



Le Sueur County, MN

Tuesday, December 22, 2015

Board Meeting

Item 4

**9:20 a.m. 2016-2017 Feedlot Work Plan & Le Sueur County & City of
Le Center Recycling Agreement (15 minutes)**

Staff Contact: Amy Beatty, Environmental Programs Specialist

Le Sueur County Environmental Services

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DATE: Thursday, December 17, 2015
TO: Le Sueur County Board of Commissioners
FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist
RE: Le Sueur County 2016-2017 Feedlot Work Plan

Feedlot Work Plan

As part of Le Sueur County's Delegation Agreement with the Minnesota Pollution Control Agency (MPCA) to administer the feedlot program, the county is required to submit a work plan. The work plan lists the minimum program requirements that the county shall do to administer and implement the feedlot program. The county is required

- To keep an inventory of registered or permitted feedlots;
- To inspect feedlots to determine compliance;
- To permit feedlots for construction or forward applications to the MPCA if a state permit is required;
- To review complaints; and
- To assist feedlot owners with items such as land application recordkeeping, manure management planning, and permit applications for state and/or county issued permits.

Le Sueur County's 2016-2017 Feedlot Work Plan has been reviewed by MPCA feedlot staff and satisfactorily addresses delegation agreement requirements. In order for the work plan to be executed,

- A review of the county's work plan by the County Board of Commissioners and signed by the Chair upon approval by the Board.

MPCA County Feedlot Program Delegation Agreement Work Plan

Work Plan Years:	2016 – 2017
County:	Le Sueur County
County Feedlot Officer(s):	Amy Beatty
Primary Contact Person:	Amy Beatty
Telephone Number(s):	507-357-8203
E-mail Address(es):	abeatty@co.le-sueur.mn.us
Amendment #:	

The revised rules adopted on October 23, 2000 and updated in January 2015, require a Delegated County (County) to prepare a Delegation Agreement that describes the County's plans/strategies and goals for administration and implementation of the Feedlot Program. The attached Work Plan satisfies the Minnesota Rules Chapter 7020 requirement that the Delegation Agreement must be reviewed and approved by the Delegated County and the Minnesota Pollution Control Agency (MPCA) annually.

Minnesota legislative appropriation language (Minnesota Statutes 116.0711) contains provisions for reducing grants to Delegated Counties if they do not meet minimum program requirements (MPRs) as set forth in this document. Counties that fail to meet the 7% inspection rate MPR and/or 90% of non-inspection MPRs are subject to having base grant reductions and/or loss of eligibility for a performance award.

For any feedlot in which a County employee or a member of the County employee's immediate family has an ownership interest, the County employee will not:

- (a) Be involved in making preliminary or final decisions to issue a permit, authorization, zoning approval, or any other governmental approval for the feedlot;
- (b) Conduct or review inspections for the feedlot.

This County Feedlot Program Delegation Agreement and Work Plan have been prepared by the County for the period of January 1, 2016 – December 31, 2017. The County agrees with the terms and conditions established in this Agreement and will use feedlot grant funds in conjunction with the required local match dollars and in-kind contributions to carry out the goals, plans and minimum program requirements described herein. The County understands that this Work Plan will be reviewed by the MPCA after completion of the first year of the Agreement and, if necessary, will be revised.

Signature of Chair of Board of County Commissioners	Date

A. Strategies

The strategies component fulfills County rule requirements (7020.1600, Subp. 3a.) that state the County must develop annual plans and goals in accordance with registration, inspection, compliance and owner assistance responsibilities.

Registration Strategy

1. Please indicate the method(s) the County will use to provide a feedlot owner with a registration receipt. For additional methods and requirements see the Annual Report Guidance document.
 - a. A 30-day Registration Receipt Letter
 - b. A 30-day Inspection Letter that contains confirmation of re-registration
 - c. A permit cover letter or Certificate of Registration that contains confirmation of re-registration.
 - d. Verbal notification of re-registration as documented by a log.

Le Sueur County will use the 30-day registration receipt letter.

2. Please indicate the type of registration form used by the County.
 - a. MPCA standard registration form
 - b. County designed form (A copy of the form must be attached to the completed work plan.)

Le Sueur County uses the MPCA standard registration form plus a supplemental form listing the facility's buildings, open lots, and manure storage structures, and the amount of acres available for manure application.

3. Please describe how the County will address facilities that upon re-registration show an increase in animal units, a change or addition to animal types or newly constructed animal holding or manure storage areas.

Le Sueur County will evaluate for compliance regarding permitting and notification requirements, including feedlot owner contact and, if warranted, a feedlot inspection, and will also evaluate if the increase requires a county conditional use permit (CUP). Plan to contact (letter or call) the feedlot owner and discuss the increase.

4. Please describe the strategy and timeline that the County intends to follow to address facilities that have not met the re-registration deadline by January 1, 2014 and/or any continuous registration strategy over the next two years.

During the next two years, the county will continue to send re-registration forms by mail; call the feedlot owner; and/or stop at the feedlot site to speak with the feedlot owner. If these strategies do not result in re-registration, the county will mail a letter to the feedlot owner that is cc'd to county attorney and county commissioner.

Inspection Strategy For assistance with completing this part of the work plan please see Appendix A. A County must set inspection plans and goals for the purpose of identifying pollution hazards and determining compliance with discharge standards, rules and permit conditions.

Using the table below, please complete an inspection strategy in accordance with the following factors. The County's inspection strategy must include required goals, as applicable to the County, for conducting inspections at these sites:

- a. Sites proposing construction or expansion
- b. Sites with an Interim or Construction Short Form (CSF) permit. A CSF permit applies to sites with ≥ 300 AU.
- c. Sites with signed open lot agreements (OLAs) that have never been inspected
- d. Sites required to be registered that have never been inspected

Required Inspection Strategies

Strategy Goal	Inspection Goal 2016*	Inspection Goal 2017*
Sites proposing construction or expansion	Use as needed	Use as needed
Sites with an Interim or CSF permit	Use as needed	Use as needed
Sites with OLAs that have never been inspected	N/A	N/A
Sites required to be registered that have never been inspected	12	12
Total	12	12

**If applicable, enter a number or range for the number of sites the County predicts will be completed for each required strategy goal. If not applicable, simply enter N/A. There will not be a penalty if the County does not meet strategy goal numbers as long as there is a valid reason and the County communicates with the MPCA regional staff in a timely manner.*

The County's inspection strategy can also include goals, as applicable, for conducting inspections at high risk/high priority sites and/or low risk/low priority sites. Examples of these are listed below.

HIGH RISK/HIGH PRIORITY SITES

- a) Sites within shoreland and/or a Drinking Water Supply Management Area (DWSMA), Watershed Restoration and Protection Strategy (WRAPS) and/or a TMDL.
- b) Sites that, according to previous inspections, have not been maintaining adequate land application records and/or manure management plans.
- c) Sites that have an OLA and/or an open lot without runoff controls.
- d) Conduct Level 2 or 3 land application inspections within a formally designated area such as a TMDL.
- e) Alternative strategy.

LOW RISK/LOW PRIORITY SITES

- a) Sites within a specified size category such as 300 – 499 AU or 500 – 999 AU.
- b) Sites within a watershed, township or other formally designated area.
- c) Conduct Level 2 or 3 land application inspections within a watershed, township or other formally designated area.
- d) Level 2 or 3 land application inspections as part of a compliance inspection or a Level 3 land application inspection conducted at non-NPDES sites >300 AU.
- e) Conduct inspections at all sites in the county on a five year or less rotating basis.
- f) Alternative strategy.

Inspection Strategies

Strategy Goal	Inspection Goal 2016*	Inspection Goal 2017*
Conduct facility compliance inspections at sites required to be registered that have never been inspected (all feedlots are in the MN River or Cannon River watersheds – WRAPS started for Cannon River).	12 counted in previous table	12 counted in previous table
Conduct a Level II land application inspection at all facility compliance inspections that are 300+ AU.	3	3
Conduct Level I land application inspection at all facility compliance inspections that are 100 to 299 AU.	4	4
Conduct Level III land application inspections at a variety of locations, types (solid and manure), and species (poultry, beef, dairy, and swine); will randomly inspect owners that call in for air quality exemptions and will random drive the county-side in spring and fall to view land application.	8	8
Conduct facility compliance inspections at sites with OLA to view compliance.	2	2
If schedule allows, conduct inspections at sites that were previously inspected that were not keeping land application records.	As time will allow	As time will allow
Total	17	17

*Enter the number of inspections the County predicts will be completed for each category.

Note: Numbers entered for Level 3 land application strategy goals must be quantified by feedlot sites and not individual farm fields.

Inspection Strategy Totals

	Inspection Goal 2016*	Inspection Goal 2017*
Total	29	29

*Enter the total inspections from both the Required Inspection Strategies and Inspection Strategies tables above.

Compliance Strategy

1. Please state the various method(s) and practice(s) that the County will use in response to **production site inspections** that result in non-compliance, including facilities that have failed to meet OLA timelines:
 - a. Include corrective actions in the inspection results notification letter, where corrective actions can be completed in 30 days or less.
 - b. Issue a Letter of Warning (LOW) or a Notice of Violation (NOV) that will include corrective actions and deadlines.
 - c. Issue an Interim Permit that includes timelines for corrective actions.
 - d. Document in a letter to the owner that indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.
 - e. Other strategies, as described in the space below.

Le Sueur County will use the following methods or practices for non-compliance issues:

- Document in an inspection report/letter: If the non-compliance issue is noted during an inspection, I document the non-compliance both in the letter and on the inspection form. The schedule of compliance will either be stated in the inspection report/letter.
- Letter of Warning: A Letter of Warning is most often issued when the Department receives a complaint. The letter will state what the non-compliance issue is and request a production site inspection or date by which to fix the non-compliance issue.
- Notice of Violation: A Notice of Violation is issued when the non-compliance issue is major (for example – when manure enters waters-of-the-state) or the Letter of Warning’s corrective actions were not completed during the allotted time frame. The letter will state what the non-compliance issue is, request a production site inspection, and for the feedlot owner to apply for an interim permit.

An interim permit may be issued after a non-compliance issue is either documented from an inspection, a complaint, or a Notice of Violation. An interim permit will be issued when a non-compliance issue will require a long period of time to correct or fix (for example - a construction project or multiple corrective actions). The time frame for the schedule of compliance will be based on the amount of corrective actions to be completed and will be discussed with the feedlot owner if it will be a reasonable amount of time in which to complete them. If the project is eligible for cost-share, the feedlot owner will be directed to the NRCS, SWCD, and/or private contractor for technical assistance.

The county will refer to the County Feedlot Officer Toolbox for letter and notice templates and rule citations.

2. Please indicate in the space below the various method(s) and practice(s) that the County will use in response to **land application inspections** that result in non-compliance:
 - a. Address non-compliance at the same time the facility non-compliance is addressed. See above.
 - b. Include corrective actions in the inspection results notification letter, where corrective actions can be completed in 30 days or less.
 - c. Issue an LOW or NOV that will include corrective actions and deadlines.
 - d. Document in a letter to the owner that indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.
 - e. Other strategies, as described in the space below.

For land application inspections that result in non-compliance, the county will address the non-compliance at the same time the facility non-compliance is addressed – please see above listed. If the non-compliance is noted during a Level III, the owner will be told verbally on-site, if present, and will be documented in the inspection form mailed to the feedlot owner.

3. Please state the timelines (scheduled compliance goals) that the County intends to meet when using the methods and practices identified under Item 1 and Item 2:
- a. Notification of inspection results informing the producer of non-compliance including the listing of any corrective action that can be completed within 30 days. Follow-up contact/communication to evaluate producer progress.
 - b. Decision to escalate compliance action where progress on corrective actions is not forthcoming.

The timeline in which to complete the non-compliance issue and method to communicate to the feedlot owner will be

- Initial communication of non-compliance issues will be verbal and take place during an on-site or inspection.
- The non-compliance issue will be formally addressed in a letter and on the MPCA inspection form within thirty (30) business days of the inspection or on-site.
 - For example, if the non-compliance was no manure and soil phosphorus testing at a >300 AU feedlot, I would verbally state to the feedlot owner to submit a manure sample for testing during the spring or fall manure application and have the soil phosphorus levels tested in the spring or fall. Proof of compliance would be submitting a copy of the analysis to be placed in the county's feedlot owner's file.
 - If the non-compliance issue is not following the Board of Animal Health's requirements, a Letter of Warning is sent to the feedlot owner stating the proper disposal requirements. To determine compliance, a follow-up inspection of the site and a letter stating the animal mortality was or was not properly removed would be sent.
- If an Interim Permit was issued, scheduled inspections to view the progress on the fix would be made with the feedlot owner. The compliance status would be communicated verbally on-site and followed-up with a letter and/or MPCA inspection form.

If feedlot owner does not contact the Department by the date stated in the letter (usually thirty (30) days of the date on the LOW, NOV, and/or inspection letter), a second letter, within ten (10) business days, will be mailed to the feedlot owner stating that no action has taken place or no contact with the Department; to contact the Department immediately; and the letter will be cc'd to the county attorney for possible enforcement action.

With all non-compliance issues, I am willing to work with the feedlot owner (such as the feedlot owner having a voice on how to fix the non-compliance and the schedule of compliance timeline).

If compliance has not been achieved within the set timeline and the feedlot owner has not communicated with the county regarding the issue, the county would request assistance from state agencies and/or assistance from other county staff regarding enforcement proceedings.

Owner Assistance Strategy

1. Please state the number and type of activities you plan to conduct. (Examples: group education events; newsletters; newspaper articles; producer surveys; distribution of manure sample containers; help with MMP writing.)

Newsletter (at least 1), aid in MMP writing (in previous years, 2), permit applications (in previous years 1-2), assistance in NPDES/SDS annual reporting (2). The majority of assistance is speaking with potential land owners and realtors regarding the county's zoning ordinance requirements for livestock.

2. Please state the number of producers you expect will attend training and education activities if any are proposed.

If a producer training and/or education event is offered, I do send a mailing out to owners that would benefit.

3. Will you be keeping track of the number of producer contacts? If so, how will it be tracked?

I will try to keep track on an Excel spreadsheet the date, contact name, type of assistance, and the amount of time.

B. Delegated County Minimum Program Requirements (MPRs)

MN Stat. 116.0711 Subd. 2. (c) states that 25% of the total appropriation must be awarded according to the terms and conditions of the following MPRs.

1. Inspection MPR

A delegated County must inspect 7% or more of their State required registered feedlots annually, as determined by the table below, to be eligible for the Inspection MPR award. A feedlot inspection and/or a Level 2 or 3 land application inspection may only count once towards the 7% inspection rate. A second inspection done at the same site in the same year would be counted towards performance credits. At least half of the 7% inspections should be compliance (on site) inspections. The remaining half can be a combination of construction/interim permit, Level 2 and Level 3 inspections.

Inspection MPRs	July 1 – Dec. 31, 2016	Jan. 1 – Dec 31 2017
1. Agency-approved number required to be registered by the State. (Please enter the number that is shown for your County on the 2016 County Program Base Grant Award Schedule in Appendix B.)	172	172 MLO
2. County – Agency agreed upon inspection rate. (This is 7% for 2016 and 2017 unless otherwise negotiated.)	12	12 12-8-15
3. County – Agency agreed upon inspection number for the identified time period.	12	12

2. Other MPRs

Registration MPRs	YES	NO
<p>1. The County will register and maintain registration data in the Delta/Tempo database in accordance with MN R. Ch. 7020.0350 Subp. 1 and 7020.1600, Subp. 2. C.</p> <p><i>A County program review should indicate that the County uses the MPCA standard feedlot registration form or has been approved to use a County-designed registration form and updates Tempo with the registration information acquired from registration forms and/or permit applications. Tempo fields that must be updated continuously include shoreland status, DWISMA and OLA as agreed to by FMT-MACFO in 2013.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2. The County issues a registration receipt to the feedlot owner within 30 days of receipt of the registration form. (7020.0350, Subp. 5.)</p> <p><i>A file review should indicate that the County has fulfilled the registration receipt requirement as stated in their registration work plan strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Inspection MPRs	YES	NO
<p>3. The County maintains a record of all compliance inspections, including land application review results, conducted at feedlots required to be registered. At a minimum, counties must maintain on file (electronic or paper) a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 2. H.)</p> <p><i>A file review should indicate that the County uses and maintains on file inspection documentation in accordance with the above requirement.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>4. The County completes entry of data from all feedlot compliance inspections, including land application review results, at feedlots required to be registered, into Delta and in accordance with Delta inspection fields by February 1 of the year following the end of the program year. (7020.1600, Subp. 2. H.)</p> <p><i>A Delta/Tempo database query should indicate the entry of inspection data into Tempo occurs within required parameters.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>5. The work plan contains an inspection strategy that has been approved by the agency. (7020.1600, Subp. 3a.B.(1-2))</p> <p><i>The Annual Inspection Strategy Progress report (located in the Supplemental Information Page section of the Annual County Feedlot Officer and Performance Credit Report) should indicate that the County initiated inspection plans and goals as stated in their inspection strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Compliance MPRs	YES	NO
<p>6. The County will notify the producer, in writing, of the results for any compliance inspection conducted. The notification must include a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 3a.B. (5a.))</p> <p><i>A file review should indicate that the County has notified the producers of compliance inspection results. Notification must be in writing either by letter or by a document and signed by the producer that he/she has viewed and agree with the completed inspection report and waives any further notification of results by mail.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>7. The County will bring feedlot operations into compliance through the implementation of scheduled compliance goals as stated in their compliance strategy (7020.1600, Subp. 3a.B.(5)).</p> <p><i>A file review should indicate that in matters of non-compliance the County followed their compliance strategies.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>8. The County maintains documentation and correspondence for any return to compliance from a documented non-compliance status. (7020.1600, Subp. 2.H.)</p> <p><i>When a County records a corrective action in Delta/Tempo the file should contain documentation by either the County or another party verifying that the corrective action was implemented and/or installed. (A separate inspection should be entered in Tempo to show return to compliance.)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Permitting MPRs</p>	<p>YES</p>	<p>NO</p>
<p>9. The County will issue permits within the 60/120 day time period according to Minn. Stat. 15.99. (7020.0505, Subp. 5.B.)</p> <p><i>A file review should indicate that the County date stamps all application components and if applicable uses letters to notify producers of incomplete applications. An application component received by the county electronically (via e-mail) does not need a date stamp provided the dated e-mail is saved with the document.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>10. The County will make sure all permit applications are complete. (7020.1600, Subp. 2.C.)</p> <p><i>A file review should indicate that the County uses an agency approved application checklist and that applications are complete.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>11. The County will ensure producer compliance with required notifications. (7020.2000, Subp. 4 and Subp. 5)</p> <p><i>Public notifications for new or existing feedlots with a capacity of ≥ 500 AU proposing to construct or expand must include the following information:</i></p> <ul style="list-style-type: none"> <i>a. Owner's names or legal name of the facility;</i> <i>b. Location of facility - county, township, section, and quarter section;</i> <i>c. Species of livestock and total animal units;</i> <i>d. Types of confinement buildings, lots, and areas at the animal feedlot; and</i> <i>e. Types of manure storage areas</i> <p><i>Public notification is completed by equal or greater notification of one of the following:</i></p> <ul style="list-style-type: none"> <i>a. Newspaper (affidavit in file)</i> <i>b. Delivery by mail or in person; or</i> <i>c. As part of a county/township permitting process (CUP).</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>12. Appropriate permit issuance after completion of required notifications. (7020.2000, Subp. 5)</p> <p><i>A file review should indicate that permits have been issued after the appropriate number (20) of business days following public notifications.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>13. The County will ensure that MMP (manure management plan) conditions have been met according to 7020.2225, Subp. 4.D. prior to permit issuance (7001.0140).</p> <p><i>A file review should indicate that a MMP and a MMP checklist completed by the County is on file for any Interim permit issued (for a site ≥ 100 AU); that a manure management checklist completed by the CFO is on file for any CSF permit issued for a feedlot with ≥ 300 AU where manure is non-transferred; and that a completed copy of the document "MMP When Ownership of Manure is Transferred" is on file for a feedlot with ≥ 300 AU where manure is transferred.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>14. The County will ensure that a producer who submits a permit application that includes a liquid manure storage area (LMSA) meets the requirements in 7020.2100.</p> <p><i>A file review should indicate that the County uses an agency approved LMSA checklist and that plans and specifications are complete.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>15. The County will ensure that any pollution problem existing at a producer's site will be resolved before the permit is issued or is addressed by the permit. (7020.0500, Subp. 5.B. and 7001.0140)</p> <p><i>A file review should indicate that the County issues Interim permits in appropriate situations and conducts an inspection prior to permit issuance.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Complaint Response MPR	YES	NO
<p>16. The County maintains a record of all complaint correspondence. (7020.1600, Subp. 2.H. and Subp. 2.J.(6))</p> <p><i>The County maintains a complaint log and promptly reports to the MPCA any complaints that represent a possible health threat, a significant environmental impact or indicate a flagrant violation.</i></p> <p><i>The complaint log record includes the following information:</i></p> <ul style="list-style-type: none"> <i>a. Type of complaint</i> <i>b. Location of complaint</i> <i>c. Date and time complaint was made</i> <i>d. Facts and circumstances related to the complaint</i> <i>e. A statement describing the resolution of the complaint</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Owner Assistance MPR	YES	NO
<p>17. The work plan contains owner assistance goals that have been approved by the agency. (7020.1600, Subp. 2.J.(5) and Subp. 3a.B.(7))</p> <p><i>The annual delegation review should indicate that the County initiated their plans in accordance with their owner assistance strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staffing Level and Training MPR	YES	NO
<p>18. The CFO (and other feedlot staff) attends training necessary to perform the duties of the feedlot program and is consistent with the agency training recommendations. (7020.1600, Subp. 2.K.)</p> <p><i>The County should complete a minimum of 18 continuing education units (CEUs). Each unit consists of one hour of training related to MN Rules Ch. 7020 competency areas: regulating new construction; conducting inspections and evaluating compliance; handling complaints and reported spills; responding to air quality complaints, resolving identified pollution problems, communicating with farmers and the agricultural community. (See Annual CFO Report Form Guidance document for more information about Training Performance credits.) All training sessions attended by the County must be submitted using the Supplementary Report Form.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Air Quality MPR	YES	NO
<p>19. The County maintains a record of all notifications received from feedlot owners claiming air quality exemptions including the days exempted and the cumulative days used. (7020.1600, Subp. 2.1.)</p> <p><i>The County should maintain a pumping notification log. The record includes the following information:</i></p> <ul style="list-style-type: none"> a. Names of the owners/legal facility name b. Location of the facility (county, township, section, quarter) c. Facility permit number d. Start date and number of days to removal 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Web Reporting Requirement	YES	NO
<p>20. The County maintains an active website listing detailed information on the expenditure of County program grant funds and measureable outcomes as a result of the expenditure of funds. (H.F. No. 2123, 86th Legislative Session, Article 1; Section 3, Subdivision 1)</p> <p><i>As of July 1 of the current program year the Annual CFO Report and an MPCA financial report (yet to be determined) for the previous program year should be on the County's website.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2016 County Feedlot Program Delegation Agreement and Work Plan Review

A. **County Need Requests** Please state any specific resources that you are requesting the MPCA provide to help administer the County feedlot program in your County.

B. **Agency Response to County Need Request**

C. **Documentation of Work Plan Revisions and/or Alternate Methods for Meeting MPRs** Any work plan revisions including alternate methods for meeting MPRs that have been agreed to by both MPCA and the County must be documented in this space.

D. **Work Plan Approval**

The 2016 delegation agreement and work plan has been reviewed and satisfactorily addresses delegation agreement requirements. Yes No

The comments as recorded in the above parts together with the signatures of represented parties constitute that review of the delegation agreement has been conducted and that agreement of County duties and goals by the MPCA and the County for the January 1 – December 31, 2016 period has been achieved.	Amy Beatty (County Feedlot Officer)	
	Amy Beatty (Signature of County Feedlot Officer)	12/17/2015 (Date)
	Desiree Holenstein (MPCA Regional Staff)	
	[Signature] (Signature of MPCA Regional Staff)	12/1/15 (Date)
	Michelle Cie (MPCA County Development Lead)	
	[Signature] (Signature of MPCA County Development Lead)	12-8-15 (Date)

Amendment: _____

2017 County Feedlot Program Delegation Agreement and Work Plan Review

D. County Need Requests Please state any specific resources that you are requesting the MPCA provide to help administer the County feedlot program in your County.

E. Agency Response to County Need Request

F. Documentation of Work Plan Revisions and/or Alternate Methods for Meeting MPRs Any work plan revisions including alternate methods for meeting MPRs that have been agreed to by both MPCA and the County must be documented in this space.

E. Work Plan Approval

The 2017 delegation agreement and work plan has Yes No
 been reviewed and satisfactorily addresses delegation
 agreement requirements.

The comments as recorded in the above parts together with the signatures of represented parties constitute that review of the delegation agreement has been conducted and that agreement of County duties and goals by the MPCA and the County for the January 1 – December 31, 2017 period has been achieved.	
	(County Feedlot Officer)
	(Signature of County Feedlot Officer) (Date)
	(MPCA Regional Staff)
	(Signature of MPCA Regional Staff) (Date)
	(MPCA County Development Lead)
	(Signature of MPCA County Development Lead) (Date)

Amendment: _____

2016 – 2017 Work Plan Inspection Strategy Guidance

The Inspection Strategy section of the work plan has been changed for 2016-2017. We have provided this guidance to ensure that Counties understand the work plan inspection strategy and can prepare inspection goals in line with applicable requirements.

There will be no penalty if the County does not meet their strategies as long as they have valid reasons for not meeting it. The MPCA understands this is only a plan and that things happen. But the expectation is that the CFO communicates with their regional staff in a timely manner if they feel they will not be able to meet their goals during the year.

Changes to the work plan inspection strategy for 2016 – 2017:

1. The production site and land application site inspection strategies have been combined.
 - Production site inspection. A production site inspection is a full compliance inspection where all applicable parts of the non-NPDES inspection checklist must be completed including a Level 1 land application review.
 - Land application inspection. Three types of land application inspections can be conducted - Level 1, Level 2 and Level 3. Remember that all full compliance inspections includes a Level 1 land application inspection as applicable to the site. The non-NPDES inspection checklist must be used to document land application inspection results and the results must be entered into Tempo. None of the three types of land application inspections on their own meet the definition of a compliance inspection. However, Level 2 and Level 3 land application inspections will count towards the 7% inspection rate (Level 2 as 1.0 inspection and Level 3 as ½ of an inspection). Credit for a Level 2 land application inspection will be given only if there are records available and if those records are sufficient to meet the Level I inspection requirement.
2. The production site inspection component has four mandatory inspection strategy requirements:
 - Sites proposing construction or expansion.
 - Sites receiving an Interim or Construction Short Form (CSF) permit. A CSF permit applies to sites with ≥300 AU.
 - Sites with signed open lot agreements (OLAs) that have never been inspected.
 - Sites required to be registered that have never been inspected.
3. Compliance and construction inspections conducted at sites required to be State registered count toward the 7% inspection rate. A Level 2 land application inspection does count toward the 7% inspection rate as 1.0 inspection. A Level 3 land application inspection does count towards the 7% inspection rate as 0.5 inspections.
4. The County must write an annual inspection strategy progress report. The inspection strategy progress report is included in the Supplemental Information Page of the Annual County Feedlot Officer and Performance Credit Report. The County needs to be realistic in their inspection strategy because they will be required to answer if they fail to meet their goals. See MPR No. 5.

As part of developing a realistic inspection strategy the County needs to consider all of their strategies (production site and land application) and the time commitment required. The County should not design their inspection goals to simply meet the 7% minimum inspection rate. Rather the county is urged to set inspection goals according to their inspections needs such as feedlots that have never been inspected or feedlots with OLAs that have not been inspected.

Recommended approach for developing inspection goals

Step 1. The first step is to calculate the number of feedlots that the County intends to inspect annually. The County needs to set a goal of inspecting at least 7% of the total number of feedlots required to be registered in the County. Given this formula, a County with 300 feedlots would need to conduct 21 compliance inspections or a combination of 21 compliance, construction, Level 2 or Level 3 inspections annually. Two Level 3 land application inspections are needed to be counted as 1.0 compliance or construction inspection.

Step 2. The second step is to calculate the number of sites in the county that are subject to the four required inspection strategy categories (see Item 2 above). For example a County may estimate that, based on past experience, they will need to inspect about 15 sites as a result of permit issuance requirements; and, they estimate that they have 10 sites with signed OLAs that have never been inspected; and, they estimate that they have 50 sites required to be registered that have never been visited. In this case the total number of sites needing to be inspected is 75.

Step 3. The third step is to decide how many inspections the County can conduct in each of the required categories over the next two years. The County must plan to inspect all sites each year where permits are being issued. However, counties may be able to complete only a fraction of the inspections over the next two years at feedlots that have never been inspected or with signed OLAs that have never been inspected. The reason is that some counties still have hundreds of sites that have never been inspected or sites with signed OLAs that have never been inspected. In the example used, the County has determined that they will do a total of 21 inspections annually (see Step 1) and that 15 of them will be due to permit issuances (Step 2). This leaves six inspections available for sites that are required to be registered but have never been inspected and sites with signed OLAs that have never been visited.

Step 4. This step only applies to Counties where the number of planned inspections, as defined by the four required inspection strategy categories, is less than 7% of the total number of feedlots in the County. In that event, the County must choose additional inspection strategies (listed in the work plan or proposed by the County as high risk/priority or low risk/priority) whereby the County will be assured of meeting the 7% minimum inspection requirement.

FY 2016 County Program Base Grant Award Schedule

July 1, 2015 - June 30, 2016

\$1,959,000 Appropriation

1. The funding rate for 2016 is \$68.72/feedlot for Part B and \$30.17 for Part C.
2. Data from the January 1, 2014 Registration Update is used for the Feedlots Eligible-for-Funding column.
3. Eight counties receive the minimum funding of \$7,500 as provided by statute.

Delegated County	Feedlots Eligible for Funding	Part B. Base Grant Award	County Match Requirement	Part C. MPR Award	Total Award
Big Stone	40	\$7,500	\$5,250		\$7,500
Blue Earth	363	\$24,945	\$24,945	\$10,952	\$35,897
Brown	386	\$26,526	\$26,526	\$11,646	\$38,172
Carver	238	\$16,355	\$16,355	\$7,180	\$23,536
Clay	105	\$7,216	\$7,216	\$3,168	\$10,383
Cottonwood	257	\$17,661	\$17,661	\$7,754	\$25,415
Dakota	161	\$11,064	\$11,064	\$4,857	\$15,921
Dodge	237	\$16,287	\$16,287	\$7,150	\$23,437
Douglas	420	\$28,862	\$28,862	\$12,671	\$41,534
Faribault	362	\$24,877	\$24,877	\$10,922	\$35,798
Fillmore	737	\$50,647	\$50,647	\$22,235	\$72,882
Freeborn	285	\$19,585	\$19,585	\$8,598	\$28,184
Goodhue	685	\$47,073	\$47,073	\$20,666	\$67,740
Houston	414	\$28,450	\$28,450	\$12,490	\$40,940
Jackson	330	\$22,678	\$22,678	\$9,956	\$32,634
Kandiyohi	445	\$30,580	\$30,580	\$13,426	\$44,006
Kittson	18	\$7,500	\$5,250		\$7,500
Lac Qui Parle	194	\$13,332	\$13,332	\$5,853	\$19,185
Lake of the Woods	25	\$7,500	\$5,250		\$7,500
Le Sueur	172	\$11,820	\$11,820	\$5,189	\$17,009
Lincoln	414	\$28,450	\$28,450	\$12,490	\$40,940
Lyon	282	\$19,379	\$19,379	\$8,508	\$27,887
McLeod	329	\$22,609	\$22,609	\$9,926	\$32,535
Marshall	41	\$7,500	\$5,250		\$7,500
Martin	474	\$32,573	\$32,573	\$14,301	\$46,874
Meeker	253	\$17,386	\$17,386	\$7,633	\$25,019
Morrison	618	\$42,469	\$42,469	\$18,645	\$61,114
Mower	381	\$26,182	\$26,182	\$11,495	\$37,677
Murray	425	\$29,206	\$29,206	\$12,822	\$42,028
Nicollet	316	\$21,716	\$21,716	\$9,534	\$31,249
Nobles	432	\$29,687	\$29,687	\$13,033	\$42,720
Norman	45	\$7,500	\$5,250		\$7,500
Otter Tail	0	\$0	\$0	\$0	\$0
Pennington	38	\$7,500	\$5,250		\$7,500

Pipestone	451	\$30,993	\$30,993	\$13,607	\$44,599
Poik	77	\$5,291	\$5,291	\$2,323	\$7,615
Pope	294	\$20,204	\$20,204	\$8,870	\$29,074
Red Lake	38	\$7,500	\$5,250		\$7,500
Renville	288	\$19,791	\$19,791	\$8,689	\$28,480
Rice	287	\$19,723	\$19,723	\$8,659	\$28,381
Rock	512	\$35,185	\$35,185	\$15,447	\$50,632
Sibley	289	\$19,860	\$19,860	\$8,719	\$28,579
	1,49				
Stearns	1	\$102,462	\$102,462	\$44,983	\$147,445
Steele	251	\$17,249	\$17,249	\$7,573	\$24,821
Stevens	130	\$8,934	\$8,934	\$3,922	\$12,856
Swift	157	\$10,789	\$10,789	\$4,737	\$15,526
Todd	682	\$46,867	\$46,867	\$20,576	\$67,443
Traverse	34	\$7,500	\$5,250		\$7,500
Wadena	99	\$6,803	\$6,803	\$2,987	\$9,790
Waseca	234	\$16,080	\$16,080	\$7,060	\$23,140
Watonwan	184	\$12,644	\$12,644	\$5,551	\$18,196
Winona	555	\$38,140	\$38,140	\$16,744	\$54,884
Wright	263	\$18,073	\$18,073	\$7,935	\$26,008
Yellow Medicine	271	\$18,623	\$18,623	\$8,176	\$26,799
TOTAL	16,509	\$1,175,326	\$1,157,326	\$489,659	\$1,664,985

Le Sueur County Environmental Services

Mailing Address:
88 South Park Avenue
Le Center, MN 56057
Direct Dial (507) 357-8538

Physical Address:
515 South Maple Avenue
Le Center, MN 56057
Fax (507) 357-8541

Date: Thursday, December 17, 2015
To: Le Sueur County Board of Commissioners
From: Amy Beatty, Le Sueur County Environmental Programs Specialist
RE: Le Sueur County and City of Le Center Recycling Agreement

Since 2001, the City of Le Center has operated a recycling facility open to all county residents. The county has funded the recycling facility with SCORE¹ funding.

Change to the 2016 agreement:

1. The term of the agreement – January 1, 2016 to December 31, 2016.

If you have further questions or comments regarding this agreement, please contact me at 507-357-8203.

¹ In 1989, the Minnesota Legislature adopted comprehensive waste reduction and recycling legislation based on the recommendations of the Governor's Select Committee on Recycling and the Environment. SCORE is part of Minnesota's Waste Management Act and provides counties with a funding source to develop waste reduction, recycling and solid waste management programs. Ambitious goals for recycling and waste reduction were set for Minnesota counties and have typically been met, if not exceeded.

RECYCLING SERVICES AGREEMENT
BETWEEN CITY OF LE CENTER AND LE SUEUR COUNTY

THIS AGREEMENT is between the City of Le Center and Le Sueur County, through their respective City Council and Board of Commissioners, (hereinafter singly referred to as "Party" or jointly referred to as "Parties").

WHEREAS, Le Sueur County desires to create a mechanism whereby residents of the county may use a county-wide recycling facility; and

WHEREAS, it is recognized that there is a benefit derived from increasing the availability for recycling by the City of Le Center operating a county-wide recycling facility; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City of Le Center and Le Sueur County hereby agree as follows:

1. PURPOSE

This Agreement is to provide recycling and waste reduction services to the residents of Le Sueur County. The City of Le Center has agreed to receive the recyclable materials brought to the recycling center located at the city garage, 112 S. Lexington Avenue, Le Center, by any resident of Le Sueur County.

2. TERM

This Agreement shall commence on January 1, 2016, and terminate on December 31, 2016, unless terminated earlier as provided herein.

3. FACILITIES AND EQUIPMENT

The City agrees to receive recyclable materials at its recycling drop site at 112 S. Lexington Avenue, Le Center. The City has entered into a contract with a waste management company to provide recycling service. In this contract, the company will provide containers and will remove the recyclable materials on a set schedule. These materials will be transported to recycling facility that meets the requirements under state statutes and rules, county ordinances and solid waste management plan, and city ordinances.

The City of Le Center shall provide, at its own expense, such machinery and equipment as may be necessary to receive these recyclable materials.

4. RECYCLABLE MATERIAL

The following recyclable materials will be received at this recycling drop site at no charge to residents of Le Sueur County:

- a. Corrugated Cardboard. These are corrugated cardboard materials used primarily for packaging. Materials to be accepted must be 100% true corrugated, not coated with wax, plastics, or food contaminants or contain no chipboard.
- b. Aluminum, Tin/Steel, and Bi-Metal Food and Beverage Cans. These are containers fabricated primarily of aluminum, bi-metal, and tin-plated steel and commonly used for beverages and canned food products. Cans shall be rinsed and be reasonably clean. The following types of metals shall not be accepted aerosol cans, sheet metal, or scrap metal.
- c. Plastics, Numbers 1 through 7. Plastic containers must have a neck or pourable content. Containers shall be rinsed with all caps and lids removed. The following items shall not be accepted margarine tubs, ice cream buckets, food trays, and 5 gallon plastic pails.
- d. Glass Food and Beverage Containers. Clear, green, blue, and amber glass. These shall include containers fabricated of glass and used for packaging and bottling of various foods and beverages. Containers shall be rinsed with the caps removed. The following types of glass shall not be accepted window glass, mirrors, light bulbs, ceramics, and glass jars or

bottles that contained hazardous materials.

- e. Mixed Paper. This included newspaper, magazines, catalogs, direct mail advertisements, brochures, booklets, office paper, hard and soft cover books, phone books, manila office folders, computer paper, envelopes, letters, and boxboard (cookie, cake, cereal, and chip boxes). The following items shall not be accepted beer/pop carrying cases, egg cartons, milk cartons, frozen food boxes, foil, plastic wrap, and carbon paper.

It is understood that recyclable materials will be accepted "commingled." Commingled recyclable materials shall be aluminum, bi-metal, steel/tin food and beverage containers, glass food and beverage containers, and numbers 1 through 7 plastic containers received together and handled as one commodity.

Recycled materials may be added to or deleted from the list by written request of the parties or as required by law.

5. FACILITY OPERATIONS

- a. Hours for operation of the recycling drop site are as follows: Each Saturday from 7:00 am to 12:00 pm. On the event a state or federal holiday falls on a Saturday, the recycling drop site is not required to be open to the public.
- b. The City of Le Center agrees to have at least one employee on site at all times during operational hours to assist county residents with recycling questions and sorting of recyclables.

6. PAYMENT

Le Sueur County shall pay the City of Le Center in the amount of \$1,950.00 per month for the term of the agreement. This payment will cover the costs for labor, recycling services, insurance, and miscellaneous costs.

7. PERMITS AND LICENSES

The City of Le Center shall be responsible for all applicable state and county permits and licenses required to operate the facility.

8. RECORDS

Each Party shall maintain financial and other records and accounts in accordance with requirements of the State of Minnesota. Each Party shall maintain strict accountability of all funds and maintain records of all receipts and disbursements.

9. AUDIT/ACCESS TO FACILITY

Each Party shall allow the other Party and the State of Minnesota pursuant to Minn. Stat. § 16C.05, subdivision 5, including the Legislative Auditor or the State Auditor, access to its records at reasonable hours, including all books, records, documents, and accounting procedures and practices relevant to the subject matter of this Agreement, for purposes of audit.

8. COMPLIANCE WITH REQUIREMENTS OF THE LAW

In performing the provisions of this Agreement, each Party agrees to comply with all applicable federal, state or local laws, ordinances, rules and regulations.

9. AFFIRMATIVE ACTION

No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subject to unlawful discrimination under any program, service or activity hereunder.

10. ENTIRE AGREEMENT

It is understood and agreed that this Agreement constitutes the entire agreement of the parties and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof.

11. AMENDMENTS

Except as otherwise provided in this Agreement, any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing and duly signed by each Party.

12. TERMINATION

Either Party may terminate this Agreement, with or without cause, by providing ninety (90) days' written notice to other Party. Termination shall not act to discharge any liability incurred by any Party before the effective date of termination, including payments or credits due. Such liability shall continue until appropriately discharged by law or agreement.

13. CONTACTS

The individuals designated as contact persons for this agreement for each party shall be:

Chris Collins
City of Le Center
10 West Tyrone Street
Le Center, MN 56057
Ph: 507-357-4450
Email: collinschrisl@yahoo.com

Amy Beatty
Le Sueur County Environmental Services
88 South Park Avenue
Le Center, MN 56057
Ph: 507-357-8203
Email: abeatty@co.le-sueur.mn.us

14. LIABILITY/INDEMNIFICATION AMONG THE PARTIES

- a. General Indemnification. The Parties agree that each Party will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other Party and the results thereof. Each Party therefore agrees that it will assume liability for itself, its agents, employees, or contractors for any injury to persons or property resulting in any manner from the conduct of its own operations, and operations of its agents, employees or contractors. Each Party shall defend, indemnify and hold harmless the other Party for all liability, obligations, claims, loss and expense, including reasonable attorneys and other professional fees, resulting from its acts or the acts of its agents, employees or contractors.
- b. Indemnification for Benefit of Parties. The indemnification provisions of this Section 14 are for the benefit of the Parties only and shall not establish, of themselves, any liability to third parties. Nothing in this Agreement is intended to waive or limit the provisions of Minn. Stat. Chap. 466, or any other law, legislative or judicial, which limits governmental liability.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands on the date written as follows:

CITY OF LE CENTER

COUNTY OF LE SUEUR

Mayor, City of Le Center

Chair, Le Sueur County Board of Commissioners

Date

Date

Approved as to form:

Approved as to form:

City of Le Center Attorney's Office

Le Sueur County Attorney's Office

Date

Date

City of Le Center Recycling Facility

Year	Co-Mingled (tons)	Paper/Cardboard (tons)	Cost Per Month	Yearly Cost
2001	53.785	126.57	\$ 1,000.00	\$ 7,000.00
2002	51.4	150.01	\$ 1,033.00	\$ 12,396.00
2003	58.47	153.89	\$ 1,056.00	\$ 12,672.00
2004	62.67	168.18	\$ 1,073.00	\$ 12,876.00
2005	58.95	162.3	\$ 1,110.56	\$ 13,326.72
2006	69.44	160.31	\$ 1,149.43	\$ 13,793.16
2007	75.82	163.48	\$ 1,500.00	\$ 18,000.00
2008	77.19	153.12	\$ 1,564.50	\$ 18,774.00
2009	80.88	137.08	\$ 1,581.71	\$ 18,980.52
2010	84.42	141.83	\$ 1,950.00	\$ 23,400.00
2011	78.92	132.93	\$ 1,950.00	\$ 23,400.00
2012	86.28	139.32	\$ 1,950.00	\$ 23,400.00
2013	90.38	137.77	\$ 1,950.00	\$ 23,400.00
2014	97.64	128.88	\$ 1,950.00	\$ 23,400.00
Total	1026.245	2055.67		\$ 244,818.40

1st year of county-wide operation

*Will receive the 2015 recycling tonnages when the city submits its next license application (May 1, 2016 to April 30, 2017).

Monthly payment adjusted annually by an amount equal to the percentage increase from the previous 12 month period by the Consumer Price Index. In 2006, the city asked for the 2007 monthly payment to be \$1500 + Consumer Price Index increase to cover the costs to operate.

The City of Le Center is responsible for all applicable permits and insurance.

