitted with the Permit application. The Permittee is prohibited from modifying the animal species and types housed within the animal holding facilities and/or exceeding the capacity of the animal holding facilities without first obtaining a modification of this Permit.

## 2. Facility Maps

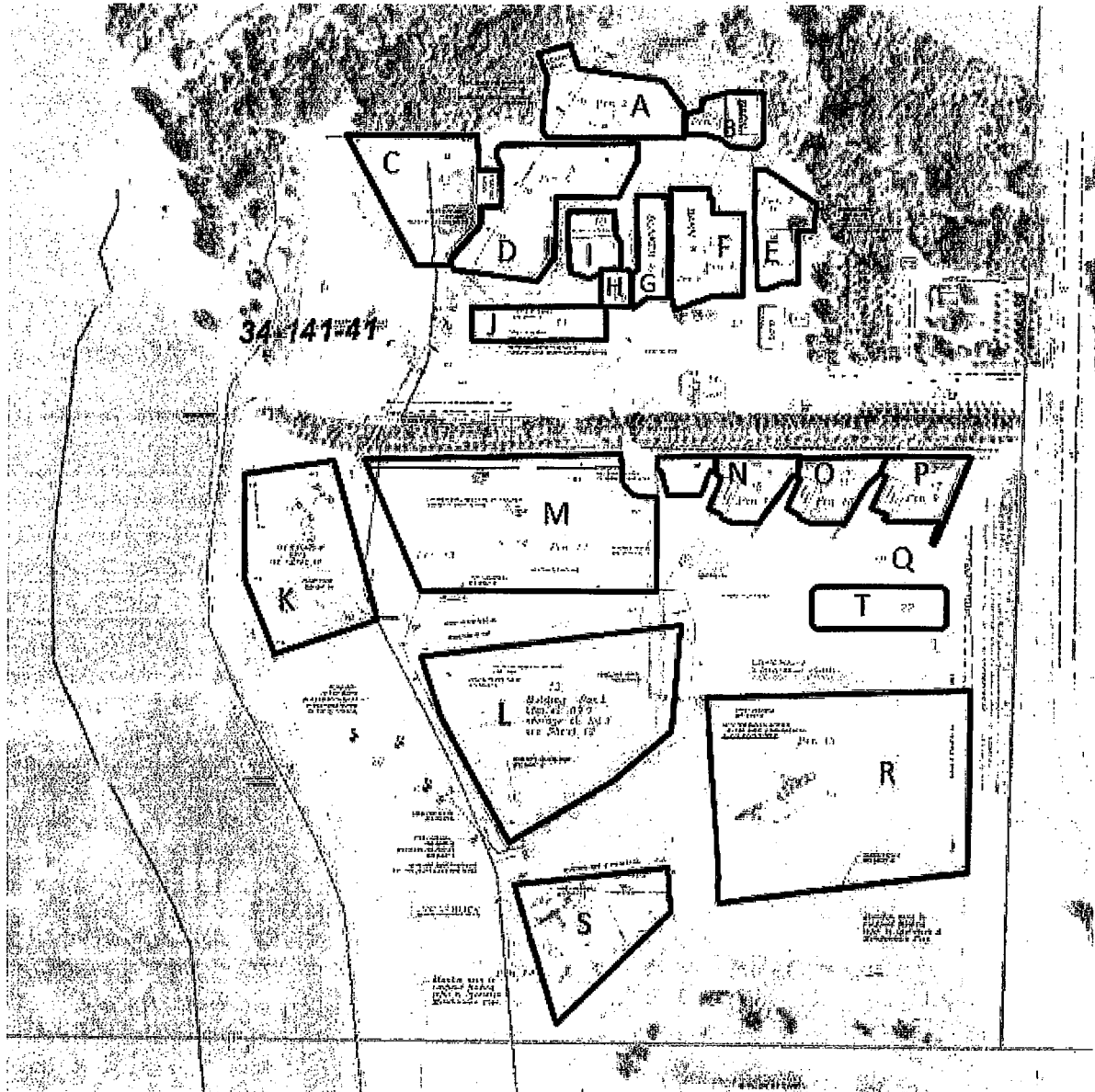
### 2.1. Topographic Map

The permitted Facility is authorized to be operated in the location shown on this map.



2.2. Site Sketch

The permitted Facility components must be located in the areas shown on this site sketch in accordance with plans submitted with the Permit application and approved by the MPCA.



### 3. Schedule of Compliance

In accordance with Minn. R. 7001.0150, subp. 2, the Permittee shall undertake the following measures to correct pollution hazards at the existing facility according to the schedule and requirements set forth below.

#### 3.1. Expansion Limitation

The Permittee shall not increase the AU housed at the facility, as identified in Part 1.1 of this Permit, until the Permittee has completed all requirements of this schedule.

#### 3.2. Construction/Modification to Correct Pollution Hazard(s)

##### 3.2.1. Interim Compliance Measures.

By [date – propose September 1, 2017], the Permittee shall permanently close the portions of and modify the fence line for the open lots identified in Parts 1.1.4, 1.1.14, 1.1.19, and 1.1.21 of this Permit, in accordance with Part 10.2.3 of this Permit and with the plans and specifications prepared by Shane Kjellberg, P.E., K2S Engineering, Inc., dated October 26, 2016.

##### 3.2.2. Final Compliance Date.

By [date – propose November 30, 2017], the Permittee shall complete construction of and make fully operational the one acre vegetated infiltration area and the earthen lined liquid manure storage area identified in Part 1.2 of this Permit, as well as all diversion dikes, berms, ditches, and all runoff controls, in accordance with Part 6 of this Permit and with the plans and specifications prepared by Shane Kjellberg, P.E., K2S Engineering, Inc., dated October 26, 2016.

#### 3.3. Component Closure

##### 3.3.1. Final Compliance Date.

By [date – same as 3.2.3 or spring 2018], the Permittee shall permanently close the unpermitted or noncertified earthen liquid manure storage areas identified in Parts 1.1.1 and 1.1.20 of this Permit, in accordance with Part 10.2.3 of this Permit and with the plans and specifications prepared by Shane Kjellberg, P.E., K2S Engineering, Inc., dated October 26, 2016.

#### 3.4. Interim Facility Operation

The MPCA shall take no action for discharges/emissions from facility components that are being modified under this schedule of compliance to address pollution hazards, so long as the Permittee:

- a) Complies with all parts of this schedule;
- b) Takes reasonable temporary measures to minimize the extent of the discharge/emission addressed by this schedule;
- c) Records and reports discharges/emissions as required by this Permit; and
- d) Complies with all other parts of this Permit.

The act of implementing the schedule of compliance above does not authorize the Permittee to increase or create new discharges/emissions from the facility. Measures taken correct discharges/emissions as authorized in this schedule shall not release the Permittee from compliance with other rules, statutes, or Permit conditions.

### 3.5. Progress Reports

The Permittee shall submit progress reports in accordance with the following.

- a) Progress reports must be submitted not later than **14 days** after each compliance date identified in this schedule.
- b) If submittal of a report, plans and specifications, or other written correspondence is the specific requirement of the compliance date, the submittal of these documents by the specified deadline shall constitute submission of a progress report.
- c) The progress reports shall state the Permittee's compliance with each date or explain why noncompliance has occurred and state the actions that have been taken to correct the noncompliance. Submittal of a report describing noncompliance does not relieve the Permittee of the duty to comply with the requirement.
- d) The progress reports shall be submitted in accordance with Part 16.1 of this Permit.

### 3.6. Extensions

The Permittee may request a minor modification of this Permit to extend any of the compliance dates identified in this schedule, provided that the extension does not modify the final compliance date or interfere with the Permittee's ability to achieve the final compliance date, and is less than 120 days after the compliance date specified in the Permit.

#### 3.6.1. Extension Request

To obtain an extension, the Permittee must submit the application to the MPCA in writing at least **30 days** before the scheduled deadline or as soon as possible before that date if the reason for the extension request arises less than 30 days before the deadline. The Permittee has the burden of demonstrating to the satisfaction of the MPCA that the request for the extension is timely, and that good cause exists for granting the extension.

#### 3.6.2. MPCA Approval

No requested extension shall be effective until approved in writing by the MPCA. Following approval of the minor modification to extend the date, the Permittee shall complete the required action under this schedule in accordance with the date specified in the modification. If the extension is denied, the Permittee shall complete the required action under this schedule in accordance with the original date specified in the Permit.

#### 3.6.3. Extension of Final Compliance Date(s)

The Permittee may request an extension of the final compliance date by following the procedure for a modification to this Permit as set forth in Minn. R. 7001.0190.



#### 4. Permit Coverage

Upon issuance of this permit, the Permittee is authorized to construct and operate the facility according to the submitted and approved permit application and in compliance with the requirements set forth in this Permit, all requirements of Minn. R. ch. 7020, and any other applicable state 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.

#### 5. Facility Plans

The following plans developed by the Permittee in accordance with Minn. R. 7020.0505, and approved by the MPCA, are an enforceable part of this Permit. If any approved plans conflict with Minn. R. ch. 7020 or terms of this Permit, the more stringent condition shall apply. The Permittee shall operate the facility in accordance with the most recent plan approved by the MPCA.

- a) Emergency Response Plan.
- b) Manure and Nutrient Management Plan (MMP).
- c) Design Plans and Specifications – Including any proposed design plans and specifications submitted with the current application for permit coverage and any design plans and specifications, and/or any amendments, for any existing manure storage area that has been previously approved by the MPCA, but are not a required submittal with the current application for permit coverage.
- d) Operation and Maintenance Plan as described in the permit application document.
- e) Air Emissions Plan as described in the permit application document.
- f) Groundwater Monitoring Plan, if required.

##### 5.1. Changes required by the MPCA

If, after issuance of this permit, the MPCA notifies the Permittee that one or more of the plans listed above no longer meet the requirements of the Permit or rules, the Permittee shall submit, within 45 days, an amended plan to the MPCA for review and approval. Upon receipt of MPCA approval, the amended plan(s) shall become an enforceable part of this Permit.

##### 5.2. Annual Review and Updates to the Incorporated Plans

The Permittee shall annually review the plans identified above to verify the accuracy of the information contained within the approved plans. For all plans except the MMP (addressed in Part 5.3 below), if a change to the plan is required following the annual review, the Permittee shall submit the proposed changes to the MPCA for review and approval.

The Permittee shall not implement the proposed changes to the plans until approved by the MPCA. Once approved by the MPCA, the updated plans are incorporated into this Permit and will become an enforceable part of this Permit.

Changes to the plans may be considered a modification according to Part 14 of this permit, and require resubmittal of a permit application for modification of this permit.

##### 5.3. Updates and Modifications to the MPCA-Approved MMP

The approved MMP includes a field specific plan for the first cropping year of permit coverage. In addition, the approved MMP includes methodology that identifies how the total plant-available nitrogen and phosphorus rates of application will be determined and also how any field-specific conditions, crop specific nutrient recommendations, and timing and method of manure applications will influence the rate of application for the term of this Permit.

#### 5.3.1. Annual Updates.

The Permittee shall annually update the approved MMP to ensure that it meets all requirements in Minn. R. 7020.2225, subp. 4 and this Permit. The annual review and update shall include field-specific information that identifies when, where, and how manure will be applied to each field during the following growing season. All information must meet applicable standards in Minn. R. 7020.2225 for data. The information that must be obtained to support these determinations includes the following:

- a) Manure sources or amounts;
- b) Manure nutrient content;
- c) Methods of application;
- d) Fields used for application;
- e) Crop rotations;
- f) Expected crop yields;
- g) Soil test results;
- h) Manure storage practices;
- i) Commercial nitrogen and phosphorus fertilizer applications; and
- j) Other management changes which affect the available nutrient amounts, crop nutrient needs, setbacks, or production area operation and maintenance.

Any changes made to the submitted first year planned application rates or subsequent crop year planned application rates must be consistent with the MMP's methodology, or the MMP must be modified in accordance with item 5.3.2 below.

#### 5.3.2. MMP Modifications.

Annual updates to the MMP do not require a modification of this Permit provided the updates are consistent with the methodology of the approved MMP. The following changes to the MMP require the owner to submit a new application for modification of this Permit (modification):

- 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 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; and
- e) The addition of new acreage to the MMP.

### 5.3.3. Changes Required by the MPCA.

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 in accordance with Minn. R. 7020.2225, subp. 1, item A(2), and subp. 4. The Permittee shall submit a revised MMP that addresses the required revisions upon request and shall follow those additional management practices as described in the revised MMP once approved by the MPCA.

### 5.3.4. Modification Requirements.

If the proposed revision to the MMP requires a modification of this Permit, the Permittee must submit, on an MPCA standardized form, the MMP revisions to the MPCA for review and approval in accordance with Part 14 of this Permit.

The Permittee shall not implement the proposed changes until the Permittee obtains approval from the MPCA. Upon approval of the modified MMP by the MPCA, the plan becomes an enforceable part of this Permit.

## 6. Facility Construction

### 6.1. Construction Sequence

The Permittee shall complete construction of areas used for the handling or storage of manure/process wastewater that are necessary to comply with the effluent limitations of this permit prior to the commencement of operation of the source of the manure/process wastewater. The Permittee may construct manure/process wastewater generation and storage facilities concurrently but shall not operate/stock the manure/process wastewater generating facility prior to completion of construction of the manure or process wastewater handling or storage facility.

The Permittee is not required to complete construction of **all** proposed manure/process wastewater handling or storage areas before operating/stocking **any** proposed manure/process wastewater generation source but shall complete construction of those handling or storage areas directly associated with the generation source that the Permittee desires to operate/stock.

#### 6.1.1. Liquid manure storage areas (LMSA).

For liquid manure storage areas (LMSA), the Permittee shall complete construction of any LMSA required to comply with the storage volume requirements of Minn. R.

7020.2100 subp. 3 item A (nine months of storage) prior to increasing the manure or process wastewater generation of the facility.

6.1.1.1. *Commencement of operation.*

The Permittee may commence operation of a LMSA prior to submittal of the post- construction design report required in item 6.2.4. However, the MPCA may require removal of any waste within the LMSA if the post-construction design report indicates the LMSA does not conform to the MPCA-approved design plans and specifications.

**6.2. Liquid Manure Storage Area Construction**

The Permittee shall construct the LMSA according to Minn. R. 7020.2100, this Permit, and the design plans and specifications submitted with the permit application and approved by the MPCA.

6.2.1. Construction Notification.

The Permittee shall notify the MPCA staff via telephone or electronic mail, in accordance with Part 16.1 of this Permit, so that on-site inspections may be performed at the discretion of the MPCA staff. This notification shall be done at **least three (3) business days** prior to beginning each of the following construction activities:

- a) Start of construction of each proposed LMSA (prior to earth moving activities);
- b) For below-grade concrete pits, prior to backfilling the walls of the pit; and
- c) Completion of construction of each LMSA.

6.2.2. Construction Inspection by Design Engineer.

The Permittee shall ensure that inspections to assess the conformance to the design plans are performed during construction in accordance with Minn. R. 7020.2100, subp. 6. The results of the inspection shall be recorded on the Construction Inspection Form(s) available on the MPCA website at: <http://www.pca.state.mn.us>.

Construction Inspections are not required for those LMSAs that qualify for the exemption afforded in Minn. R. 7020.2100 subp. 1, D or those LMSAs that are constructed entirely of concrete with a volume of less than 20,000 gallons.

6.2.3. Construction Certification by Contractor.

The Permittee shall ensure that, as required in Minn. R. 7020.2100, subp. 6, the contractor responsible for installation of the LMSA(s) completes the Contractor Certification portion of the Construction Inspection Form(s) (available on the MPCA website at: <http://www.pca.state.mn.us>) to certify that the structure(s) was/were constructed in accordance with the approved plans and specifications.

A contractor certification is not required for those LMSAs that qualify for the exemption afforded in Minn. R. 7020.2100, subp. 1, D. or those LMSAs that are constructed entirely of concrete with a volume of less than 20,000 gallons.

#### 6.2.4. Post-construction Design Report.

The Permittee shall submit a construction report to the MPCA **within 60 days** of completion of the LMSA. The report is to be prepared and signed by the design engineer and shall contain the following:

- a) An assessment by the design engineer of whether the completed LMSA conforms to the design plans and specifications approved by the MPCA;
- b) The completed construction inspection form required in item 6.2.2;
- c) The completed contractor certification form required in item 6.2.3; and
- d) As-built plans that contain, in detail, the final construction plans and specifications for the LMSA(s), as well as details of any changes made during construction to the original MPCA approved plans and specifications.

### 6.3. **Feed Storage Area Construction Requirements**

The Permittee shall construct the feed storage area pad and runoff controls to ensure compliance with Minn. R. 7020.2003, this Permit, and any design plans and specifications submitted with the permit application and approved by the MPCA.

#### 6.3.1. Feed Storage Area Pad.

The Permittee shall construct a feed storage area pad that complies with the approved Permit application and 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;

#### 6.3.2. Feed Storage Area Runoff Controls.

The Permittee shall construct the feed storage area runoff control measures in accordance with the plans and specifications submitted with the Permit application and approved by the MPCA.

##### 6.3.2.1. *Construction Sequence.*

The Permittee shall construct and make operational the feed storage area runoff control system prior to operation of a new feed storage area or increased footprint of an existing feed storage area.

#### 6.3.2.2. *LMSA for Runoff Control.*

When construction of a runoff collection basin (LMSA) is proposed for feed storage area runoff controls, the Permittee shall follow the requirements of Part 6.2 of this Permit.

#### 6.3.2.3. *Vegetated Infiltration Basin (VIB) for Runoff Control.*

When construction of a VIB is proposed for feed storage area runoff controls, the Permittee shall comply with the Natural Resources Conservation Service (NRCS) practice standard 635 LEVEL 2 - Vegetated Infiltration Area design and operational requirements unless deviations from this standard have been approved by the MPCA as part of the design plans and specifications. Plans and specifications for a VIB do not need to be signed by a professional engineer.

#### 6.3.2.4. *VIB Pre-Construction-Notification.*—

The Permittee shall notify the MPCA staff via letter, facsimile, telephone or electronic mail, in accordance with Part 16.1 of this Permit, at least three (3) business days prior to the start of construction of the VIB so that on-site inspections may be performed at the discretion of the MPCA staff.

### **6.4. Vegetated Infiltration Area for Open Lot Runoff Construction Requirements**

The Permittee shall construct the vegetated infiltration area (VIA), for open lot runoff control, in accordance the Natural Resources Conservation Service (NRCS) practice standard 635 LEVEL 2 - Vegetated Infiltration Area design and operational requirements unless deviations from this standard have been approved by the MPCA as part of the design plans and specifications. Plans and specifications for a VIA need to be signed by a professional engineer.

#### **6.4.1. Construction Notification.**

The Permittee shall notify the MPCA staff via telephone or electronic mail, in accordance with Part 16.1 of this Permit, at least three (3) days prior to the start of construction of the VIA so that on-site inspections may be performed at the discretion of the MPCA staff.

#### **6.4.2. Construction Inspection.**

The Permittee shall ensure that inspections to assess the conformance to the design plans are performed during construction of the VIA. A qualified inspector shall record observations regarding conformance with the approved plans and specifications during construction of the VIA.

#### **6.4.3. Post-construction Design Report.**

Permittee shall submit a construction report to the MPCA **within 60 days** of completion of the VIA. The report is to be prepared and signed by the design engineer and shall contain an assessment by the design engineer of whether the completed VIA conforms to the design plans and specifications approved by the MPCA. The report shall also include as-built plans that contain, in detail, the final

construction plans and specifications for the VIA, as well as details of any changes made during construction to the original MPCA approved plans and specifications.

#### 6.4.4. Construction Sequence.

The Permittee shall construct and make operational the open lot runoff control system prior to operation of a new open lot or increased footprint of an existing open lot that contributes runoff to the VIA.

### 6.5. **Stormwater Requirements During Construction**

#### 6.5.1. Construction that disturbs more than five acres.

The Permittee is required to apply for and obtain coverage under an MPCA NPDES/SDS construction stormwater permit prior to commencement of construction when construction activity will disturb five or more acres.

#### 6.5.2. Construction that disturbs one or more acres but less than five acres.

##### 6.5.2.1. *Construction stormwater general permit coverage.*

In accordance with Minn. R. 7090.2020 the Permittee is not required to apply for and obtain coverage under an MPCA NPDES/SDS construction stormwater general permit for construction that disturbs one or more acres but less than five acres provided the Permittee complies with the requirements of the NPDES/SDS construction stormwater general permit including the requirement to develop a stormwater pollution prevention plan (SWPPP) prior to construction activities and to comply with best management practices during construction. The current stormwater general permit is available at <http://www.pca.state.mn.us/>.

##### 6.5.2.2. *Construction stormwater individual permit coverage.*

The Permittee may apply for and obtain coverage under an MPCA individual NPDES/SDS construction storm water permit if desired as an alternative to the requirements of Part 6.5.2.1 above.

## 7. **Land Application and Nutrient Management**

The Permittee shall manage all manure in accordance with the MPCA-approved MMP and this Permit. The Permittee shall comply with the following requirements.

### 7.1. **Manure Nutrient Testing**

#### 7.1.1. Manure Testing Frequency.

The Permittee shall sample and analyze manure for nutrient content at least once each year for the first three years of operation of a manure storage area and once every four years thereafter. Manure shall also be sampled following any changes to conditions that may significantly affect the nutrient content.

#### 7.1.2. Manure Sampling Protocol.

The Permittee's manure sampling protocol shall be consistent with the most recent published University of Minnesota Extension Service (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.

## **7.2. Manure Application Equipment**

### **7.2.1. Equipment Calibration.**

The Permittee shall ensure that equipment used for land application is calibrated according to MES or NRCS procedures so that actual application rates are known.

### **7.2.2. Responsible Transport.**

The Permittee shall ensure that manure that is hauled on federal, state, or local highways, roads, or streets is hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way. The Permittee shall ensure that manure deposited on a public roadway is promptly removed and properly disposed of by the hauler of the manure.

## **7.3. Manure Ownership**

The Permittee remains responsible for management of manure from the facility unless it is transferred to another party for land application on fields that are not owned or leased or otherwise controlled by the Permittee. At the time the other party assumes physical control of the manure, the manure ownership is considered to be transferred. The Permittee is responsible for manure hauled by the Permittee until it is physically relinquished to the other person.

## **7.4. Requirements When Manure Ownership is Transferred**

If the Permittee transfers ownership of manure, the Permittee shall comply with the most recent MPCA approved MMP and the requirements of Minn. R. 7020.2225 applicable to the transfer of manure.

## **7.5. Requirements When Manure Ownership is Retained (non-transferred)**

The Permittee shall comply with the MPCA-approved MMP, the requirements of Minn. R. 7020.2225, and the following:

### **7.5.1. Prohibition.**

Pursuant to Minn. R. 7020.2225, the Permittee shall ensure that manure or process wastewater are not applied to land in a manner that will result in a discharge to waters of the state during the application process.

### **7.5.2. Hydraulic Loading Capacity.**

In determining the rate at which manure and process wastewater are applied, the Permittee shall not exceed the hydraulic loading capacity of the land application site based on soil conditions.

### **7.5.3. Application Equipment.**

The Permittee shall ensure that equipment used for land application is properly operated to ensure that direct discharges do not occur.



#### 7.5.4. Soil Nitrate Testing.

The Permittee shall sample and test fields receiving manure for soil nitrate according to the method and frequency recommended by the most recent MES-published guidelines.

#### 7.5.5. Soil Phosphorus Testing.

The Permittee shall ensure that fields receiving manure are 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 or NRCS.

#### 7.5.6. Nitrogen Application.

The Permittee shall control manure application rates 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 published recommendations of the MES. 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.

#### 7.5.7. Phosphorus Application.

In addition to meeting all nitrogen-based rate requirements, the Permittee shall apply manure in accordance with the following phosphorus management requirements. Crop phosphorus removal values are determined by the International Plant Nutrition Institute crop nutrient removal calculator found at <https://www.ipni.net/app/calculator/home>.

##### 7.5.7.1. *Phosphorus Management Near Waters.*

Where field average soil test levels exceed 21 parts per million (ppm) Bray P1 or 16 ppm Olsen within 300 feet of a lake, stream, intermittent stream, drainage ditch without protective berms, or a public waters wetland, the Permittee must either:

- 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 streams and is at least 50 feet wide along other waters.

##### 7.5.7.2. *Phosphorus Management on Extremely High Soil Test Phosphorus Soils.*

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, the Permittee shall land apply manure in accordance with all of the following:

- 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), reapplication of manure cannot occur until phosphorus from the previous manure application is calculated to have been removed by subsequent crops; and
- c) The MPCA-approved MMP includes runoff and soil erosion prevention practices that either achieves a "very low" or "low" rating with the Minnesota Phosphorus Index originally developed for the animal agriculture GEIS ([www.mnpi.umn.edu](http://www.mnpi.umn.edu)) or NRCS Technical Standard 590.

#### 7.5.8. Application Prior to Rainfall.

The Permittee shall immediately incorporate surface broadcast manure into the soil surface if a high probability (over 50 percent chance predicted by National Weather Service) of rainfall exceeding one-half inch is predicted within 24 hours of the end of the application period.

#### 7.5.9. Fall Application to Coarse-textured Soils.

The Permittee shall delay fall application onto fields that are dominated by coarse-textured soils until soil temperatures in the upper six inches are less than 50 degrees Fahrenheit, unless the application is necessary to avoid overflow of a LMSA and the application has been approved by the MPCA.

#### 7.5.10. Summer Application of Manure.

The Permittee shall not apply manure in June, July, or August to harvested fields unless a cover crop, as identified in the MMP, is planted for the remainder of the growing season. The Permittee shall use the results of the spring preplant soil nitrate test, when recommended by the MES, to determine the appropriate nitrogen application for the following year's crop.

#### 7.5.11. Application of Manure to Frozen or Snow-Covered Ground ("winter" application).

##### 7.5.11.1. *Solid Manure Applications.*

After November 30<sup>th</sup> the Permittee shall not apply solid manure to frozen or snow-covered ground, unless all of the following conditions are met:

- a) Manure is applied on those fields identified and approved by the MPCA in the MMP for winter application;
- b) Manure is applied more than 300 feet from sensitive features including lakes, streams, open tile inlets, sinkholes, water supply

wells, mines and quarries, intermittent streams, un-bermed drainage ditches, or public water wetlands;

- c) No active snowmelt is occurring that can create runoff from an application field. Active snowmelt is deemed to be occurring if there are two or more inches of snow on the field and maximum-temperatures that exceed 40 degrees Fahrenheit are occurring or are predicted to exceed 40 degrees Fahrenheit within 24 hours of spreading manure;
- d) No rainfall over 0.25 inches is predicted by the National Weather Service with a probability greater than 50 percent within 24 hours of the end of the application period;
- e) Slopes must be less than or equal to six percent on the entire portion of the field where manure is land applied;
- f) Water or ice cannot occupy tillage furrows to the extent that additional snowmelt or precipitation cannot be contained between furrows or in other depressional storage areas within the field; and
- g) Fields used for land application must 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.

#### 7.5.11.2. *Liquid Manure Applications.*

Surface application of liquid manure to frozen or snow-covered ground after November 30 is **prohibited** except for emergency applications.

An application of liquid manure is considered an emergency only for 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.

Emergency applications shall comply with the following:

- a) Only the volume of manure that is necessary to prevent manure storage overflows may be applied. Prior to emergency application, the Permittee shall use all options for additional temporary storage within other MPCA approved LMSAs;
- b) Liquid manure application to frozen or snow-covered soil shall be only on those fields identified and approved by the MPCA in the MMP for emergency application;
- c) The application of liquid manure on frozen or snow-covered soils shall be restricted to slopes of less than or equal to four percent;
- d) The application rate is restricted to a maximum of 3,500 gallons per acre per winter season, not to exceed 60 pounds of crop available P205;

- e) Applications must be more than 300 feet from sensitive features including lakes, streams, open tile inlets, sinkholes, water supply wells, mines and quarries, intermittent streams, un-bermed drainage ditches, or public water wetlands; and
- f) The application rate of manure onto frozen or snow-covered soil shall be adjusted to preclude runoff or ponding of liquid manure during the application process.

#### 7.5.11.3. *Notification.*

The Permittee shall notify the Minnesota Department of Public Safety Duty Officer toll free at 800-422-0798, and the MPCA by phone, in accordance with Part 16.1 of this Permit, within 24 hours of an emergency application of manure to frozen or snow covered ground.

#### 7.5.12. Land Application Setbacks.

The MPCA-approved MMP submitted with the Permit application identifies sensitive features within the fields utilized for land application of manure. The Permittee shall comply with the following land application of manure setbacks, as applicable to the type of sensitive features located within or adjacent to the field designated for land application. Implementing one of the measures identified below that was not included as part of the approved MMP shall not be considered a modification of the MMP:

##### 7.5.12.1. *Manure application setbacks to 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) No manure is applied within 100 feet of the open tile intake and a one rod (16.5 feet) perennial grass buffer exists around the open tile intake; or
- c) A 35 foot perennial grass buffer, that does not receive manure application, exists around the open tile intake.

##### 7.5.12.2. *Manure application setbacks to 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) No manure is applied within 100 feet of the drainage ditch and a one rod (16.5 feet) perennial grass buffer exists along the drainage ditch; or
- d) A 50 foot perennial grass buffer, that does not receive manure application, exists along the drainage ditch.

#### *7.5.12.3. Manure application setbacks to lakes, rivers, or 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) No manure is applied within 100 feet of the lakes, rivers, or perennial stream and a one rod (16.5 feet) perennial grass buffer exists along the lake, river, or perennial stream; or
- c) A 100 foot perennial grass buffer, that does not receive manure application, exists along the lake, river, or perennial stream.

#### *7.5.12.4. Manure application setbacks to intermittent streams or 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) No manure is applied within 100 feet of the intermittent stream or wetland and a one rod (16.5 feet) perennial grass buffer exists along the intermittent stream or wetland; or
- c) A 50 foot perennial grass buffer, that does not receive manure application, exists along the intermittent stream or wetland.

#### *7.5.12.5. Manure application setbacks to wells, mines, or quarries.*

Manure application is prohibited within 50 feet of a well, mine, or quarry.

*7.5.12.6. Manure application setbacks to 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 50 feet of the sinkhole and manure is injected or incorporated prior to rainfall or within 24 hours (whichever occurs first) within 300 feet of the sinkhole; or
- b) A protective berm exists that prohibits runoff from entering the sinkhole.

*7.5.12.7. Manure Application near Road Ditches.*

The Permittee shall not land apply manure into road ditches. When manure is applied near a road ditch, and the road ditch is an intermittent stream or drainage ditch, then one of the protective measures applicable to intermittent streams or drainage ditches must be followed.

**7.5.13. Soil Erosion Conservation.**

The Permittee shall employ one of the following soil erosion conservation practices, in accordance with the applicable NRCS practice standard, for manure application to fields during frozen or snow-covered soil conditions and all areas of fields within 300 feet of all special protection areas, surface tile intakes, sinkholes without constructed diversions, and uncultivated wetlands:

- a) Establishment of grass waterways;
- b) Contour strip cropping;
- c) No-till cropping;
- d) Terracing;
- e) Use rotations that include crops other than row crops (alfalfa, grass, etc.);
- f) Chisel or disk tillage with residue;
- g) Meet tolerable soil erosion rates ("T") as defined by the NRCS;
- h) Field edge buffers;
- i) Contour buffer strips;
- j) Sediment control basin; or
- k) Cover crop.

## **8. Facility Operation and Maintenance**

The Permittee shall operate and maintain the facility in accordance with the Permit application, the MPCA approved plans and specifications, and the conditions of this Permit.

## **8.1. Conditions for All Manure Storage Areas.**

### **8.1.1. Prohibition.**

The Permittee is prohibited from discharging, depositing, or otherwise placing any substance into the manure storage area(s) except manure, process wastewater, or manure contaminated runoff unless expressly authorized in writing by the MPCA.

### **8.1.2. Surface Drainage.**

The Permittee shall ensure that stormwater from surface drainage channels and building gutter systems is discharged away from any manure storage areas. The areas around any manure storage area must be graded so that surface water drains away from the manure storage area and to prevent pooling of rain or snow melt waters around the immediate vicinity of these structures.

## **8.2. Liquid Manure Storage Area (LMSA) Requirements.**

The Permittee shall operate and maintain the LMSA in accordance with the MPCA-approved design plans and specifications, the standards outlined in Minn. R. 7020.2100, and this Permit.

### **8.2.1. Fencing.**

The Permittee shall provide fencing around the perimeter of any at-grade or near-grade LMSAs where accidental or unauthorized access by humans or livestock may cause damage to the LMSAs or endanger the person or livestock. Warning signs shall be placed in prominent locations around the LMSAs.

### **8.2.2. Freeboard.**

The Permittee shall operate the LMSA to maintain the freeboard of the LMSA as indicated in the MPCA-approved design plans and specifications and Minn. R. 7020.2100, subp. 4, item D. All LMSAs are required to have a freeboard marker.

#### **8.2.2.1. *Freeboard Marker.***

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.

#### **8.2.2.2. *Notification of Freeboard Utilization.***

The Permittee shall notify the MPCA staff, via telephone or electronic mail in accordance with Part 16.1 of this Permit, **within 24 hours** of manure or process wastewater encroachment into the freeboard of the LMSA. The notification must include the approximate depth of storage space remaining and an estimated timeline for manure or process wastewater removal from the LMSA, as well as the facility name, permit number, county, township, section number and the date when the freeboard encroachment began.

Notification under this part does not release the Permittee from the obligation to maintain the freeboard of a LMSA.

### **8.3. Solid Manure Stockpile Requirements.**

The Permittee shall operate and maintain all manure stockpiles in accordance with Minn. R. 7020.2125, this Permit, and any MPCA-approved plans and specifications.

#### **8.3.1. Short-term stockpile establishment.**

The Permittee may establish a short term stockpile at the facility in conjunction with manure pack removal activities from animal holding areas without the need to modify 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.

#### **8.3.2. Permanent Stockpile Pad(s).**

The Permittee shall ensure that the liner (pad) of the permanent manure stockpile site is comprised of one of the following types of materials:

- a) Two feet of soil categorized by Natural Resources Conservation Service (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 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.

The Permittee shall comply with the following requirements for maintenance of the permanent stockpile pad.

##### **8.3.2.1. *Concrete or Asphalt Permanent Stockpile Pad Repairs.***

For permanent stockpile pads composed of concrete or asphalt, the Permittee shall repair any damage to the pad that compromises the integrity or thickness of the pad required by items a)-d) above within 60 days of discovery.

##### **8.3.2.2. *Compacted Soil Permanent Stockpile Pad Repairs.***

For permanent stockpile pads composed of compacted soils, the Permittee shall repair any damage to the pad that compromises the integrity or thickness of the pad required by items a)-d) above, including any ruts made by vehicles in excess of six inches in depth, within 60 days of discovery.

### **8.4. Feed Storage Areas.**



The Permittee shall operate and maintain the feed storage area and any associated runoff control measures in accordance with the Permit application and any MPCA-approved plans and specifications and the following.

#### 8.4.1. Prohibitions.

##### 8.4.1.1. *Manure Storage.*

The Permittee shall not store manure on the feed storage area pad unless such storage was part of the MPCA-approved design.

##### 8.4.1.2. *Construction/Expansion.*

Unless authorized by this Permit, the Permittee shall not construct and/or expand a feed storage area without a modification of this Permit, as required in Part 14.

#### 8.4.2. Feed Storage Area Pads.

The Permittee shall ensure that any existing feed storage area pad(s) meet(s) 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;

The Permittee shall comply with the following requirements for maintenance of the feed storage area pad.

##### 8.4.2.1. *Maintenance of Concrete or Asphalt Pads.*

For feed storage area pads composed of concrete or asphalt, the Permittee shall repair any damage to the pad that compromises the integrity or thickness of the pad within 60 days of discovery. The minimum thickness of the pad shall conform to items a)-d) above.

##### 8.4.2.2. *Maintenance of Compacted Soil Pads.*

For feed storage area pads composed of compacted soils, the Permittee shall repair any damage to the pad that compromises the integrity or thickness of the pad, including any ruts made by vehicles in excess of six inches in depth, within 60 days of discovery. The minimum thickness of the pad shall conform to items a)-d) above.

### 8.4.3. Feed Storage Area Runoff Controls.

The Permittee shall operate and maintain the feed storage area such that all liquids produced, including leachate and contaminated runoff, are captured by a control structure as described in the permit application.

#### 8.4.3.1. *Sweet Corn Silage Leachate and Runoff.*

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.

#### 8.4.3.2. *Liquid Manure Storage Area.*

When leachate and feed storage area runoff is directed to a LMSA at the facility, the Permittee shall perform operation and maintenance of the components used to convey the contaminated liquids to the LMSA in accordance with the LMSA requirements of Part 8 of this Permit.

#### 8.4.3.3. *Vegetated Infiltration Basin (VIB).*

When leachate and feed storage area runoff is managed with a VIB, the Permittee shall perform the following operation and maintenance activities:

- a) Clean out and repair structures that contain and convey contaminated liquids during the design storm event 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 that develop;
- d) Re-establish vegetation that has been damaged or destroyed due to winter-kill, flooding, drought, etc.; and
- e) Harvest the vegetation at least two times per year. The preferred method of harvesting is by mechanical means; however, grazing by animals can be utilized in limited cases. Grazing by animals may not be done without first receiving written approval from the MPCA and shall be limited to no more than three grazing periods per year, with each grazing period lasting no more than five days.

### 8.5. **Vegetated Infiltration Area (VIA) for Open Lot Runoff Requirements**

The Permittee shall operate and maintain the VIA in accordance with this Permit, the MPCA-approved plans and specifications, and the Natural Resources Conservation Service (NRCS) practice standard 635 LEVEL 2 - Vegetated Infiltration Area operational requirements unless deviations from this standard have been approved by the MPCA.

#### 8.5.1. Prohibition

The Permittee is prohibited from discharging, depositing, or otherwise placing any substance into the VIA except manure contaminated runoff unless expressly authorized in writing by the MPCA.

### 8.5.2. Operation and Maintenance

In addition to the procedures identified in the operation and maintenance plan included with the MPCA-approved design plans and specifications, the Permittee shall perform the following operation and maintenance activities:

- f) Clean out and repair structures that contain and convey contaminated liquids during the design storm event on an annual basis;
- g) Remove accumulated solids from solids settling areas when the depth of solids exceeds one foot;
- h) Repair channel/rill erosion that develop;
- i) Re-establish vegetation that has been damaged or destroyed due to winter-kill, flooding, drought, etc.; and
- j) Harvest the vegetation at least two times per year. The preferred method of harvesting is by mechanical means; however, grazing by animals can be utilized in limited cases. Grazing by animals may not be done without first receiving written approval from the MPCA and shall be limited to no more than three grazing periods per year, with each grazing period lasting no more than five days.

### 8.5.3. Surface Drainage.

The Permittee shall ensure that stormwater from surface drainage channels and building gutter systems is discharged away from any VIA, unless accounted for within the approved design. The areas around any VIA must be graded so that surface water drains away from the VIA to prevent pooling of rain or snow melt waters around the immediate vicinity of these structures.

## 8.6. **Animal Mortalities.**

The Permittee shall store, handle, treat, and/or dispose of animal mortalities in accordance with all applicable requirements of the Board of Animal Health (Minn. R. ch. 1721) and the MPCA-approved emergency response plan. Disposal of animal mortalities in accordance with Board of Animal Health requirements does not release the Permittee from any state or local permits that might be needed nor does it release the Permittee from any liability for contamination of ground or surface water that might result from the disposal method.

### 8.6.1. Prohibition.

This permit does not authorize discharges from any animal mortality management area. The Permittee is prohibited from discharging from the animal mortality area to surface or ground waters of the state, or disposing of animal mortalities within any liquid manure storage area.

### 8.6.2. Animal mortality composting.

A compost area whose function is to compost animal mortalities is not considered to be a "manure" compost area and is not required to meet the requirements of Minn. R. 7020.2150. However, 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.

#### **8.7. Ambient Air Quality Standard Exemption for Removal of Manure.**

Pursuant to Minn. Stat. § 116.0713, the Permittee shall be exempt from ambient air quality standards during agitation and removal of manure from the facility for land application 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, electronic mail, or facsimile in accordance with Part 16.1 of this Permit 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 registration number; and
- d) The anticipated start date and the anticipated number of days of removal of manure from the barns or manure storage areas.

The maximum cumulative exemption days claimed by the Permittee shall not exceed 21 days per calendar year.

### **9. Required Inspections**

The Permittee shall perform the following inspections of the permitted facility. A record of all inspection results is to be maintained by the Permittee in accordance with Part 12 of this Permit.

#### **9.1. LMSA Inspections.**

The Permittee shall make the following inspections for the LMSA(s) at the facility:

- a) A **weekly** visual inspection of the LMSA and any devices channeling manure contaminated runoff to the LMSA to assess conformance to the design 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; and
- 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.

#### **9.2. Solid Manure Storage Area Inspections.**

The Permittee shall make a **weekly** visual inspection of the physical condition all manure storage areas, stormwater diversion devices, and runoff control structures.

#### **9.3. VIB Inspections.**

The Permittee shall make a weekly visual inspection of all VIBs to assess its conformance to the operation and maintenance requirements of Part 8.1.

#### **9.4. Open Lot Runoff VIA Inspections.**

The Permittee shall make a visual inspection of all VIAs at least **weekly**, and after any rainfall event exceeding the 25 year, 24 hour storm event, to assess its conformance to the VIA operation and maintenance requirements of Part 8 of this Permit.

#### **9.5. Other Facility Components.**

The Permittee shall make a weekly visual inspection of all facility components including animal holding areas, manure transfer systems, feed storage areas, and mortality handling areas to assess their conformance to this Permit.

#### **9.6. Correction of Deficiencies.**

The Permittee shall correct any deficiencies found as a result of the inspections required above 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 direct control of the Permittee.

##### **9.6.1. Notification.**

The Permittee shall notify the MPCA within 20 days of discovery of any deficiency if an extended period of time is needed to correct the deficiency. The notification is to be in written form and may be submitted via mail, facsimile, or electronic mail. 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.

##### **9.6.2. LMSA Repairs.**

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.

## **10. Closure**

### **10.1. Temporary Closure.**

The Permittee shall comply with the following for any part of the facility that is temporarily closed.

#### **10.1.1. Permit Coverage.**

The Permittee shall maintain permit coverage for the entire facility, including that portion which is temporarily closed.

#### **10.1.2. Manure removal.**

Within one year of ceasing operation of all or part of the facility, the Permittee shall remove manure from animal holding areas and manure storage areas that have been temporarily closed and land apply the manure in accordance with the terms and conditions of Part 7 of this Permit.

#### 10.1.3. Operational measures for LMSAs.

The Permittee shall take the following actions when a LMSA is temporarily closed:

- a) Maintain a two-foot depth of manure and/or water in a LMSA to provide protection from damage caused by freezing temperatures. Clean water can be added to any LMSA following removal of all manure to alleviate concerns of damage caused by freezing temperatures; and
- b) Maintain the LMSA in accordance with the MPCA approved O&M Plan and the requirements of Parts 8.1 and 8.1 of this Permit. Over-flow of the LMSA shall be prevented by maintaining the required freeboard.

#### 10.1.4. Actions required prior to re-use of LMSA.

The Permittee shall, before using any LMSA that has been unused for three years or more, have a design engineer evaluate and prepare a report on the condition of the liner. The Permittee shall submit the report to the MPCA for review and approval prior to using the structure.

### 10.2. **Permanent Closure.**

The Permittee shall comply with the following for any part of the facility that is permanently closed.

#### 10.2.1. Manure removal.

Within one year after ceasing operation, the Permittee shall remove manure from all animal holding and manure storage areas where operation has ceased and land apply the manure in accordance with the terms and conditions of Part 7 of this Permit.

#### 10.2.2. Closure of Earthen-floored Animal Holding Areas.

##### 10.2.2.1. *Contaminated soils.*

Within one year after ceasing operation, the Permittee shall remove and land apply all manure-contaminated soils from any animal holding area with earthen floors that are permanently closed.

##### 10.2.2.2. *Vegetation.*

Unless a structure or other impervious surface will be constructed over the closed animal holding area within 60 days, the Permittee shall, as soon as practicable after removing the manure-contaminated soils, reduce soil nitrogen on the areas by growing alfalfa, grasses, or other perennial forage for at least five years.

#### 10.2.3. Closure of Permanent Stockpile Sites with a Compacted Soil Pad.

#### 10.2.3.1. *Contaminated soils.*

Within one year after ceasing operation, the Permittee shall remove and land apply all manure-contaminated soils from any permanent stockpile site with a compacted soil pad that are permanently closed.

#### 10.2.3.2. *Vegetation.*

Unless a structure or other impervious surface will be constructed over the closed permanent stockpile site with compacted soil pad within 60 days, the Permittee shall, as soon as practicable after removing the manure-contaminated soils, reduce soil nitrogen on the areas by growing alfalfa, grasses, or other perennial forage for at least five years.

#### 10.2.4. Closure of Earthen-lined LMSAs.

Within one year of ceasing operation, the Permittee shall remove all manure-contaminated soils from any earthen-lined LMSAs where operation has ceased. After removal of the manure-contaminated soils, the Permittee may close the LMSA by either:

- a) Filling the LMSA with clean fill material with the top soil mounded to allow for settling of the fill material and divert precipitation from pooling in the area; or
- b) Leaving the LMSA open to act as a duck pond or other purpose. If this option is selected, the LMSA shall not be used to store manure or any other waste material without approval of the MPCA.

#### 10.2.5. Closure of Synthetic or Concrete Lined LMSAs.

Within one year of ceasing operation, the Permittee shall remove the liner material and properly dispose of it in accordance with state and local requirements. If contaminated soils are found after the removal of the synthetic or concrete LMSA liner it shall be removed. The Permittee shall close the LMSA by either:

- a) Filling it with clean fill material with the top soil mounded to allow for settling of the fill material and divert precipitation from pooling in the area; or
- b) Leaving it open to act as a duck pond or other purpose. If this option is selected, the LMSA shall not be used to store manure or any other waste material without approval of the MPCA.

#### 10.2.6. Notification.

Where the discontinued animal housing or manure storage area will be covered with fill material or another structure, the Permittee shall notify the MPCA staff via telephone or electronic mail in accordance with Part 16.1 of this Permit, at least **three business days** prior to filling or covering over the area that has been cleaned of manure and manure-contaminated soils.

#### 10.2.7. Reporting.

Within 60 days after completing permanent closure of the animal holding area(s) or manure storage area(s) the Permittee shall submit, a certified letter in accordance with Part 16.1 of this Permit to notify the MPCA that the closure activities completed according to Minn. R. 7020.2025 and this Permit. The notification will include:

- 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; and
- c) The facility's registration number.

## 11. Reporting Requirements

**Reporting** refers to the information that the Permittee is required to submit to the MPCA regarding the construction, operation, and maintenance of the facility.

### 11.1. Discharge, Spill, and Overflow Reporting Requirements.

The Permittee shall *immediately* report by telephone to the **State Duty Officer (800-422-0798)** and the MPCA in accordance with Part 16.1 any spill, overflow, or discharge of manure, process wastewater, or manure-contaminated runoff.

#### 11.1.1. Written Report of Discharge, Spill, or Overflow.

**Within five days** of any discharge, spill, or overflow, the Permittee shall provide the MPCA with a written statement 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 waterway, dry ditch, gully, creek, stream, pond, lake, river, or other waters of the state receiving the discharge, spill, or overflow or that has the potential to receive 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.

### 11.2. Annual Reporting.

**By March 1** of each year, the Permittee shall submit to the MPCA an annual report, on a form specified by the MPCA for the following activities pertaining to the operation and maintenance of the facility which occurred in the previous calendar year or otherwise specifically indicated.



#### 11.2.1. Animal Housing.

The Permittee shall indicate the maximum number and type of animals there were present at the facility at any point within the reporting period.

#### 11.2.2. Non-Compliance with Permit.

The Permittee shall provide a summary of any non-compliance with the permit including, discharges, overflows, spills, encroachment into the freeboard of a LMSA, or overstocking of an animal holding area.

The summary shall include the following:

- a) Description and cause of the noncompliance;
- b) The period that the facility was in noncompliance with the permit conditions, including exact dates and times;
- c) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- d) Descriptions of the steps taken, to reduce, eliminate, and prevent reoccurrence of the noncompliance.

#### 11.2.3. Land Application of Manure.

The Permittee shall include the following pertaining to land application of manure:

- a) Land application records for the cropping year that ended the previous calendar year. These records shall include the items listed in Part 12.1.5, as applicable; and
- b) Land application records of any emergency land application of liquid manure during winter conditions in accordance with Part 7.5.11.2 of this Permit.

#### 11.2.4. Temporary Facility Closure.

The Permittee shall include the following information pertaining to temporary facility closure:

- a) Which animal housing and/or manure storage area(s) has been temporarily closed;
- b) The date that each area(s) was closed;
- c) Any actions taken to prevent the closed area(s) from discharging to waters of the state (i.e., removal of manure from barns, open lots, and manure storage areas, or control of overflows from open air LMSAs as a result of precipitation events); and
- d) The land application of manure and manure-contaminated soil removed from any part of the closed facilities shall be reported in the land application portion of the annual report.

#### 11.2.5. LMSA Damage and Repair.

The Permittee shall include a description of any damage and repair of any part of any LMSA.

### **11.3. Permanent Facility Closure Report.**

The Permittee shall, within 60 days after final closure, submit a certified letter to the MPCA as described in Part 10.2.7 of this Permit.

### **11.4. Report Retention.**

The Permittee shall retain all reports and submittals required by this Permit for a period of **six years**, unless otherwise indicated in the Permit.

## **12. Recordkeeping Requirements**

**Recordkeeping** refers to the information that the Permittee is required to collect and retain on site regarding the construction, operation, and maintenance of the facility.

### **12.1. Recordkeeping Requirements.**

#### **12.1.1. Records Retention.**

Except where specifically noted, the Permittee shall retain all records required by the conditions of 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. Records shall be maintained at the facility or at the Permittee's business address.

#### **12.1.2. General Facility Records.**

The Permittee shall maintain the following facility maintenance records:

- a) A description of any modifications in the manure collection, containment, and storage facilities. This description shall include any damage and repair of the manure storage, containment, or handling facilities;
- b) Any substantial changes in management or operating procedures including, but not limited to, changes related to improvements in runoff control and confinement barns;
- c) Any significant activities that alter the nature of the facility or that would increase the likelihood of manure-contaminated runoff from the facility or potential for groundwater pollution; and
- d) Any other factors affecting compliance with the conditions of this Permit and such information as the MPCA may reasonably require of the Permittee pursuant to Minn. R. ch. 7020 and Minn. Stat. chs. 115 and 116, as amended.

#### **12.1.3. Required Inspection Records.**

The Permittee shall maintain records of the results of the inspections required in Part 9, including any deficiencies found and documentation of any actions taken to correct deficiencies found during the inspections, including the date that the deficiency was discovered and the date when corrective measures were completed. For any deficiencies not corrected within 30 days of discovery, the documentation

must include an explanation as to why the corrections were not made within the 30-day period and the status of the corrective measures being taken to resolve the deficiencies.

#### 12.1.4. Ambient Air Quality Exemption Records.

The Permittee shall retain records of the written requests for exemption to the ambient air quality standards during manure removal.

#### 12.1.5. Land Application Records.

##### 12.1.5.1. *Records when Manure Ownership is Transferred.*

The Permittee shall document the following information on a form provided by the MPCA that includes all required information.

- a) Total amount of each manure source from the facility that was sold or given away (in gallons or tons);
- b) The date(s) of manure transfer to other parties;
- c) Results of the manure nutrient analyses for each source of manure from the facility;
- d) Name and address of any commercial applicator or other person(s) who received the manure, including a signature indicating that the recipient received a copy of the state manure application requirements;
- e) The location where the manure was applied, including county township range and section; and
- f) The rate(s) of application (in tons per acre or gallons per acre).

##### 12.1.5.2. *Records when Manure Ownership is Retained (non-transferred).*

The Permittee shall document the following information for each **field** where manure is applied on a form provided by the MPCA that includes all required information:

- a) Field location and number of acres actually used at each land application site, including the county township range and section as well as a unique field identifier shown on maps or aerial photos in the MMP;
- b) The results and date of the most recent nutrient analyses of each source of manure from the facility that include, at a minimum, the amount of nitrogen and phosphorus;
- c) Dates of manure application;
- d) Method of application, including number of days to incorporation (if incorporated within 10 days of application);
- e) Gallons or tons of manure applied on each field;

- f) Total plant-available nitrogen applied in pounds per acre from all sources, including first and second year nitrogen available from manure, fertilizer nitrogen, and any other sources;
- g) The total plant-available pounds of phosphate applied from all sources, including manure, fertilizer, and any other sources;
- h) The crop grown and the expected crop yields for crops that have University of Minnesota Extension Service recommendations which are dependent on crop yield information; and
- i) Any results of soil testing for nitrogen and phosphorus.

#### **12.1.6. Discharge Records.**

The Permittee shall maintain a record of the report information required by Part 11.1 of this Permit.

#### **12.1.7. Short Term Stockpile Records.**

The Permittee shall maintain records for each short term stockpile in accordance with this Permit and shall contain the items required in Minn. R. 7020.2125, subp. 3, items A through E.

#### **12.1.8. Liquid Manure Storage Area Design and Construction Records.**

The Permittee shall retain the design plans and related construction documentation of any LMSA at the facility until the structure is permanently closed.

#### **12.1.9. Records Availability.**

The Permittee shall make these records available for examination and copying upon request of the MPCA or designated county feedlot pollution control officer (CFO) and shall, upon request, submit these records to the MPCA or CFO within **30 days**.

### **13. Effluent Limitations**

#### **13.1. Discharge to Waters of the United States.**

In accordance with Minn. R. 7020.2003, there should be no discharge of manure, manure-contaminated runoff, or process wastewater from the production area or land application areas to waters of the United States unless the discharge from a land application area is allowed by federal law. This permit provides no assurance that a discharge from a land application area is allowed by federal law.

#### **13.2. Discharge to Waters of the State.**

##### **13.2.1. Subsurface Discharge Prohibited.**

In accordance with Minn. R. 7020.2003, subp. 1, the discharge of manure, manure-contaminated runoff, or process wastewater to a sinkhole, fractured bedrock, well, surface tile intake, mine, quarry, or other natural or constructed channels that convey fluids to groundwater is prohibited.

##### **13.2.2. Surface Water.**

This Permit authorizes a discharge of manure, manure-contaminated runoff, or process wastewater to waters of the state only in compliance with in 40 CFR pt. 412 as provided in Minn. R. 7020.2003, subp. 2, item A. To discharge the facility must be designed, constructed and operated in compliance with all parts of this Permit.

### **13.3. Animal Access Restrictions.**

In accordance with Minn. R. 7020.2015, the Permittee shall prohibit any livestock confined on the feedlot covered under this Permit from entering Waters of the State.

## **14. Permit Modification**

The Permittee shall submit a revised permit application to the MPCA for review and approval prior to all modifications as defined by Minn. R. 7020.0300, subp. 14b, including both major and minor modification requests.

### **14.1. Application Submittal.**

The permit application requesting a modification may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned starting date of the modification. The permit application must be accompanied by updates to the plans required by Part 5 that are affected by the modification to the facility.

### **14.2. Commencement of Modification.**

The activity for which the permit application was submitted shall not begin until the owner/operator has received approval from the MPCA.

### **14.3. Permit Modification by MPCA.**

After notice and opportunity for a hearing, this Permit may be modified, suspended, or revoked in accordance with Minn. R. 7001.0170 through 7001.0190. In the alternative, the MPCA may require the Permittee to obtain an individual permit as provided in Minn. R. 7001.0210, subp. 6.

### **14.4. Transfer of Ownership or Control.**

No permit may be assigned or transferred by the Permittee without the written approval of the MPCA. In the event of any changes in control or ownership of the feedlot or manure storage area, a request for permit transfer form, signed by both parties, and a permit application form signed by the new owner, shall be sent to the MPCA at the address listed on the cover letter of this Permit. The permit application must be accompanied by updates to the plans required by Part 5 that are affected by the change in ownership or control. Any succeeding owner/operator shall also comply with the terms and conditions of this Permit. If a facility changes ownership or control without an assignment of the Permit, the original Permittee may still be held liable for violations of the Permit and the new owner/operator may be held liable for operating without a permit.

### **14.5. Name Changes.**

Pursuant to Minn. R. 7020.0405, subp. 4, Item A, the Permittee shall submit to the MPCA documentation of the name change, on a form provided by the MPCA, and the MPCA shall issue a permit modification reflecting the new name.

## 15. Permit Reissuance

The Permittee shall provide a complete permit application to the MPCA for re-issuance of this Permit at least 180 days before the Permit expiration date identified on page 1 of this Permit.

### 15.1. Continued operation under expired permit.

Pursuant to Minn. R. 7001.0160, if the Permittee has provided a timely application for re-issuance of this 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.

## 16. General Conditions

### 16.1. Submittals to MPCA.

The Permittee shall submit all notifications, reports, and other correspondence required to be sent to the MPCA by a condition of this Permit to the address, facsimile number, telephone number, or electronic-mail address indicated on the cover letter provided with this Permit. The Permit and registration numbers should be indicated on all correspondence with the MPCA. When requested, the Permittee shall submit the information to the MPCA on a specified form or in a specified format, including electronic submission.

#### 16.1.1. Authorized representative.

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.

#### 16.1.2. Certification.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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.

## **16.2. Permit Eligibility Limitations.**

Owners of feedlots that require coverage under a NPDES permit are not eligible for coverage under this Permit. An NPDES permit is required for any CAFO that discharges to waters of the United States at the time of the discharge.

## **16.3. General Conditions.**

### **16.3.1. Minn. R. 7001.0150, subp. 3.**

Pursuant to Minn. R. 7001.0150, subp. 3 the following general conditions are incorporated into this permit

#### **16.3.1.1. *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.

#### **16.3.1.2. *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.

#### **16.3.1.3. *Property right.***

The permit does not convey a property right or an exclusive privilege.

#### **16.3.1.4. *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.

#### **16.3.1.5. *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.

#### 16.3.1.6. *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.

#### 16.3.1.7. *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.

#### 16.3.1.8. *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.

#### 16.3.1.9. *Right of Entry.*

When authorized by Minn. Stat. § 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.

#### 16.3.1.10. *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.

#### 16.3.1.11. *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.

**16.3.1.12. *Non-compliance report.***

The Permittee shall report noncompliance with the permit not reported under item 16.3.1.11 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 information listed in item 16.3.1.11 within 30 days of the discovery of the noncompliance.

**16.3.1.13. *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.

**16.3.1.14. *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.

**16.3.1.15. *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, Minn. Stat. § 3.736.

**16.3.2. Duty to Prevent and Mitigate.**

Pursuant to Minn. Stat. § 115.061, 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.

**16.3.3. 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.

**16.3.4. 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.

**16.3.5. 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.

**16.3.6. 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.

**16.3.7. 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.

## Appendix A

### Definitions

This Appendix contains the definitions of the terms used in this State of Minnesota Animal Feedlot Permit.

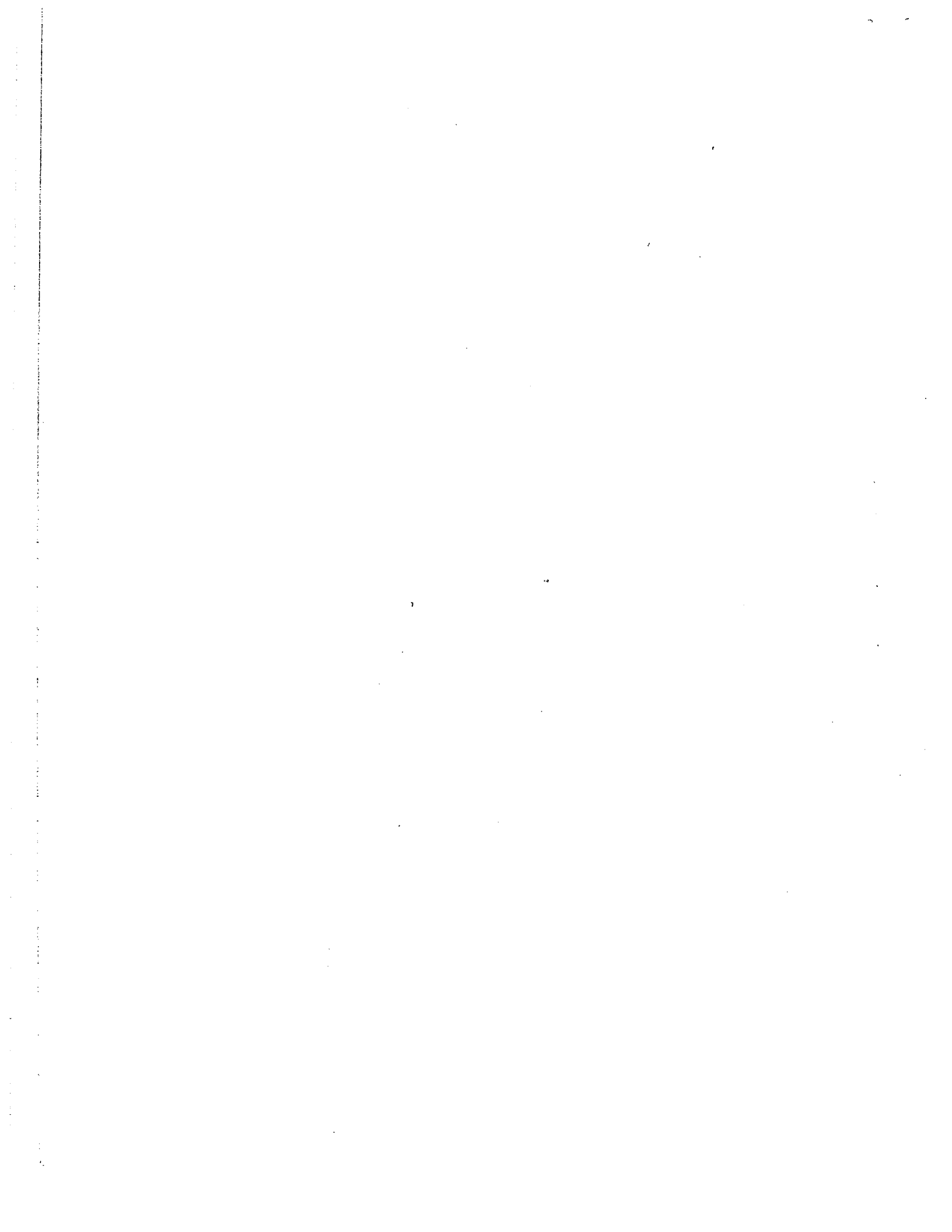
1. **"Agency"** means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. § 116.02
2. **"Agency Staff"** means the staff of the Minnesota Pollution Control Agency.
3. **"Anaerobic Digester"** means a liquid manure storage area that is constructed with the intent to capture and combust 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.
4. **"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.
5. **"Animal Manure"** or **"Manure"** means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.
6. **"Animal Unit"** means a unit of measure used to compare differences in the production of animal manure and set forth in Minn. R. 7020.0300, subp. 5.
7. **"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.
8. **"Bypass"** means an intentional diversion of a waste stream from any portion of the facility.
9. **"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.
10. **"Coarse-textured Soil Land"** 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.

11. **"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 new or expanded animal feedlot or a new, modified, or expanded manure storage area.
12. **"Commissioner"** means the Commissioner, or other MPCA staff authorized by the Commissioner, of the MPCA, as described in Minn. Stat. § 116.03, as amended.
13. **"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.
14. **"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.
15. **"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.
16. **"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.
17. **"Facility"** means an animal feedlot, a manure storage area, or an animal feedlot with a manure storage area that is subject to the Permit.
18. **"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 and other absorbent materials which do not create contaminated leachate and do not create a pollution hazard.
19. **"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.)
20. **"Floodplain"** means the areas adjoining a watercourse that 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.
21. **"Incorporation"** means applying manure using injection, disking into the soil, tilling the soil after application, or using other practices that result in at least 50 percent of the manure being placed below the ground surface within 24 hours of application and prior to rainfall.

22. **"Intermittent Stream"** means all watercourses identified as intermittent streams on United States Geological Survey quadrangle maps.
23. **"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.
24. **"Liquid Manure"** means manure that is not considered to be solid manure as defined in item 44, process wastewater as defined in item 39, or manure contaminated runoff as defined in item 26.
25. **"Liquid Manure Storage Area" ("LMSA")** means an area where liquid animal manure and process wastewaters are stored or processed.
26. **"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.
27. **"Manure Source"** means a manure storage area that is generated from distinctly separate animal types, animal management, feed management, watering management, and/or manure management systems. Two separate manure storage areas with identical animal types, animal management, feed and watering practices, and manure management are considered as one manure source. Manure source also includes manure accumulations in animal holding areas when manure is removed from an animal holding area and directly land applied without use of a manure storage area.
28. **"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.
29. **"MPCA"** means the Minnesota Pollution Control Agency or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency.
30. **"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 described by Minn. R. 7020.0300, subp. 13d (major) and 14a (minor) and Minn. R. 7001.0190. Minn. R. 7020.0405, subp. 5, and ch. 7001 govern public notice of changes to permits. 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.

31. **"New Animal Feedlot"** means an animal feedlot or manure storage area constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously or that existed previously and has been unused for five years or more.
32. **"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.
33. **"Overflow"** means the release of manure or process wastewater resulting from the accumulation beyond the point where manure, process wastewater, or stormwater can be contained by the manure storage area.
34. **"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.
35. **"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.
36. **"Permanent Stockpiles"** 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.
37. **"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 subject to the Permit and who is or are identified the Permit as the Permittee(s).
38. **"Probability of Rainfall"** means National Weather Service statistical predictions (may be found at the website: <http://www.weather.gov/mdl/synop/products.php>).
39. **"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.
40. **"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, milkrooms, milking centers, egg washing or egg processing areas, areas used for the storage and disposal/treatment of mortalities, 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, and silage bunkers. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater.
41. **"Shoreland"** means land, as defined in Minn. Stat. § 103F.205, subd. 4, located within 1,000 feet from the normal high water mark of a lake, pond, or flowage and 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.
42. **"Short-term Stockpile"** means a manure storage area where manure is stored or processed according to Minn. R. 7020.2125, subp. 1 to 3.

43. **"Sinkhole"** means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock.
44. **"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.
45. **"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.
46. **"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.
47. **"State Disposal System Permit" or "SDS Permit"** means a state permit processed in accordance with Minn. R. ch.7001.
48. **"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.
49. **"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.
50. **"Waters of the United States"** has the meaning given under the Code of Federal Regulations, title 40, section 122.2.







# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

---

### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

January 10, 2017 @7:00 PM

**3<sup>rd</sup> Floor Jury Assembly Room New Addition-Becker County Courthouse**

Detroit Lakes, MN. 56502

**APPLICANT:**

K & A ENTERPRISES LLP  
521 WASHINGTON AVE  
Detroit Lakes, MN 56501

Project Location: 12144 CO HWY 4, Lake Park

**APPLICATION AND DESCRIPTION OF PROJECT:**

Request a Preliminary Plat for a common interest community with 15 lots.

**LEGAL LAND DESCRIPTION: 060248006 Cormorant**

17-138-043 PT SW1/4 SW1/4 & PT GOVT LOT 4: COMM SW COR SEC 17 THE 1194.58' AL S LN TO POB; NELY 1065.15', SELY 538.51', NE 412.49' TO N LN GOVT LOT 4, W 745.86' TO NE COR SW1/4 SW1/4, SW 279.08', NW 343.02', W 742.14', S 664.40', E 655.02', S 655.02', E 539.56' TO POB

**REFER TO BECKER COUNTY ZONING ORDINANCE**

**Replies/Comments:** Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**

915 Lake Avenue  
Detroit Lakes, MN. 56501

**FAX Number: 218-846-7266**  
**email: zoning@co.becker.mn.us**

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

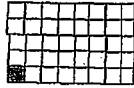
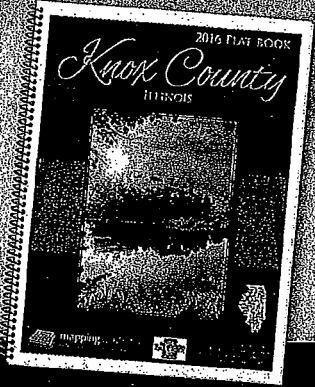
**\*\* Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

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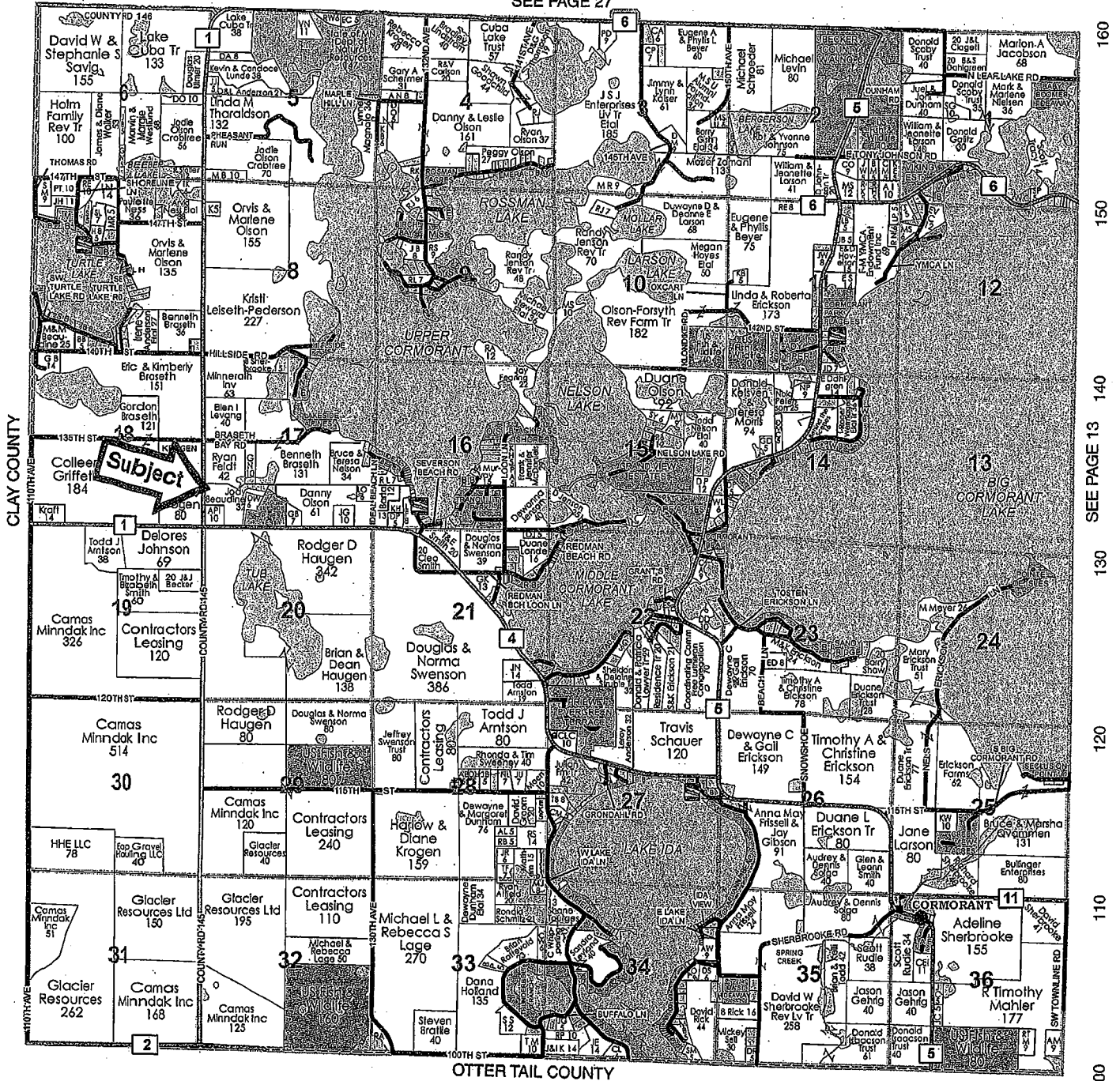


Cormorant

Township 138N - Range 43W

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SEE PAGE 27





**SUBDIVISION / ZONE CHANGE  
BECKER COUNTY  
PLANNING & ZONING**

915 LAKE AVENUE, DETROIT LAKES, MN 56501  
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ZONE / SURVEY
YEAR	
SCANNED	

Application for:        Zone Change        Certificate of Survey   X   Preliminary Plat  
(Complete Section 1) (Complete Section 2) (Complete Section 3)

Applicant's Name: K&A ENTERPRISE (GARY KAISER)

Applicant's Address: 521 WASHINGTON AVE.  
P. O. MN 56501

Telephone(s): 218-841-0404 Date of Application: 12/5/16

Signature of Applicant: [Signature]

Parcel ID Number: 060248006 Project Address: 12144 County Hwy 4

Legal Description of Project:  
PART of SW 1/4 - SW 1/4, SEC 17, T138R43 (CORMORANT TWP)

**SECTION 1**

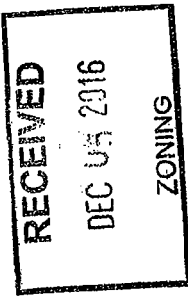
\*Zone Change For Existing Parcel Number         
Current Zoning        Requested Zoning       

**SECTION 2**

\*Certificate of Survey: Number of Lots         
Shoreland (within 1000 ft of lake)        Nonshoreland         
Current Zoning of property         
Is a change of zone required?        yes        no  
If yes, change from        Zone to        Zone.  
Total acreage of parcel to be subdivided         
\*\*Include a copy of the purchase agreement if applicant is not the owner of the property.

**SECTION 3**

\*For Preliminary Plat:  
Number of Lots 15 STORAGE BUILDING UNITS  
Name of Subdivision PINE VIEW STORAGE, C/O #83  
Name of Proposed Roads NONE (PRIVATE DRIVE)  
Shoreland (within 1000 ft of lake) X Non-shoreland         
Current Zoning of property AG  
Is a change of zone required?        yes X no  
If yes, change from        Zone to        Zone.  
Total acreage of parcel to be subdivided PROJECT IS ON 8.72 ACRES OF 32.21 ACRE PARCEL  
\*\*Include a copy of the purchase agreement if applicant is not the property owner.



Date Received        Date Accepted        Authorized Signature         
Application Fee        Notice Fee        Recording Fee         
Date Paid        Receipt Number



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

06.0248.000

Becker County



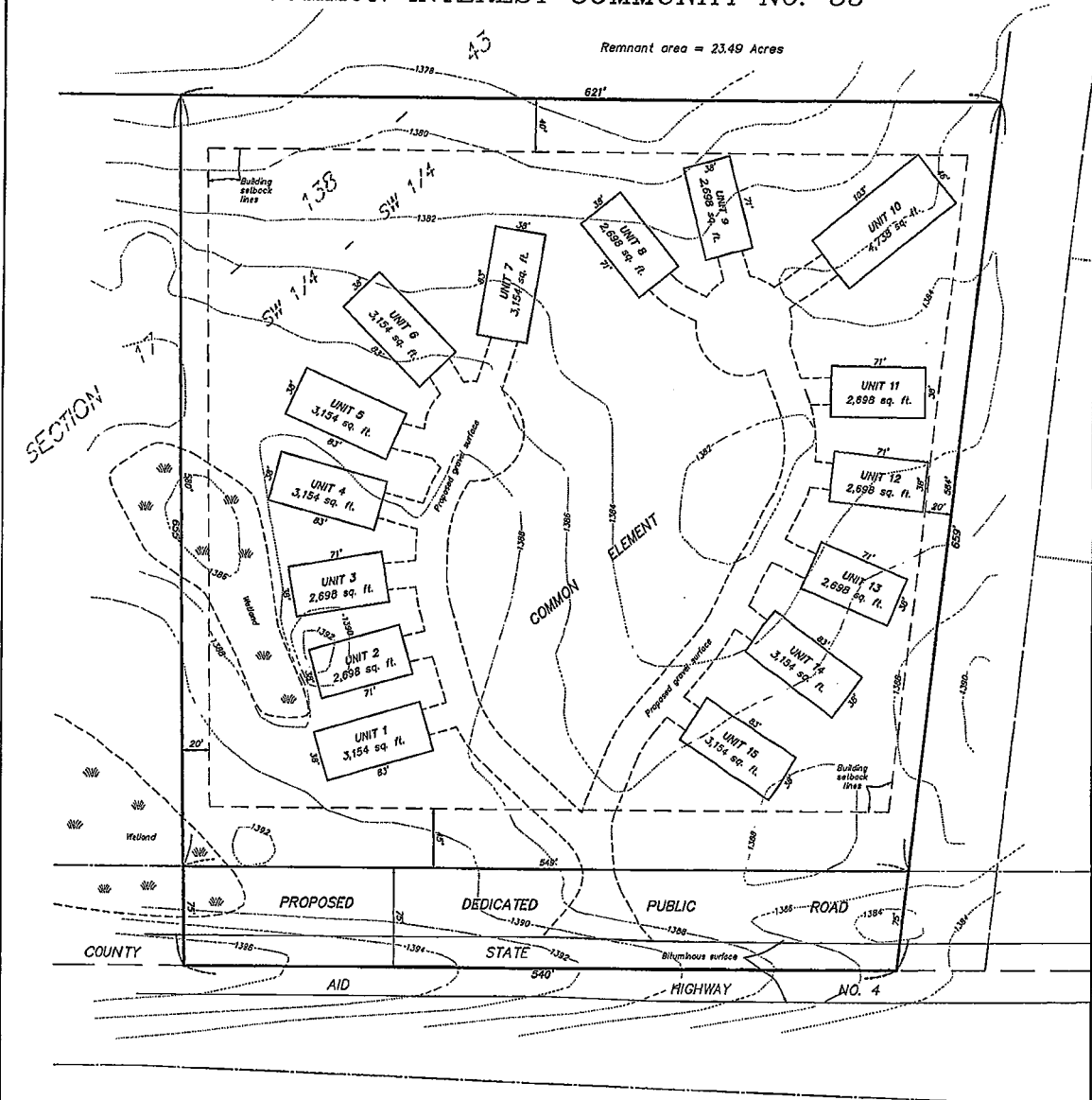
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Date: 12/27/2016

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

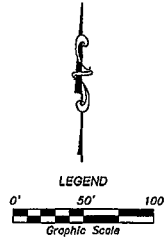
**PRELIMINARY PLAT OF  
PINE VIEW STORAGE  
COMMON INTEREST COMMUNITY NO. 83**

Remnant area = 23.49 Acres



**APPLICATION NOTES**

1. PINE VIEW STORAGE is a proposed 15 unit common interest community storage building development located in the SW 1/4-SW 1/4 of Section 17, Township 138 North, Range 43 West, Carver Township. Each unit shown will contain one storage building for individual/private ownership. The units are large enough to contain the building, concrete apron and a maintenance area around the exterior of the building. The balance of the land and driving surfaces will be commonly owned by the unit owners and maintained through an association.
2. The building setbacks shown are as follows:  
Side yard - 20'  
Rear yard - 40'  
C.S.A.H. No. 4 - 45' from right of way.
3. The units will have electricity. No wells or septic systems are proposed.
4. The project area is in a mostly open area with scattered trees.
5. Contours are shown at two foot intervals based on Becker County GIS lidar mapping.
6. Total Unit area = 45,702 sq. ft.  
Proposed gravel road area = 34,155 sq. ft.  
Usable area = 338,198 sq. ft. (7.79 acres)  
Total project area = 380,013 sq. ft. (8.72 acres)  
Total proposed impervious area = 79,857 sq. ft. (23.5%)



**MEADOWLAND SURVEYING, INC.**  
1118 HWY 59 SOUTH, DETROIT LAKES, MN 56501  
OFFICE 218-847-4289 FAX: 218-846-1845  
EMAIL: frontdesk@meadowlandsurveying.com  
www.meadowlandsurveying.com

**CLIENT:**  
K&A ENTERPRISE  
CARY KAISER  
221 WASHINGTON AVENUE  
DETROIT LAKES, MN 56501

COMP FILE:	17BEAUSNE
CRD FILE:	17BEAUSNE
DWG FILE:	17K&A_PP
COMP BY:	JPP
DRAWN BY:	JPP



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

January 10, 2017 @7:00 PM

**3<sup>rd</sup> Floor Jury Assembly Room New Addition-Becker County Courthouse**  
Detroit Lakes, MN. 56502

**APPLICANT:**

Arlyn Anderson  
11155 CO Hwy 8  
Lake Park, MN 56554

Project Location: 11155 Co Hwy 8

**APPLICATION AND DESCRIPTION OF PROJECT:**

Request a Conditional Use permit to install a substation to improve electrical quality and reliability for residents in Becker and Clay Counties.

**LEGAL LAND DESCRIPTION:** 180200000 Lake Park

LOT 1 EX 1 AC, LOT 2 EX 5.73 AC & LOT 3 EX 1.89 AC, Section 30, TWP 139, Range 43

**REFER TO BECKER COUNTY ZONING ORDINANCE**

**Replies/Comments:** Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable. Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**

915 Lake Avenue  
Detroit Lakes, MN. 56501

**FAX Number: 218-846-7266**  
**email: zoning@co.becker.mn.us**

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance.

The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors which may be relevant to the proposal will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

**\*\* Weather conditions may change the Hearing date and time. If bad weather occurs, please listen to the local Detroit Lakes Radio Stations or contact the Zoning Office, by 4:30 pm, for possible rescheduling of the Hearing.**

**KOLM**  
 AM 1340  
 93.1 FM  
 "The Station You Can Count On"

# Leighton

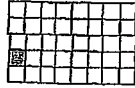
broadcasting

**Wave**  
 104.1  
 The Lakes Hit Music!

A Marketing Company

"Serve, Connect and Celebrate  
 Our Community"

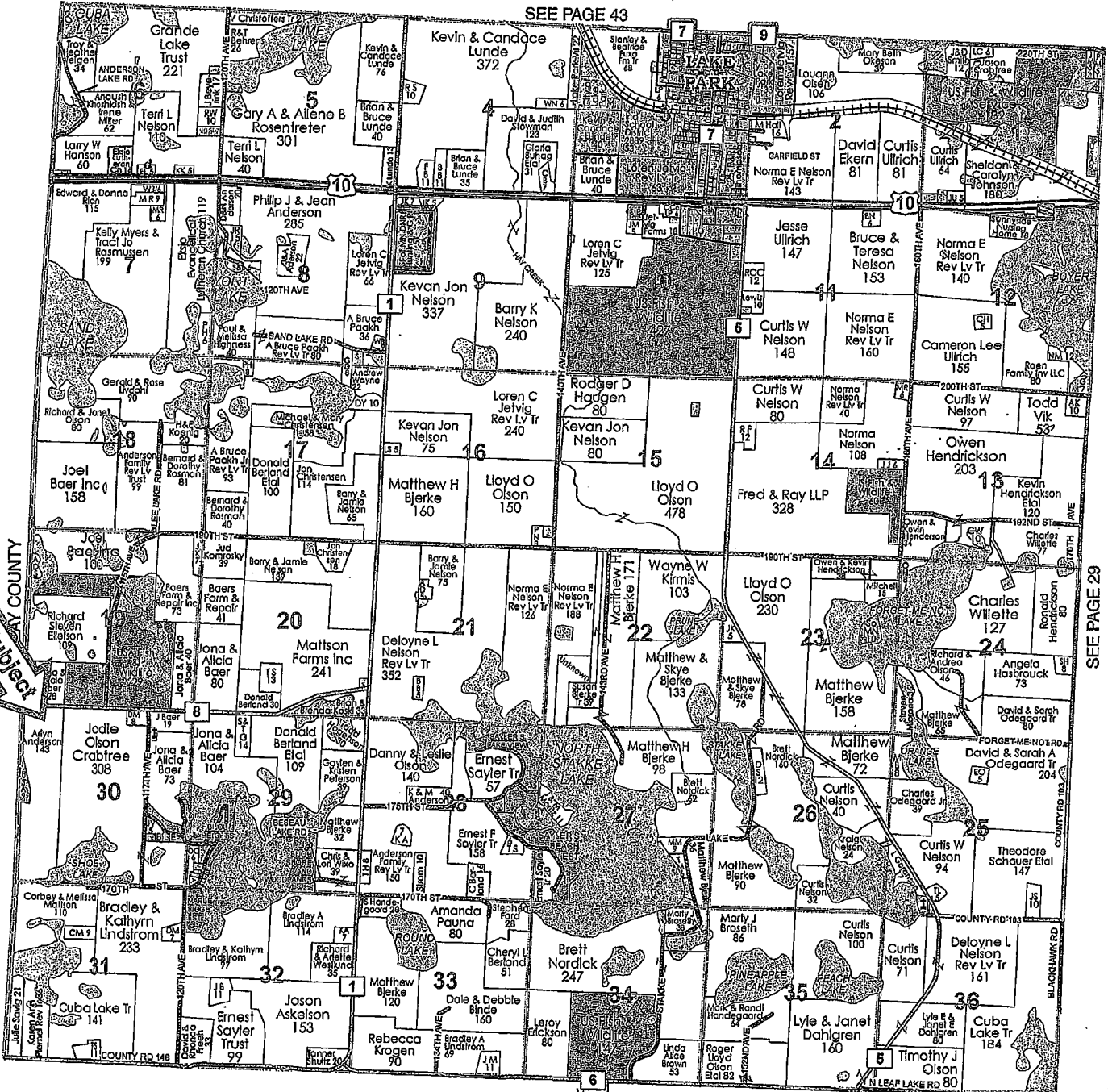
1340 Richwood Rd.  
 Detroit Lakes, MN 56501  
 Phone: 218-847-5624



Lake Park

Township 139N - Range 43W

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110

120

130

SEE PAGE 11

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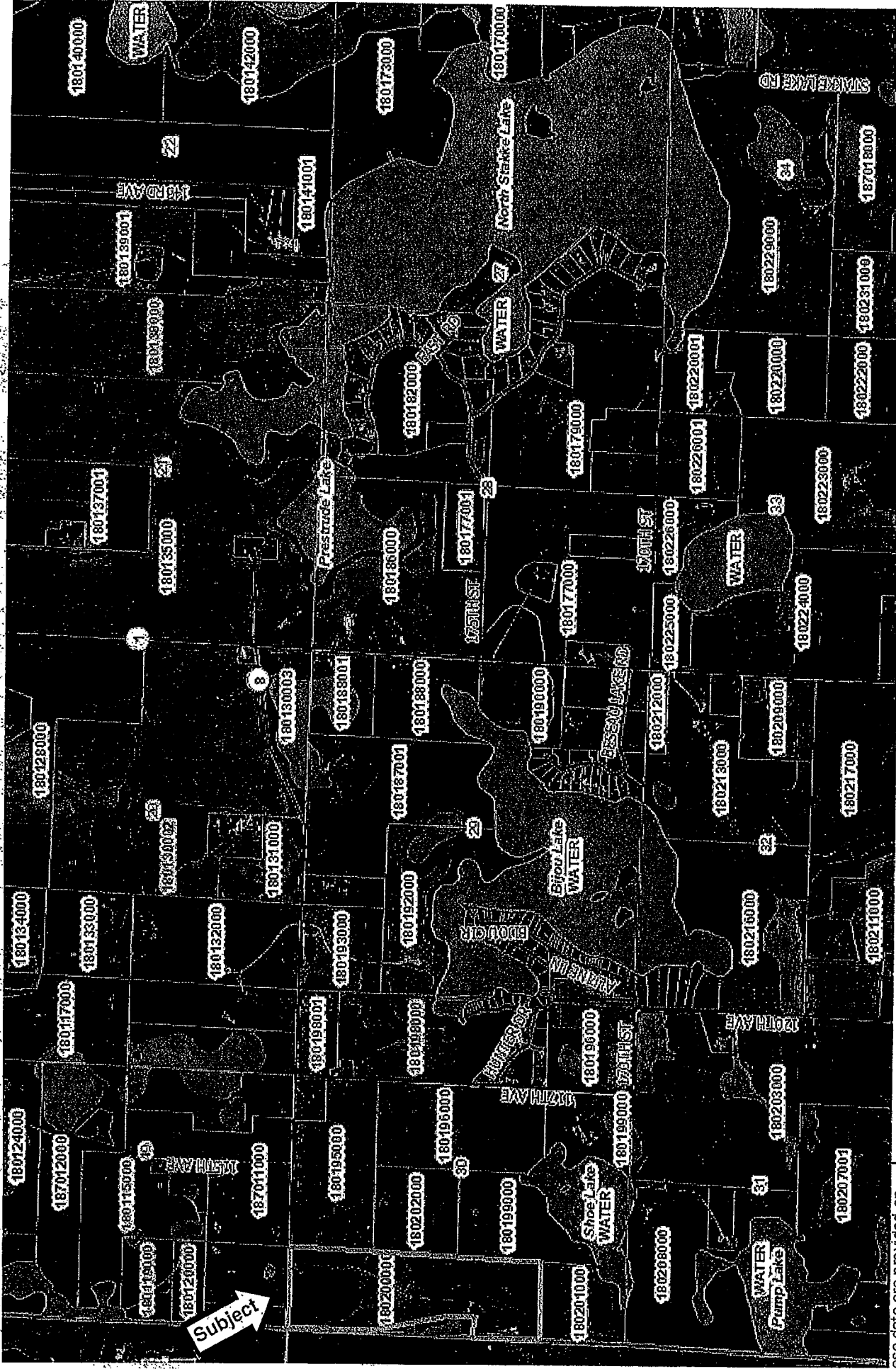
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SEE PAGE 29



Becker County



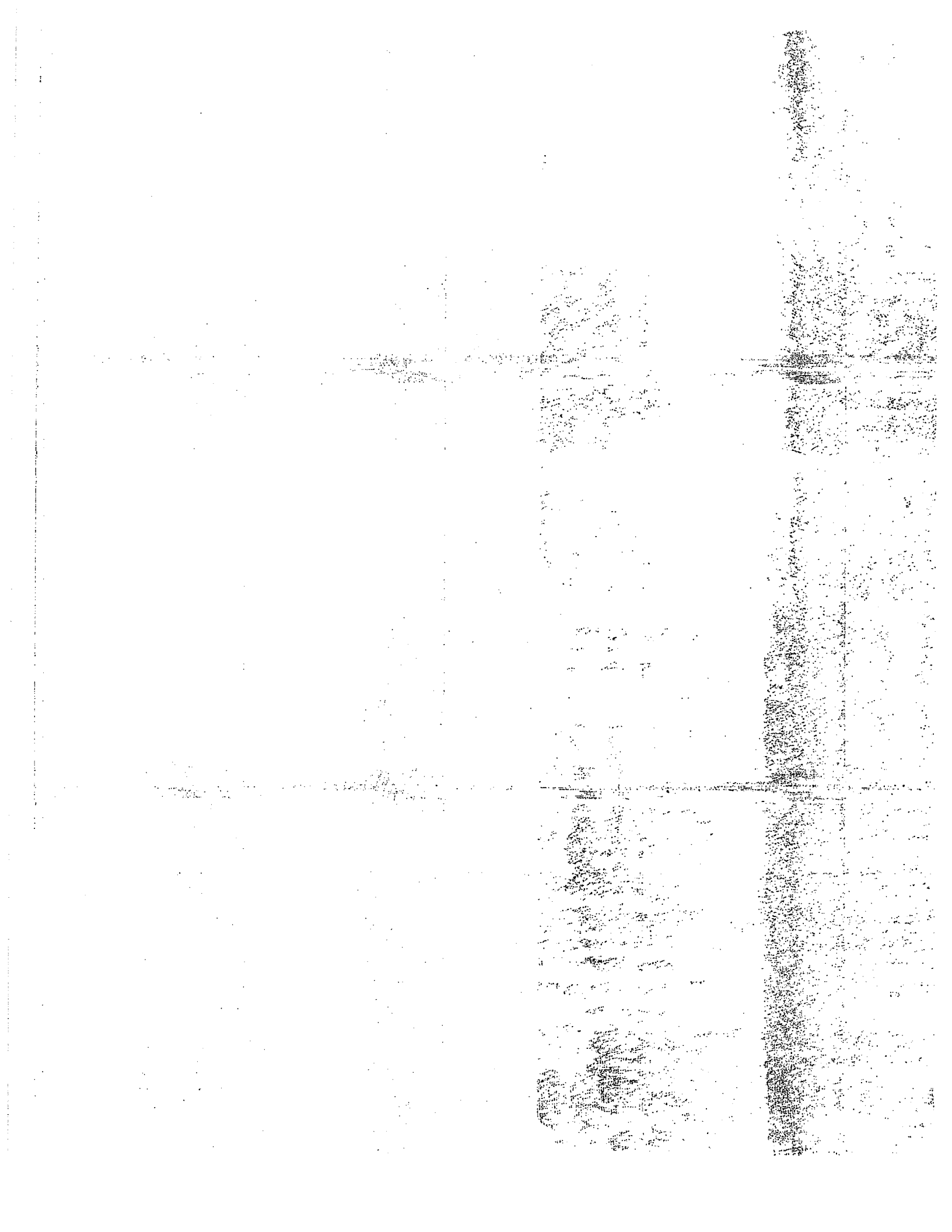
<p><b>18.0200.000</b></p> <p>ARLYN ANDERSON</p>	<p>Date: 12/27/2016</p>
---	-------------------------

1:24,000

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

These data are provided on "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty to their performance, merchantability, or fitness for particular purpose.







~ **CONDITIONAL USE APPLICATION** ~  
**BECKER COUNTY PLANNING & ZONING**  
 915 LAKE AVENUE, DETROIT LAKES, MN 56501  
 PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	CUP
YEAR	
SCANNED	

**PROPERTY OWNER INFORMATION (as it appears on tax statement, purchase agreement or deed)**

First name(s): MINNKOTA POWER COOPERATIVE, INC. Last name: \_\_\_\_\_

Mailing Address: P.O. BOX 13200 City, State, Zip GRAND FORKS, ND 58208

Phone Number(s): 701-795-7354 Project Address: 11155 CO HIGHWAY NO. 8  
LAKE PARK, MN 56554

Parcel number(s) of property: 180200000 PART OF GOV. LOT 1 OF  
Sect - Twp - Range: SEC. 30, T.139 N., R. 43 W

Township Name: LAKE PARK Legal Description: SEE ATTACHED CERTIFICATE OF SURVEY

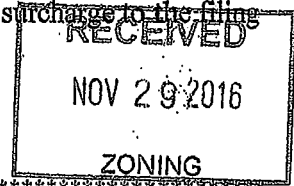
**REASON FOR CONDITIONAL USE REQUEST:** TO IMPROVE ELECTRICAL QUALITY AND  
RELIABILITY FOR AREA RESIDENTS IN BECKER AND CLAY COUNTIES.

The information provided for this document is truthful and accurate to the best of my knowledge. I understand that this statement is null and void if any of the above information is not supplied or is inaccurate.

B.S. [Signature], Property + R.D.W. Manager 11-29-16  
 SIGNATURE OF APPLICANT DATE

**OTHER INFORMATION NEEDED TO COMPLETE THE APPLICATION:**

1. A copy of the deed from the Recorder's Office;
2. Completed Site Application with sketch showing all setbacks, platted or surveyed dimensions of the lot and all existing and proposed buildings; parking area and all other materials deemed necessary.
3. Non-refundable filing fee of \$326.00. If in Cormorant Township add \$25.00 surcharge to the filing fee (\$351.00). **Make check payable to Becker County Zoning.**
4. **Is the conditional use permit request after the fact?**  Yes  No  
*If yes, after the fact application fee is an additional \$600.00.*



\*\*\*\*\*

**Office Use Only**

This application is hereby (accepted) or (rejected) as presented.

[Signature] 11/29/2016  
 SIGNATURE - ZONING ADMINISTRATOR DATE



Please answer the following questions as they relate to your specific CUP request:

1. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

NO. ANTICIPATE KEEPING SOME TREES FOR SCREENING PURPOSES. SEE SITE PLAN FOR TREE AREAS TO REMAIN. ADJACENT LAND OWNERS WILL NOT BE HARMED AND WILL BE ABLE TO USE THEIR LAND AS CURRENTLY ZONED WITHOUT IMPACT. WILL NOT SUBSTANTIALLY IMPACT LAND VALUES.

2. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

NO AFFECT ON ORDERLY DEVELOPMENT SURROUNDING AREA IS ZONED AGRICULTURAL. ADJACENT LANDS ARE U.S. FISH AND WILDLIFE, AGRICULTURAL LAND, AND RECREATIONAL/HUNTING LAND. CLOSEST RESIDENCE IS 2,500 FEET TO THE NORTHEAST AND IS SCREENED BY TREES.

3. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

YES, COUNTY ROAD NO. 8 IS ACCESS POINT AND DRAINAGE IS TO THE NORTHEAST TO ROADWAY DITCH. SITE DOES NOT REQUIRE SANITARY OR WATER. DRIVEWAY APPROACH PERMIT WILL BE OBTAINED BY COUNTY HIGHWAY DEPARTMENT AFTER CUP APPROVAL.

4. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

YES, ONLY TEMPORARY PARKING SHALL BE NEEDED AFTER CONSTRUCTION FOR INSPECTIONS, MAINTENANCE, AND METER READINGS. SITE NORMALLY WILL NOT CONTAIN ANY HUMAN ACTIVITY.

5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

IT WILL NOT BE A NUISANCE. NO ODOR, DUST, OR FUMES WILL BE CREATED FROM THE SUBSTATION. MINOR NOISE FROM ELECTRICAL SUBSTATION WILL BE CREATED. TYPICALLY NOISE LEVELS AT 200 FEET FROM SUBSTATION ARE NOT NOTICEABLE.

6. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:

- a. **Pollution.** Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;

NOT APPLICABLE

- b. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;

NOT APPLICABLE

- c. **Adequate utilities.** That the site is adequate for water supply and on-site sewage treatment; and

NOT APPLICABLE

- d. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

NOT APPLICABLE



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

Authorized Agent Form

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX").

I (we), Arlyn Anderson hereby authorize Minkota Power to act as my (our) agent on the following item(s): appropriate box(es)

- permit application
plat application
conditional use application: Minkota Power substation property
variance application
other

on my (our) property located at:
Tax Parcel Number(s): Physical Site Address:

Legal Description:

Section: 30 Township: 139 Range: 43 Lot: 1 Block: Plat Name:

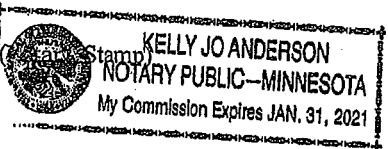
Agent Contact Information

Agent address: 1822 Mill Road, P.O. Box 1320 Grand Fork ND 58208
Agent phone #(s): 701-795-4000 Agent fax #: 701-795-4333
Agent email address: Bhoffart@minkota.com

Property Owner(s) Signature(s) Date 11/17/16

State of Minnesota
County of Becker

On this 17 day of November before me personally appeared Arlyn Anderson to me known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that he executed the same as his free act and deed.



Kelly Anderson
Notary Public

Office Use Only:
Date received: Expiration Date: Jan 31, 2021

564831

No delinquent taxes and transfer entered  
this 22nd day of Dec, 2008

Ryan L. Tancien  
Becker County Auditor/Treasurer

By [Signature] Deputy

18-0200-000 + 0201

BECKER COUNTY RECORDER  
STATE OF MINNESOTA

Document No. 564831

December 22, 2008 at 11:30 AM

I hereby certify that the within  
instrument was recorded in this office.

Darlene Maneval, County Recorder

By HB Deputy

BECKER COUNTY DEED TAX

AMT. PD. \$ 1.65

Receipt # 408011  
Becker County Auditor/Treasurer

WARRANTY DEED

THIS INDENTURE, Made this 18<sup>th</sup> day of December, 2008, between MORRIS S. ANDERSON, a single person, GRANTOR, and ARLYN ANDERSON, GRANTEE, whose post office address is 11155 County Highway 8, Lake Park, MN 56554.

WITNESSETH, For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTOR does hereby GRANT, BARGAIN, SELL AND CONVEY unto the GRANTEE all of the following real property lying and being in the County of Becker and State of Minnesota, and described as follows, to-wit:

An undivided two-thirds (2/3) interest in and to Government Lots Number 1, 2, 3, and 5, being a fractional part of the West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$ ) of Section Thirty (30), less that portion conveyed to the Department of Interior by Warranty Deed dated March 23, 1965, in Book 201 of Deeds, page 359, all in Township One Hundred Thirty-nine (139) North, Range Forty-three (43) West, Becker County, Minnesota.

chg  
paid  
well  
non/std  
extra

STATE DEED TAX DUE: \$1.65

And the GRANTOR for himself, his heirs, executors and administrators, does covenant with the GRANTEE that he is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and



**THIS INSTRUMENT WAS DRAFTED BY:**

Robert E. Rosenvold  
OHNSTAD TWICHELL, P.C.  
901 - 13th Avenue East  
P.O. Box 458  
West Fargo, ND 58078-0458  
TEL. (701) 282-3249  
FAX (701) 282-0825

**Tax statements for the real property  
described in this instrument should be sent  
to:**

**(Name and Address of Grantee)**

ARLYN ANDERSON  
11155 County Highway 8  
Lake Park, MN 56554

The total consideration for the transfer of this  
property is \$500.00 or less.



564832

No delinquent taxes and transfer entered  
this 22<sup>nd</sup> day of Dec, 2008

Ryan L. Tunden  
Becker County Auditor/Treasurer

By HB Deputy

18-0200-000 + 0201

BECKER COUNTY RECORDER  
STATE OF MINNESOTA

Document No. 564832

December 22, 2008 at 11:30 AM

I hereby certify that the within  
instrument was recorded in this office.

Darlene Maneval, County Recorder

By HB Deputy

BECKER COUNTY DEED TAX

AMT. PD. \$ 1.65

Receipt # 408113  
Becker County Auditor/Treasurer

**TRUSTEE'S DEED**

THIS INDENTURE, made this 18<sup>th</sup> day of December, 2008, by and between ARLYN ANDERSON, as Trustee of the Glenna Mae Anderson Residuary Trust created under the Last Will and Testament of Glenna Mae Anderson dated October 14, 1980, Grantor, and ARLYN ANDERSON, Grantee, whose post office address is 11155 County Highway 8, Lake Park, MN 56554.

WITNESSETH, For and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable considerations, Grantor does hereby TRANSFER and CONVEY unto the Grantee, all of the following real property lying and being in the County of Becker and State of Minnesota, and described as follows, to-wit:

An undivided one-third (1/3) interest in and to Government Lots Number 1, 2, 3, and 5, being a fractional part of the West Half of the West Half (W1/2W1/2) of Section Thirty (30), less that portion conveyed to the Department of Interior by Warranty Deed dated March 23, 1965, in Book 201 of Deeds, page 359, all in Township One Hundred Thirty-nine (139) North, Range Forty-three (43) West, Becker County, Minnesota.

chg  
paid  
well  
non/std  
extra

STATE DEED TAX DUE HEREON: \$1.65.

together with all the estate, right, title, interest, property, possession, claim and demand whatsoever both in law and in equity which the Grantor has by virtue of its capacity as Trustee, in and to the above-granted premises.



**THIS INSTRUMENT WAS DRAFTED BY:**

Robert E. Rosenvold  
OHNSTAD TWICHELL, P.C.  
901 - 13th Avenue East  
P.O. Box 458  
West Fargo, ND 58078-0458  
TEL (701) 282-3249  
FAX (701) 282-0825

**Tax statements for the real property  
described in this instrument should be sent  
to:**

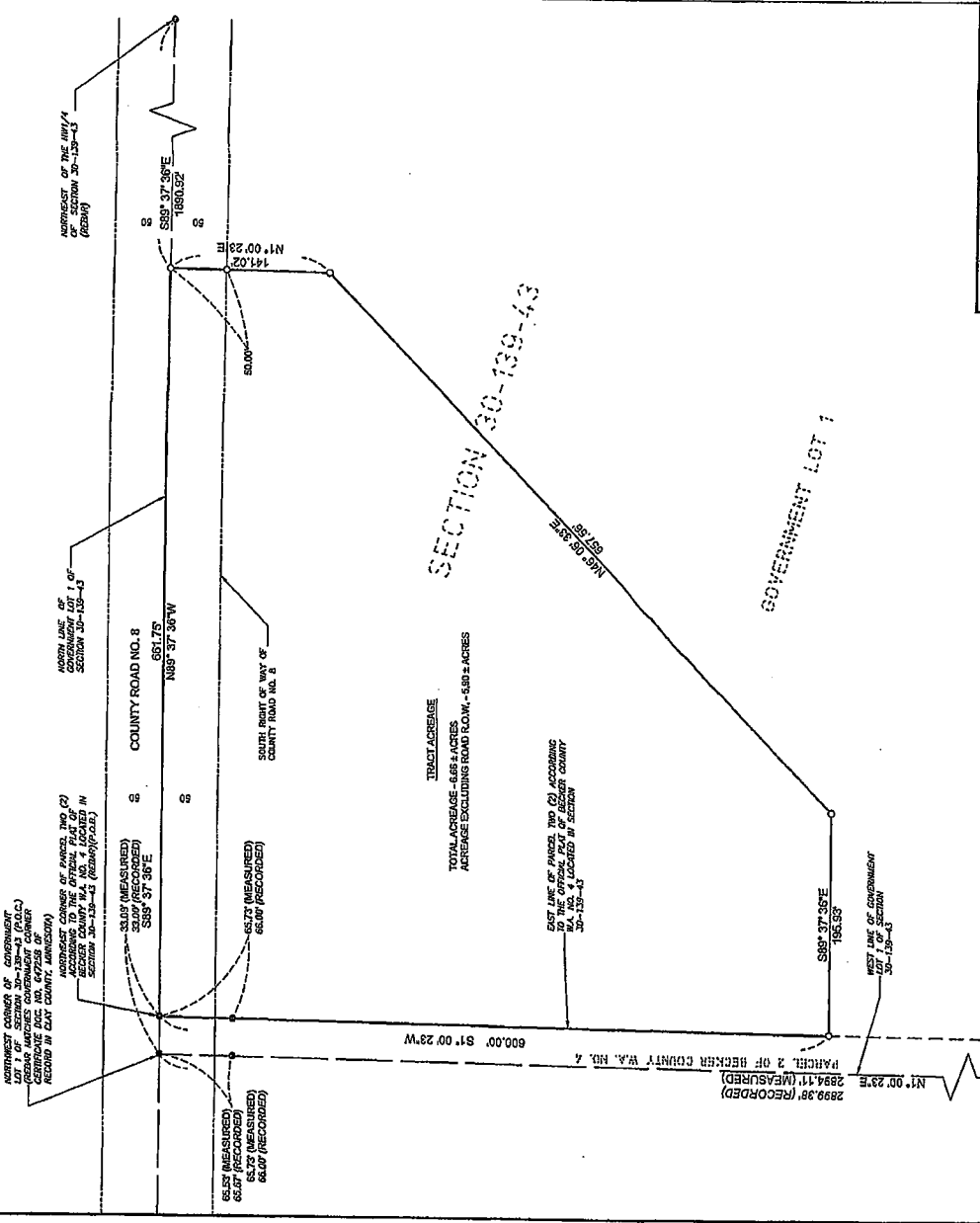
**(Name and Address of Grantee)**

ARLYN ANDERSON  
11155 County Highway 8  
Lake Park, MN 56554

The total consideration for the transfer of this  
property is \$500.00 or less.

# CERTIFICATE OF SURVEY

## PART OF GOVERNMENT LOT 1 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 43 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BECKER COUNTY, MINNESOTA



**LEGAL DESCRIPTION:**

That part of Government Lot 1 of Section 30, Township 139 North, Range 43 West of the Fifth Principal Meridian, Becker County, Minnesota, more particularly described as follows: Commencing at the northeast corner of said Government Lot 1, thence South 89 degrees 37 minutes 35 seconds East, assumed bearing, along the north line of said Government Lot 1, a distance of 600.00 feet to an iron monument, being the Northeast corner of Parcel two (2) according to the Official plat of said COUNTY W.A. No. 4, filed February 23, 1985 in Plate Book "6", page 34, Document No. 235416; of record in the County Recorder, Becker County and the State of Minnesota, and the point of beginning; thence South 89 degrees 37 minutes 35 seconds West, along the east line of said Parcel two (2), a distance of 600.00 feet to an iron monument, being the Southeast corner of Parcel two (2), a distance of 600.00 feet East 697.55 feet thence North 02 degrees 23 minutes 47 seconds East 264.07 feet to the said north line; thence North 89 degrees 37 minutes 35 seconds West, along said north line, a distance of 667.75 feet, more or less, to the point of beginning.

Containing 6.68 acres, more or less, subject to easements and rights of ways of record.

PRELIMINARY

**LEGEND**

- IRON MONUMENTS
- WITH PLASTIC CAP 644108
- FOUND IRON MONUMENT
- PROPERTY BOUNDARY
- - - SECTION LINE

Scale: 1" = 100'

North

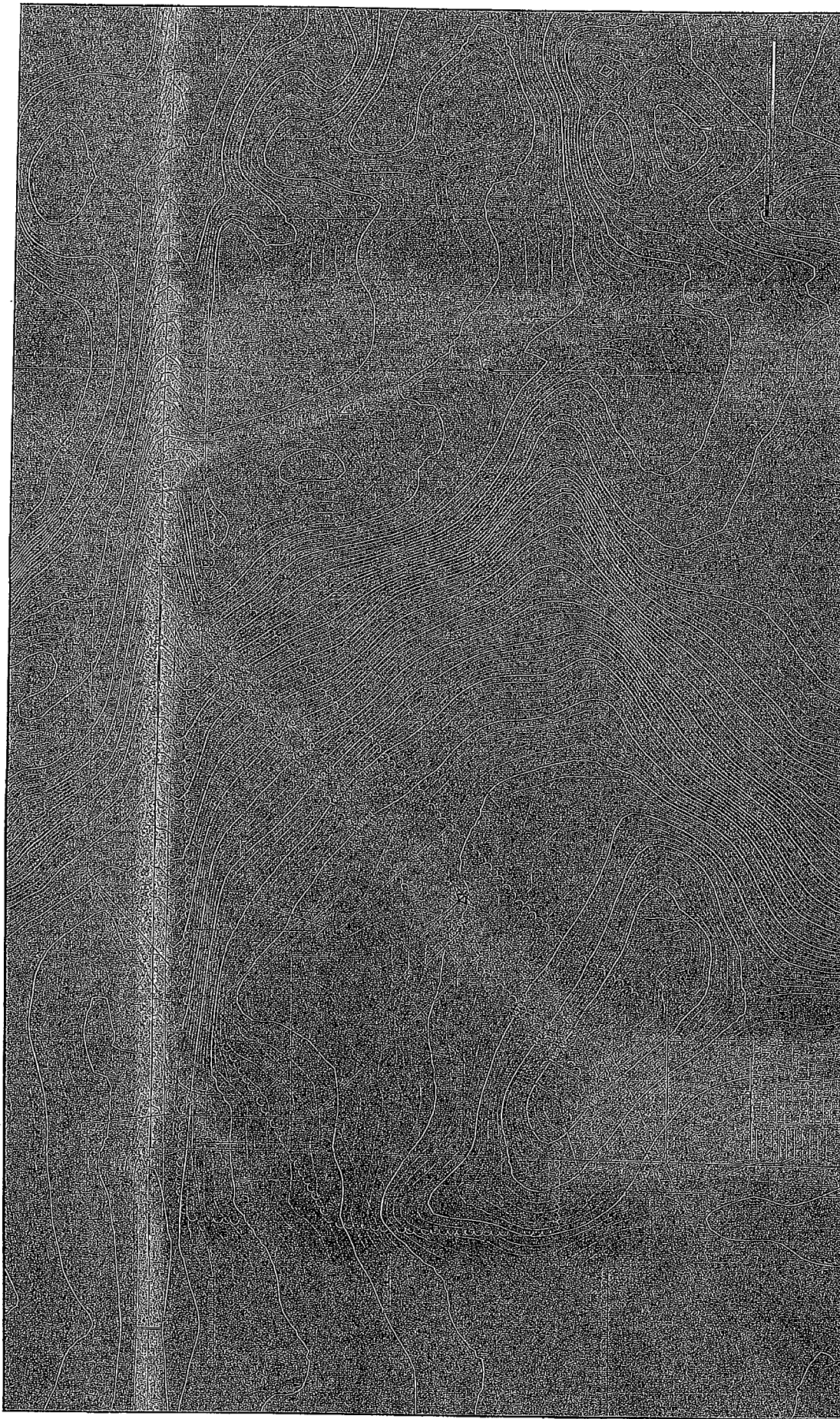
**LAND SURVEYORS' CERTIFICATION**

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Surveyor: **Blaine S. Hoffart**  
 Date: 11/21/2016  
 License: F4165

<b>CERTIFICATE OF SURVEY</b>	
GOV. LOT 1 OF SECTION 30, TOWNSHIP 139 N., RANGE 43 W., BECKER COUNTY, MINNESOTA	
DATE: 11-21-2016	PROJECT #
APPROVED	BY: W/S #
Minitola Power COOPERATIVE, INC. <small>Member of the Minnesota Power System</small>	
SCALE: 1" = 100'	
SHEET 1 OF 1	

DATE	PROJECT #	W/S #	REVISIONS



DATE	PROJECT #	W/O #	REVISIONS	BY	W/O #

DRAWN BY	
DATE 11/29/16	
APPROVED	
PROJECT #	
W/O #	
BY	
W/O #	

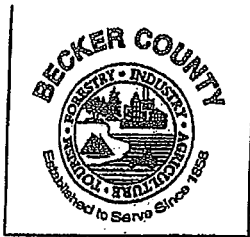
LAKE PARK INTERCONNECT SUBSTATION  
PLOT PLAN

MILLER POWER ENGINEERING, INC.  
1100 S. 10TH ST.  
MILWAUKEE, WI 53215  
TEL: 414-224-8800  
FAX: 414-224-8801  
WWW.MILLERPOWERENGINEERING.COM

SHEET 1 OF 1  
16-CO-P1001-01







**Application for Site Permit**  
**Becker County Planning and Zoning**  
 915 Lake Ave, Detroit Lakes, MN 56501  
 Phone: 218-846-7314 Fax: 218-846-7266  
[www.co.becker.mn.us](http://www.co.becker.mn.us)

PARCEL	
APP	SITE
YEAR	
SCANNED	

Project must be staked out on the lot prior to permit being approved

Please Print or Type All Information

Parcel Number (s)	Property (E911) Address	**911 Address Needed	Legal Description
180200000	11155 CO HIGHWAY NO. 8	LAKE PARK, MN 56554	PART OF GOV. LOT 1 OF SECTION 30, T.139 N., R. 43 W.

Lake/River Name	Lake/River Class	Township Name	Section	TWP No.	Range
		LAKE PARK	SECTION 30	T.139 N.	R. 43 W.

Property Owner	Last Name	First Name	Mailing Address	Phone
MINNKOTA POWER COOPERATIVE				WORK: 701-795-4354
Contractor Name Lic #	P.O. BOX 13200	GRAND FORKS, ND 58208		CELL: 701-213-7476

**Proposed Project (Check those that apply)**

<input type="checkbox"/> New Dwelling	<input type="checkbox"/> Addition to Dwelling	<input type="checkbox"/> Replacement Dwelling*	<input type="checkbox"/> Mobile/Manfac. Home
<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Storage Structure	<input type="checkbox"/> Addition to Non-dwelling
<input type="checkbox"/> Stairway	<input type="checkbox"/> Deck	<input type="checkbox"/> Recreational Unit	<input type="checkbox"/> Water Oriented Structure
<input type="checkbox"/> Fence	<input checked="" type="checkbox"/> Other <b>SUBSTATION</b>	<input type="checkbox"/> Non Conforming Replacement (Identify)	

\*Existing Dwelling to be removed prior to \_\_\_\_\_

**Onsite Water Supply** ( ) Deep Well ( ) Shallow Well Well Depth \_\_\_\_\_  
 MN Rules Chapter 4725 (MN well code) requires a 3' minimum structure setback to well  
 NOT APPLICABLE

**Onsite Sewage Treatment System**  
 Type of System \_\_\_\_\_ Date of Installation \_\_\_\_\_ Last Date Certified \_\_\_\_\_  
 Must have current certificate of compliance on septic system prior to issuance of a permit

**Lot Information** Shoreland \_\_\_ ( ) Riparian ( ) Non Riparian Non Shoreland X

Lot Area \_\_\_\_\_ sq ft or 5.90 ± acres Water Frontage NA ft Bluff ( ) Yes (X) No  
 Impervious coverage refers to anything water cannot pass through. Structures, areas covered by a roof, concrete, asphalt, Class 5, sidewalks, patio pavers, etc. should all be included in this calculation. Decks should be included in this calculation if they have plastic underlayment or impervious surface underneath. Anytime you exceed 15% lot coverage a stormwater management plan and/or mitigation is required. **INCLUDE PROPOSED STRUCTURES IN CALCULATION.**

*Please Note: Unless otherwise provided, a minimum of a 12 foot wide driveway from the nearest road right of way to the proposed structure must be included in both your plan and impervious surface calculation.*

Impervious Surface On property	Dimensions	Sq. Footage	Impervious Surface On property	Dimensions	Sq. Footage
Ex: Patio	10 x 12	120			
DRIVEWAY					
DRIVEWAY	(148.4 x 24) + (600 SQ.FT. VARIABLE SIZE)	= 4,162 SQ.FT OR 0.096 ACRES			
SUBSTATION AREA*	(30 X 34) + (160 X 200)	= 33,020 SQ.FT OR 0.758 ACRES*			
(*CONTROL HOUSE IN SUBSTATION AREA)			Total Impervious Material		<u>0.854 ACRES</u>

Impervious Lot Coverage  $\frac{0.854 \text{ ACRES}}{\text{Total Impervious}} \div \frac{5.90 \text{ ACRES}}{\text{Lot Area}} = 0.145$  x 100 = 14.5 %  
 Impervious Coverage Percentage

**Topographical Alteration/Earth moving**

( ) None ( ) 10 cubic yards or less ( ) 11- 50 cubic yards (X) over 50 cubic yards  
 Project over 50 cubic yards a storm water management plan must be included with permit application.

RECEIVED  
 NOV 29 2016  
 ZONING



Characteristics of Proposed Dwelling/Dwelling Additions/Attached Garage/Decks		Cost of Project
( ) Dwelling ____ ft by ____ ft ( ) Attached Garage ____ ft x ____ ft		\$ <u>NOT APPLICABLE</u>
Outside Dimension ( ) Deck/Patio ____ ft x ____ ft ( ) Addition to existing ____ ft x ____ ft		
Setback to Side Lot Line ____ ft & Rear Lot Line ____ ft	Setback to Road Right of Way _____ ft	
Setback to Bluff _____	Type of road _____	
Setback to Wetland _____	Is wetland protected ( ) Yes ( ) No	
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank _____	Setback to drainfield _____	
Total No. Bedrooms _____	Maximum height proposed _____ # of Stories _____	
Roof Change ( ) Yes ( ) No	Basement ( ) Yes ( ) No Walkout Basement ( ) Yes ( ) No	

Characteristics of Proposed Non Dwelling/Non Dwelling Additions/Detached Garages/Storage Sheds		Cost of Project
( ) Garage ____ ft by ____ ft ( ) Storage Shed <u>24</u> ft x <u>32</u> ft ( ) Fence ____ ft long x ____ high ( ) other _____ ft x ____ ft		
Outside Dimension ( ) Addition to existing structure ____ ft x ____ ft ( ) Fence <u>150</u> ft x <u>190</u> ft		
Setback to Lot Line <u>223</u> ft & Rear Lot Line <u>230</u> ft	Setback to Road Right of Way <u>136.6</u> ft	\$ <u>\$25,000</u>
Setback to Bluff <u>NA</u>	Type of road <u>GRAVEL / CO HWY</u>	
Setback to Wetland <u>NA</u>	Is wetland protected ( ) Yes (X) No	
Setback to OHW (straight horizontal distance) <u>NA</u>	Elevation above OHW (Straight vertical distance) _____	
Setback to septic tank <u>NA</u>	Setback to drainfield <u>NA</u>	
Roof Change ( ) Yes (X) No	Maximum height proposed <u>13 FEET</u> # of Stories <u>1</u>	
Bathroom proposed ( ) Yes (X) No	Sleeping Quarters proposed ( ) Yes (X) No	
*Garages and storage sheds cannot contain amenities for independent human habitation		

Characteristics of Proposed Water Oriented Structure*	Cost of Project \$
( ) Stairway ( ) Deck ( ) Boathouse ( ) Screen Porch ( ) Gazebo ( ) Storage Structure	<u>NOT APPLICABLE</u>
Outside Dimension ____ ft by ____ ft	Sq ft _____
Setback to Lot Line ____ ft & ____ ft	Setback to Bluff _____
Setback to OHW (straight horizontal distance) _____	Elevation above OHW (Straight vertical distance) _____
Setback to septic tank _____	Setback to drainfield _____
Maximum height proposed _____	*Sleeping facilities or water supplies are not permitted in these structures

THIS IS A SITE PERMIT ONLY AND DOES NOT CONSTITUTE A BUILDING PERMIT  
AS SET FORTH IN MN STATE STATUTES.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge. I also understand that, once issued, a permit is valid for a period of one (1) year from the date of issuance. If my property is located within the shoreland district, I understand that it is my responsibility to inform the Planning & Zoning Office once the building footings have been constructed. A Site Permit may be revoked at any time upon violation of said Ordinances and approved setbacks. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained. Project must be started out on the lot prior to approval of permit. Project will be staked by (date) MAY 1, 2017.

[Signature]  
Signature

Project + R.O.W Manager  
Date

11-29-2016  
Date



COUNTY OF BECKER

Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501
Phone: 218-846-7314 ~ Fax: 218-846-7266

Authorized Agent Form

- 1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX").

I (we), Arlyn Anderson hereby authorize Arlyn Anderson to act as my (our) agent on the following item(s): appropriate box(es)

- permit application (write in permit "type" - e.g. site, septic, etc.): Minnesota Power Cooperative Inc
 plat application:
 conditional use application:
 variance application:
 other:

on my (our) property located at:
Tax Parcel Number(s): Physical Site Address:

Legal Description:

Section: 30 Township: 139 Range: 43 Lot: 1 Block: Plat Name:

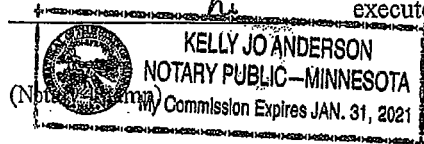
Agent Contact Information

Agent address: 1822 Mill Road P.O. Box 1320 Grand Forks ND 58204
Agent phone #(s): 701-795-4000 Street City State Zip Code
Agent fax #: 701-795-4333
Agent email address: Bheffart@minnkota.com

Property Owner(s) Signature(s) Date 11/17/16

State of Minnesota
County of Becker

On this 17 day of November before me personally appeared Arlyn Anderson me known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that he executed the same as his free act and deed.



Kelly Jo Anderson
Notary Public

Office Use Only:
Date received: Expiration Date: Jan 31, 2021

**SKETCH OF PROPERTY**

PARCEL	
APP	SITE
YEAR	

1. Please sketch all impervious coverage on your property; include dimensions.
2. Sketch roadways adjacent to property - **Include driveway location.**
3. If you will be exceeding 15% impervious surface coverage, include a copy of your stormwater management plan. This applies to ANY lot that exceeds 15% coverage.
4. If proposed project is a detached garage/storage shed that *will exceed 1 story*, include detailed design.
5. Indicate where erosion control measures will be implemented and indicate storm water drainage pattern and how it will be maintained on the property.

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SEE ATTACHED

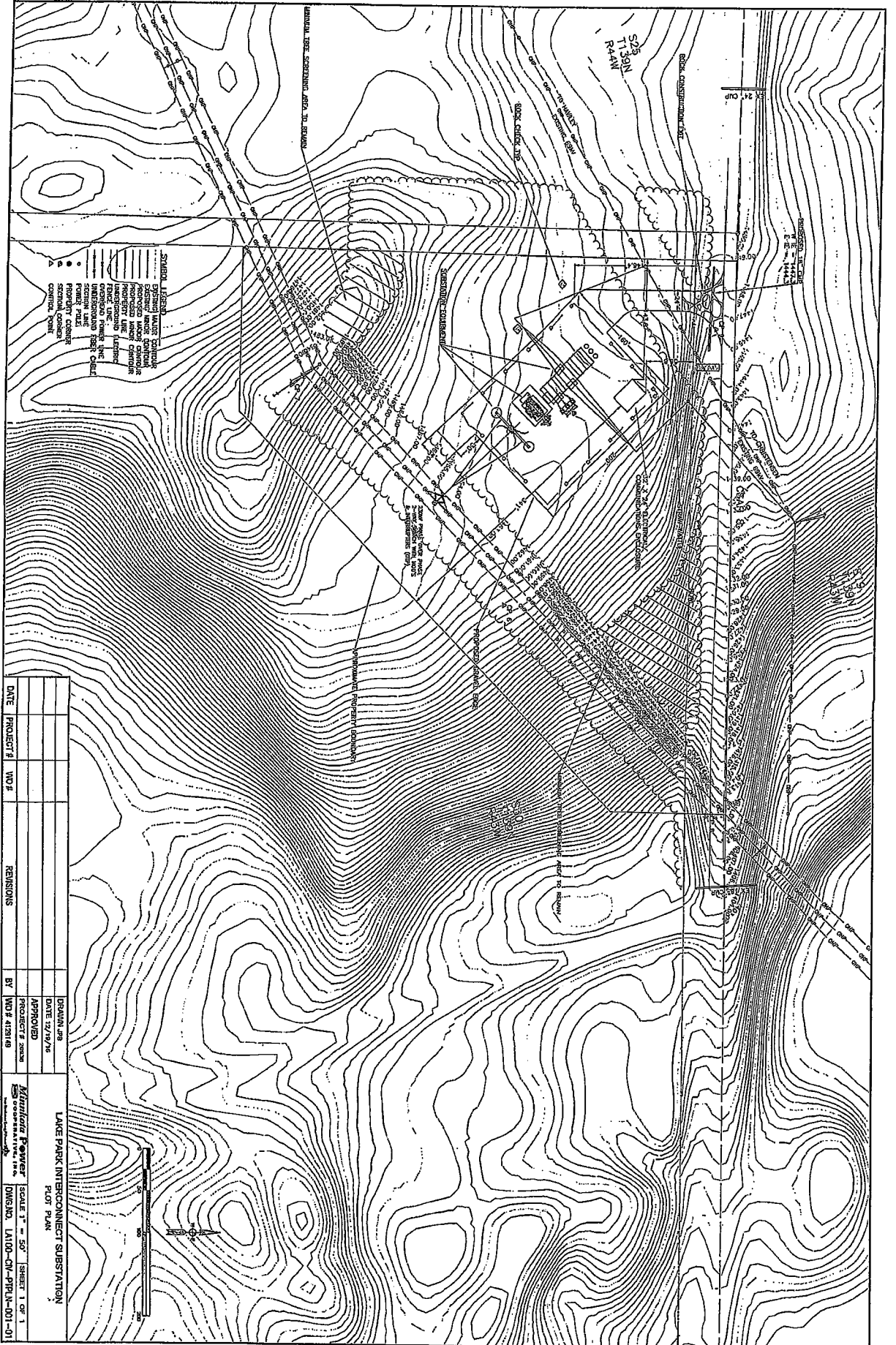


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**Remember EROSION CONTROL!**

**Please use best management practices and/or silt fence to control erosion on all projects.**





- SYMBOL LEGEND**
- PROPOSED 115KV TRANSMISSION LINE
  - PROPOSED 33KV TRANSMISSION LINE
  - PROPOSED 15KV TRANSMISSION LINE
  - PROPOSED 4KV TRANSMISSION LINE
  - PROPOSED 2KV TRANSMISSION LINE
  - PROPOSED 1KV TRANSMISSION LINE
  - PROPOSED 0.5KV TRANSMISSION LINE
  - PROPOSED 0.2KV TRANSMISSION LINE
  - PROPOSED 0.1KV TRANSMISSION LINE
  - PROPOSED 0.05KV TRANSMISSION LINE
  - PROPOSED 0.02KV TRANSMISSION LINE
  - PROPOSED 0.01KV TRANSMISSION LINE
  - PROPOSED 0.005KV TRANSMISSION LINE
  - PROPOSED 0.002KV TRANSMISSION LINE
  - PROPOSED 0.001KV TRANSMISSION LINE
  - PROPOSED 0.0005KV TRANSMISSION LINE
  - PROPOSED 0.0002KV TRANSMISSION LINE
  - PROPOSED 0.0001KV TRANSMISSION LINE
  - PROPOSED 0.00005KV TRANSMISSION LINE
  - PROPOSED 0.00002KV TRANSMISSION LINE
  - PROPOSED 0.00001KV TRANSMISSION LINE

DATE	PROJECT#	W/O#	REVISIONS	BY	W/O#	DATE	APPROVED

**LACE PARK INTERCONNECT SUBSTATION**  
**PLAN**

**Scale 1" = 50'** SHEET 1 OF 1  
 DWG. NO. LA100-CV-PP1A-01-01