

SECTION 16 ANIMAL FEEDLOT AND MANURE MANAGEMENT

SUBDIVISION 1. PURPOSE

- A. An adequate supply of healthy livestock, domesticated fowl, and other animals is essential to the well-being of Le Sueur County citizens and the State of Minnesota. These domesticated animals provide our daily source of meat, milk, eggs, and fiber. Their efficient, economic production must be the concern of all consumers if we are to have a continued abundance of high-quality, wholesome food and fiber at reasonable prices.
- B. Livestock, domesticated fowl, and other animals produce manure, which may, where improperly stored, transported, or disposed, negatively affect Le Sueur County's environment.
- C. The following regulations for the control of livestock, domesticated fowl, and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.
- D. These rules provide for a cooperative program between Le Sueur County and the MPCA (hereinafter Agency). Pollution control measures, where deemed necessary by the Agency, should be individually designed and developed to provide the site-specific controls needed for the operation in question. Therefore, a joint county-state program is desirable as it will ensure local involvement, minimal disruption to agricultural operations, and protect the environment from further degradation. These rules comply with the policy and purpose of the State of Minnesota in regard to the control of pollution set forth in Minnesota Statutes, Chapter 115, Water Pollution Control, and Chapter 116, Pollution Control Agency.

SUBDIVISION 2. ADOPTION BY REFERENCE OF STATE REGULATIONS

Pursuant to Minnesota Statutes, Section 394.25, Subdivision 8, the Board of County Commissioners hereby adopts by reference Minnesota Administrative Rules, Chapter 7020 Relating to Animal Feedlots as amended. Provisions of these rules shall be as much a part of this section as if they had been set out in full herein when adopted by this reference. To the extent this Ordinance contains more restrictive requirements, the more restrictive requirements shall apply.

SUBDIVISION 3. SCOPE AND APPLICABILITY

- A. The provisions of Minnesota Administrative Rules, Chapter 7020 governs the storage, transportation, disposal, and utilization of animal manure and process wastewaters and the application for the issuance of permits for construction and operation of animal manure management and disposal, or utilization systems for the protection of the environment.

- B. From and after June 10, 2010, all proposed new animal feedlots or expansion of existing animal feedlots shall be in conformity with the provisions of this section and Minnesota Administrative Rules, Chapter 7020.
- C. No person shall permit or allow their land or property under their control to be used for any new animal feedlot or expansion of an existing animal feedlot within Le Sueur County unless in compliance with the provisions of this Section.
- D. All animal feedlots within Le Sueur County shall manage manure in compliance with this Section and Minnesota Administrative Rules, Chapter 7020.
- E. Animal Units Conversions:

(TABLE ON NEXT PAGE)

ANIMAL TYPE	ANIMAL UNIT
DAIRY	
Mature cow over 1,000 pounds (milked or dry)	1.4
Mature cow under 1,000 pounds (milked or dry)	1.0
Heifer	0.7
Calf	0.2
BEEF	
Slaughter steer/heifer or stock cow	1.0
Feeder cattle (stocker or backgrounding) or heifer	0.7
Cow/calf pair	1.2
Calf	0.2
Veal Calf	0.2
Bulls or Oxen	2.0
SWINE	
Over 300 pounds	0.4
Between 55 to 300 pounds	0.3
Under 55 pounds (separated from sow)	0.05
HORSE	
Horse	1.0
Mini Horses, Ponies	0.4
SHEEP	
Sheep or lamb	0.1
GOATS	
Goats	0.15
Goats – Small	0.075
CHICKENS	
Laying hen or broiler, all sizes with liquid manure system	0.033
Laying hen or broiler, dry manure system and over 5 pounds	0.005
Laying hen or broiler, dry manure system and under 5 pounds	0.003
TURKEYS	
Over 5 pounds	0.018
Under 5 pounds	0.005
DUCKS	
Duck – Dry manure system	0.01
Duck – Liquid manure system	0.01
OTHER ANIMALS	
Animals not listed above	Average weight divided by 1,000 pounds

F. Suitable Area Acreage shall be defined as the area remaining on a lot or parcel of land that is capable of sustaining animal units after land defined as bluffs, steep slopes, wetlands, floodplain, land enrolled in a government-funded conservation program (ex. Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), etc.) and land below the ordinary high-water level are subtracted. This standard does not apply to pasture operations.

1. **Recreational Residential (RR) and Urban/Rural Residential (R1) Districts;** only dogs, cats, and animals customarily kept as pets will be allowed.
2. **Agricultural (A) District;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 3 acres	Up to 5 AU
3.01 to 5 acres	5.01 to 10 AU
5.01 to 7.49 acres	10.01 to 15 AU
7.5 to 9.99 acres	15.01 to 20 AU
10 to 14.99 acres	20.01 to 2,000 AU (50 AU or more - Required to be registered feedlots)
15 or more acres	2,001 to 3,000 AU

3. **Conservancy (C) District;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49 acres	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	5 plus 1 additional animal unit for each additional acre owned to a maximum of 49 animal units

4. **Special Protection (SP) and Recreational Commercial (RC) Districts;** the following standards shall be applicable.

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	No more than 9 animal units

5. General Business (B), and General Industry (I) Districts;

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	5 plus 1 additional animal unit for each additional acre owned to a maximum of 49 animal units.

SUBDIVISION 4. EXEMPT FROM REGULATIONS

Nothing in this Section shall exempt any animal feedlot owner from conforming with all applicable state or federal regulations governing animal feedlot operations, or any other provisions of this section.

SUBDIVISION 5. NON-REGISTERED ANIMAL FEEDLOT REQUIREMENTS

- A. The property owner shall only house the allowable number of animal units on the property based on the property’s zoning district and suitable area acres.
- B. The property owner shall complete and submit a Non-Registered Animal Feedlot Form to the Department prior to housing livestock on the property.
- C. The property owner shall establish, operate, and maintain the non-registered animal feedlot facility and manure storage area such as that there is no discharge to surface waters and shall prevent the livestock and poultry housed on the property from having access to surface waters in accordance to Minnesota Administrative Rules, Chapter 7020.
- D. The property owner shall adhere to all county and state setbacks to sensitive features during the land application of manure.
- E. Disposal of animal mortalities shall be in compliance with Minnesota Administrative Rules, Chapter 1721, as amended from time to time.
- F. All animal confinement holding areas (structures and/or open lots) and manure storage areas (liquid and/or solid) shall be a minimum of 100 feet from a well.
- G. All animal holding areas (structures and/or open lots) and manure storage areas (liquid and/or solid) shall meet the requirements of Minnesota Administrative Rules, Chapter 7020; shall meet the Front Yard and any Additional Setbacks as required in the Zoning District of the property; shall be setback 50 feet from Side Yard, Rear Yard, and Bluff; and shall meet the setbacks from other sensitive features as listed in Minnesota Administrative Rules, Chapter 7020.

- H. An animal feedlot or watering area within a pasture, housing more than 1.0 animal units, shall be the setback to a well per Minnesota Administrative Rules, Chapter 4725, as amended from time to time.

SUBDIVISION 6. REGISTRATION REQUIREMENTS

- A. A new or existing animal feedlot facility or manure storage area shall register and be constructed and operated in accordance with the provisions of this Ordinance and the requirements of Minnesota Administrative Rules, Chapter 7020 when it meets one of the following:
1. An animal feedlot facility capable of holding fifty (50) or more animal units, or a manure storage area capable of holding the manure produced by fifty (50) or more animal units that is located in a non-shoreland zoning district;
 2. An animal feedlot facility capable of holding ten (10) or more and fewer than fifty (50) animal units, or a manure storage area capable of holding the manure produced by ten (10) or more and fewer than fifty (50) animal units, that is located within a shoreland zoning district; or
 3. When the Agency or Department has determined that the animal feedlot facility creates or maintains a pollution hazard.

SUBDIVISION 7. PERMIT REQUIREMENTS

- A. The owner of a registered animal feedlot or manure storage area shall make application with the Department for:
1. Construction Short-Form Permit at least ninety (90) days prior to the commencement of construction or expansion of an animal feedlot facility with a capacity of 300 animal units or more or a manure storage area with a capacity to hold manure produced from 300 animal units or more.
 - a. Eligibility
 - 1) Does not discharge to waters of the United States; or
 - 2) Exceed federal large Concentrated Animal Feeding Operations (CAFO) thresholds; or
 - 3) Does not currently or after proposed expansion have a capacity of 1,000 animal units or more; or
 - 4) Does not have a pollution hazard that has been identified by Agency Staff or county feedlot officer.
 2. Interim Permit when a pollution hazard has been identified at the animal feedlot facility or manure storage area by the Agency Commissioner or county feedlot officer. The permit submittal deadline shall be established by the Agency Commissioner or county feedlot officer to the owner of the animal feedlot facility or manure storage area via

written request. The owner of the animal feedlot facility or manure storage area will have at least fifteen (15) days to submit the permit application.

3. The permit application for a construction short-form or interim permit must be on a form provided by the Agency Commissioner or county feedlot officer.
- B. A manure management plan meeting the requirements of Minnesota Administrative Rules, Chapter 7020 shall be requested as part of permit application when:
1. An animal feedlot facility or manure storage area capable of housing or storing manure from 100 animal units or more applies for an interim permit; or
 2. An animal feedlot facility or manure storage area capable of housing or storing manure from 300 animal units or more applies for a construction short-form permit; or
 3. An animal feedlot facility or manure storage area applies for a Conditional Use Permit in conjunction with a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) Permit requested by the Agency.
- C. Notice of application for livestock feedlot permit as regulated by Minnesota Statutes, Chapter 116.

SUBDIVISION 8. INSPECTIONS

A. COMPLIANCE INSPECTIONS

1. The Department shall conduct compliance inspections at animal feedlot facilities, manure storage areas, short-term manure stockpile locations, and manure application sites per the County's Feedlot Program Delegation Agreement Work Plan with the Agency.
2. The Department may conduct compliance inspections at non-registered animal feedlot facilities, manure storage areas, short-term manure stockpile locations, and manure application sites if a complaint is received or a non-compliance issue is noted by Department staff.
3. The animal feedlot owner shall be informed of an animal feedlot facility or manure storage area inspection either by written request or telephone call. However, the Department need not comply with the notice requirement if the Department determines a public health threat or emergency makes such notice impractical.

B. BIOSECURITY

It shall be the responsibility of the Department and the animal feedlot owner to communicate any biosecurity guidelines for the animal feedlot facility. The guidelines can be submitted in either written or verbal form.

C. MANURE STORAGE AREA AND POULTRY BARN FLOORS INSPECTIONS

1. For liquid manure storage areas:
 - a. The Department shall be notified via letter, telephone, facsimile, or electronic mail by the animal feedlot owner a minimum of three (3) business days prior to commencement of construction and within three (3) business days following completion of construction of the manure storage area liner to allow for an inspection. Notification for vertical concrete-lined walls must be completed before backfilling the walls.
 - b. An animal feedlot owner shall submit a construction report to the Agency Commissioner or county feedlot officer within sixty (60) days of the completion of any new or modified manure storage area. The construction report shall be prepared per Minnesota Administrative Rules, Chapter 7020.2100.
2. For permanent manure stockpiles:
 - a. The Department shall be notified via letter, telephone, facsimile, or electronic mail by the animal feedlot owner a minimum of three (3) days prior to commencement of construction and within three (3) days following completion of construction to allow for an inspection.
 - b. The permanent stockpile shall conform to the requirements in Minnesota Administrative Rules, Chapter 7020.2125.
3. For poultry barn floors:
 - a. The Department shall be notified via letter, telephone, facsimile, or electronic mail by the animal feedlot owner a minimum of three (3) business days prior to commencement of construction and within three (3) business days following completion of construction to allow for an inspection.
 - b. The poultry barn floor shall conform to the requirements in Minnesota Administrative Rules, Chapter 7020.2120.

D. ANIMAL FEEDLOT AND/OR MANURE STORAGE AREA CLOSURE

1. The owner of an animal feedlot facility or manure storage area is responsible for its closure and shall close it per Minnesota Administrative Rules, Chapter 7020.2025 and this Ordinance.
2. The Department shall be notified (via letter, telephone, electronic mail, or in person) by the animal feedlot owner at least three (3) days prior to the completion of the closure of a concrete pit or earthen basin that had previously been utilized for manure storage.

3. The Department shall inspect all liquid manure storage areas and permanent stockpile sites to verify removal of all manure, and manure-contaminated soil and/or concrete per Minnesota Administrative Rules, Chapter 7020.
4. The owner of the animal feedlot or manure storage area shall maintain records of the manure application for a minimum of three (3) years after the closure of the manure storage area. Upon request of the Agency Commissioner or county feedlot officer, the owner of the animal feedlot or manure storage area shall make these land application records available for examination or copying within thirty (30) days.
5. All grading, excavating or filling activities shall comply with all applicable standards in this Ordinance.

SUBDIVISION 9. GENERAL REQUIREMENTS

The following requirements shall apply to all animal feedlots within Le Sueur County.

- A. No animal feedlot or manure storage structure shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.
- B. Transportation of manure shall be in accordance with Minnesota Administrative Rules, Chapter 7020.
- C. Each newly constructed liquid manure storage area shall provide for a minimum of twelve (12) months of storage.
 1. Exemptions
 - a. If the storage volume is less than or equal to 20,000 gallons; or,
 - b. If designed as a run-off control structure for an open lot or a feed storage area or to handle process wastewater, these structures shall be designed by a licensed design engineer and shall provide storage for, at minimum, a 25-year, 24-hour storm event plus the additional volume needed to be consistent with the proposed manure management plan frequency.
- D. Disposal of animal mortalities shall be in compliance with Minnesota Administrative Rules, Chapter 1721, as amended from time to time.
- E. The animal feedlot owner shall allow the Department or assigned representative to inspect the site whenever necessary upon notification to the animal feedlot owner.
- F. A perimeter fence shall be installed around any liquid manure storage area that has exposed walls less than five (5) feet above ground surface, per USDA Conservation Practice Standard Code 313 – Waste Storage Facility.

1. The fence shall follow USDA Natural Resources Conservation Service Conservation Practice Standard Code 382 – Fence for design of a fence that will prevent accidental entry by people or animals likely to be on-site.
 2. The animal feedlot owner shall post universal warning signs to prevent children and others from entering the liquid manure storage area.
- G. Emergency mitigation plans, as determined by the Department or the Agency, shall be followed in such cases when emergency winter manure applications are necessary.

SUBDIVISION 10. CONDITIONAL USES

The following described animal feedlot operations, whether existing or proposed, shall require a conditional use permit issued by the County.

- A. Any new animal feedlot greater than three hundred (300) animal units or an expansion of an existing animal feedlot that exceeds three hundred (300) animal units to a total of three thousand (3,000) animal units in the Agricultural (A) District.
- B. Any expansion of an existing, registered, animal feedlot up to a total of five hundred (500) animal units in the Conservancy (C) District or the Special Protection (SP) District.
- C. Any expansion of an existing, registered, animal feedlot to a total of three hundred (300) animal units in the Recreational Residential (RR) District.
- D. Any new animal feedlot or expansion of an existing animal feedlot, that meets the requirements to be a registered animal feedlot, located within one (1) mile of a city boundary.
- E. When the Agency requires a National Pollutant Discharge Elimination System Permit (NPDES) or State Disposal System (SDS).
- F. Use of irrigation to spread manure.

SUBDIVISION 11. STANDARDS FOR CONDITIONAL USE PERMITS

- A. The County may impose, in addition to the standards and requirements set forth in this Section, additional conditions which the Board of County Commissioners considers necessary to protect the public health, safety, and general welfare.
- B. All animal feedlots shall prepare an odor management plan.
- C. All animal manure from the operation shall be utilized in accordance with the manure management plan requirements of Minnesota Administrative Rules, Chapter 7020. Additionally, all liquid manure shall be injected or incorporated within twenty four (24) hours.

- D. No animals may be brought into the facility until all conditions have been met.
- E. Upon abandonment, termination, or non-renewal of any permit necessary to operate the animal feedlot, or failure to operate the animal feedlot in any manner consistent with the federal, state, or county regulations, the landowner(s), owner(s), and operator of this animal feedlot shall remain responsible for all the costs of closure, cleanup, or other costs necessary to bring the property into compliance with all federal, state, and county regulations. Restoration of the property to a condition acceptable by the Board of County Commissioners, Department or the Agency, may be required.
- F. Applicant shall properly seal any abandoned wells on the site prior to construction.
- G. Applications for a conditional use permit must also provide information as required in this Ordinance.

SUBDIVISION 12. REQUIRED SETBACKS FOR NEW, REGISTERED, ANIMAL FEEDLOTS, EXPANSION OF EXISTING, REGISTERED, ANIMAL FEEDLOTS, AND MANURE STORAGE STRUCTURES AT NEW OR EXISTING, REGISTERED, ANIMAL FEEDLOTS

All registered animal feedlot facilities and their manure storage areas located within Le Sueur County shall meet the setback requirements set forth by this section.

- A. New, registered, animal feedlot facilities and their manure storage areas or expansion of registered, existing animal feedlot facilities and their manure storage areas shall not be located within one hundred (100) feet of a road right-of-way, within one hundred (100) feet of an adjoining property line, within one hundred (100) feet of any public or private well (this includes abandoned wells unless properly sealed), within one hundred (100) feet of a Type 3 through 7 wetland, or within one hundred (100) feet from the crown of a county ditch, the crown of a private drainage ditch, and the center of a county tile line.
- B. All new, registered animal feedlot facilities and their manure storage areas or expansions of existing, registered animal feedlot facilities and their manure storage areas shall not be located within five hundred (500) feet of a cemetery.
- C. All new, registered animal feedlot facilities shall be separated from an existing school, park, golf course, licensed campground, or residential zoning district, and conversely, a new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing, registered animal feedlot facility by the following:

1. 10-50 AU	500 feet
2. 51-2000 AU	1000 feet
3. Greater than 2000 AU	1500 feet

D. All new, registered animal feedlot facilities shall be separated from an existing dwelling and conversely, all new dwellings shall be separated from an existing, registered animal feedlot facility by the following:

1. 10-50 AU 500 feet
2. 51-2000 AU 1000 feet
3. Greater than 2000 AU 1500 feet
4. Any new or existing dwelling located on the animal feedlot facility parcel shall be exempt from these requirements.

E. Minimum lot requirement. All new animal feedlots or expansion of existing animal feedlots shall conform to the following lot requirement:

1. **Agricultural (A) District**

- a. Up to 5 AU 1.5 acres
- b. 5.01 to 10 AU 3.01 acres
- c. 10.01 to 15 AU 5.00 acres
- d. 15.01 to 20 AU 7.5 acres
- e. 20.01-2000 AU 10.00 acres
- f. 2001-3000 AU 15.00 acres

2. **Conservancy (C) District, General Business (B) District, General Industry (I) District, and Special Protection (SP) District**

- a. Up to 100 AU 5 acres
- b. 101-500 AU 10 acres

3. **Recreational Commercial (RC) District and Recreational Residential (RR) District**

- a. Up to 100 AU 5 acres
- b. 101-300 AU 10 acres

SUBDIVISION 13. MANURE MANAGEMENT

A. Manure generated within Le Sueur County or originating outside the County and transported into the County for use as domestic fertilizer shall conform with the standards contained herein and with the rules or statutes of the State of Minnesota or federal government that apply to animal feedlots and/or manure management.

1. Any person located outside the jurisdiction of Le Sueur County that transports manure to Le Sueur County with the intent of spreading the manure within Le Sueur County shall:
 - a. Notify the Department of the location by township, range, section and quarter section prior to transportation of manure into Le Sueur County.

- b. Within ninety (90) days of application, that person shall provide to the Department the required records based on the animal unit size of the animal feedlot.
- B. Manure application setbacks from sensitive features shall conform to the setbacks listed in this Section.
1. **Winter Setbacks.** (See following table.)
 2. **Non-Winter Setbacks.** (See following table.)
 - a. Surface application with NO incorporation within twenty-four (24) hours.
 - b. Injection or incorporation into the soil within twenty-four (24) hours and prior to rainfall AND phosphorus (P) management.
 - c. Injection or incorporation into the soil within twenty-four (24) hours and prior to rainfall with NO phosphorus management.
 - d. DNR protected lakes, public waters, and perennial rivers and streams: Setbacks may be reduced from three hundred (300) feet to one hundred (100) feet if a permanent, vegetative buffer is planted along the waters. This permanent vegetation does not receive manure applications.
 - e. Types 3 through 8 Wetlands, drainage ditches (bermed or non-bermed), and intermittent streams: Setbacks may be reduced from three hundred (300) feet to fifty (50) feet if a permanent vegetative buffer is planted along with waters. This permanent vegetation does not receive manure applications.

MINIMUM COUNTY REQUIREMENTS FOR MANURE APPLICATION IN SENSITIVE AREAS					
Sensitive Areas	Winter Setbacks	Non-Winter Setbacks			Other Requirements
		a. Surface Application	b. Incorp + P Mgmt	c. Incorp. NO P Mgmt	
Perennial/Intermittent Stream	300'	*300'	50'	*300'	
Lakes and Wetlands	300'	*300'	50'	*300'	
Drainage Ditches	300'	*300'	50'	*300'	
Open Tile Intakes	300'	300'	25'	25'	
Steeply Sloping Land	-	-	-	-	Permit may be needed
Road Ditches	-	-	-	-	No application into ditch
Frequently Flooded Soils	-	-	-	-	Consider in mgmt. plan
High Phosphorus	-	-	-	-	Permit may be

Soils					needed
High Water Table Soils	-	-	-	-	Consider in mgmt. plan
Wells/Wellhead Protection	50'	50'	50'	50'	Permit may be needed
Sinkholes (without berms or diversions)	50' down & 300' up	50' down & 300' up	50'	50'	
Coarse-Textured Soils	-	-	-	-	Consider in mgmt plan
Shallow Soils Over Bedrock	-	-	-	-	Consider in mgmt plan
Mines and Quarries	50'	50'	50'	50'	

A = Surface application with NO incorporation within 24 hours

B = Injection or incorporation within 24 hours AND phosphorus management***

C = Injection or incorporation within 24 hours with NO phosphorus management***

- = No specific requirements

*Setbacks can be reduced from 300' to either 100' (lakes and perennial streams) or 50' (wetlands, drainage ditches, and intermittent streams) if permanent vegetative buffers that are at least 100 and 50 feet wide are planted along the waters.

*** Phosphorus management means that the application rate and frequency over six-year periods will not result in soil P build-up where soil P already exceeds 21 ppm Bray P1 or 16 ppm Olsen.

C. All manure stockpiled, composted, or land-applied shall conform to Minnesota Administrative Rules, Chapter 7020 and this Ordinance.

D. A manure stockpile permit is required for solid manure that is to be stored in Le Sueur County. Permitting must meet the requirements of Minnesota Administrative Rules, Chapter 7020 and this Ordinance.

1. The individual landowner or designated representative shall make application on forms provided by and to the Department ten (10) calendar days prior to stockpiling. The application shall include the following items:

a. Location of the stockpile. This shall include township, range, section, quarter section, parcel number, name of landowner, and field acreage.

b. An aerial map or sketch of the stockpile location. The map or sketch shall have labeled the location of the stockpile and any distinguishing physical features such as field road entrances, structures, tree lines, or road crossings.

c. Any deviations from the above listed requirements shall be provided to the Department within twenty-four (24) hours of the subsequent change.

2. The Department shall review the proposed stockpile location to determine if all state and county requirements have been met. The individual landowner or designated representative shall be notified (by telephone, electronic mail, and/or letter) as to the county's approval of the stockpiling location.
3. The stockpiled manure shall be land-applied within twelve (12) months of establishment.
4. The manure shall be land-applied and records kept according to Minnesota Administrative Rules, Chapter 7020 and county land application setbacks to sensitive features.
5. The manure applicator and/or landowner shall notify the Department (by telephone) twenty-four (24) hours prior to land application.
6. Within ninety (90) calendar days after land application and/or incorporation, the landowner or designated representative shall provide the following information to the Department:
 - a. The application and incorporation dates.
 - b. Amount of manure applied (total and amount per acre).
 - c. Name of commercial applicator, if applicable.

SUBDIVISION 14. SEVERABILITY

If any provision of Minnesota Administrative Rules, parts 7020.1500 to 7020.1800 or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of parts 7020.1500 to 7020.1800 or application of any other part which can be given effect without application of the invalid provision. To the end the provisions of all parts and subparts herein and the various applications thereof are declared to be severable.

SUBDIVISION 15. VARIANCE

Any person may apply for a variance from any requirements of Minnesota Administrative Rules, Chapter 7020. Such variance shall be applied for and acted upon by the Agency in accordance with Minnesota Statutes, Section 116.07, Subdivision 5 and other applicable statutes and rules.

SUBDIVISION 16. NON-CONFORMITY

- A. Any animal feedlot use or occupancy as of June 10, 2010 that does not conform to the provisions of the Ordinance, is a non-conformity.
- B. CONTINUED, RESTORED, OR ABANDONED

1. A non-conforming animal feedlot facility shall not be enlarged, but may be continued or restored in accordance with this Section.
2. Any non-conforming animal feedlot facility which is abandoned or which is discontinued for a period of one (1) year shall not be resumed, and any future use or occupancy of the land shall conform to this section.

C. ALTERATION OR MOVING

1. A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use.
2. A non-conforming structure moved to a different location on a single parcel of land shall be brought into conformance with this section.

D. DAMAGE AND DESTRUCTION

When a non-conforming animal feedlot facility is destroyed by fire or other peril to the extent of fifty (50) percent of its market value, as determined by the County Assessor, any subsequent use or occupancy of the land or premises shall conform to this section.

E. RESTORATION AND REPAIR

1. A non-conforming animal feedlot facility may be restored or repaired as follows:
 - a. To comply with all county, state and federal guidelines.
 - b. If damage to less than fifty (50) percent of its market value, as determined by the County Assessor.
 - c. To effect repairs and necessary maintenance, which are non-structured and incidental to the use or occupancy, provided such repairs do not constitute more than fifty (50) percent of its market value, as determined by the County Assessor.

SUBDIVISION 17. FEES

Animal feedlot registration, permit, and other fees, as may be established by resolution of the Board of County Commissioners, shall be collected by the Department for deposit with the County and credited to a fund as directed by the Board of County Commissioners. All fees are payable when a registration or application is filed.