



# **Le Sueur County, MN**

**Tuesday, November 21, 2017**

**Board Meeting**

## **Item 7**

**10:05 a.m. Amy Beatty, Environmental Services (10 min)**

*RE: Le Sueur County Feedlot Work Plan*

Staff Contact: Amy Beatty



## **ENVIRONMENTAL SERVICES**

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DATE: Wednesday, November 15, 2017  
TO: Le Sueur County Board of Commissioners  
FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist  
RE: Le Sueur County 2018-2019 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 2018-2019 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

Delegation Agreement Years: 2018-19

County: Le Sueur County

County Feedlot Officer(s): Amy Beatty

Primary Contact Person: Amy Beatty

Telephone Number(s): 507-357-8203 (direct) and 507-357-8538 (Department)

E-mail Address(es): abeatty@co.le-sueur.mn.us

Amendment Number: \_\_\_\_\_

*(Please see Appendix A for help completing this document.)*

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. This Delegation Agreement Work Plan satisfies the Minnesota Rule Chapter 7020 requirement that the Delegation Agreement must be reviewed and approved by the County and the Minnesota Pollution Control Agency (MPCA) annually.

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

<p>This MPCA County Feedlot Program Delegation Agreement Work Plan has been prepared by the County for the period of January 1, 2018 – December 31, 2019. The County agrees with the terms and conditions established in this Delegation Agreement Work Plan 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 Delegation Agreement Work Plan will be reviewed by the MPCA after completion of the first year and, if necessary, be revised.</p>	
Signature of Chair of Board of County Commissioners	Date

**A. STRATEGIES**

MN Rules 7020.1600, Subp. 3a. states a County must develop annual plans and goals in accordance with registration, inspection, compliance and owner assistance responsibilities as well as permit goals, complaint response and staffing levels.

**Registration Strategy**

1. Please indicate the method(s) the County will use to provide a feedlot owner with a registration receipt:
  - 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 a 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.)

Le Sueur County uses the MPCA standard registration form plus a supplemental form listing the facility's buildings and manure storage structures and the amount of available acres 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 a change or addition to manure storage (i.e. liquid storage when it wasn't previously included).

Le Sueur County will evaluate for compliance regarding permitting and notification requirements; will evaluate if the increase will require a county conditional use permit; determine if a feedlot inspection is warranted; contact the feedlot owner (letter and/or telephone call) to discuss the situation.

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, 2018 and/or any continuous registration strategy over the next two years.

Le Sueur County will send re-registration letters; 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, a certified letter will be mailed to the feedlot owner requesting re-registration that will also be sent to the County Attorney and County Commissioner

**Inspection Strategy**

For assistance with completing this part of the Delegation Agreement Work Plan please see Appendix A. A County must have an inspection strategy 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. The strategy must include required goals, **as applicable to the County**, for conducting inspections at the following sites.

**Required Inspection Strategies**

Strategy Goal	Inspection Goal 2018*	Inspection Goal 2019*
Sites proposing construction or expansion	Use as needed	Use as needed
Sites with an Interim (at sites required to be registered) or Construction Short Form (CSF) permit w/ >300AU.	Use as needed	Use as needed

Conduct facility compliance inspections at feedlots that are required to be registered that have never been inspected (the County has two major watersheds – the Minnesota River – WRAPs in progress and the Upper Cannon River- WRAPs completed)	13	13
<b>Total</b>	13	13

*\*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 shall also include goals, **as applicable**, for conducting inspections at high risk/high priority sites and/or low risk/low priority sites. The County may choose from the provided examples or write their own strategy in the space provided below.

**HIGH RISK/HIGH PRIORITY SITES**

- a) Sites within shoreland, a Drinking Water Supply Management Area (DWSMA), Watershed Restoration and Protection Strategy (WRAPS), a TMDL and/or BWSR One Watershed One Plan (1W1P). (See Appendix A for 1W1P link.)
- 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 phosphorus inspections within a formally designated area such as a TMDL, WRAPs or BWSR 1W1P. (See Appendix A for BWSR 1W1P link.)
- e) Conduct in-field land application inspections within a formally designated area such as a TMDL, WRAPs or BWSR 1W1P. (See Appendix A for BWSR 1W1P link.)
- f) Alternative Strategy

**LOW RISK/LOW PRIORITY SITES**

- a) Sites within a specified size category (i.e. 300 – 499 AU). Please specify.
- b) Sites within a watershed, township or other formally designated area.
- c) Conduct phosphorus inspections within a specific watershed, township or other formally designated area.
- d) Conduct in-field land application inspections within a specific watershed, township or other formally designated area.
- e) Conduct phosphorus inspections as part of a compliance inspection.
- f) Conduct in-field land application inspections as part of a compliance inspection or at non-NPDES sites >300 AU.
- g) Conduct inspections at all sites in the County on a five year or less rotating basis.
- h) Alternative Strategy

**Inspection Strategies**

<b>Inspection Strategy</b>	<b>Inspection Goal 2018*</b>	<b>Inspection Goal 2019*</b>
Conduct nitrogen and phosphorus land application inspection at all facility compliance inspections that are 300+ AU.	2	2
Conduct nitrogen land application inspection at all facility compliance inspections that are 100 to 299 AU.	2	2
Conduct in-field land application inspections for both solid and liquid	2	2

<i>manure; 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.</i>		
<i>If schedule allows, conduct inspections at sites that were previously inspected that were not keeping land application records.</i>	2	2
<b>Total</b>	8	8

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

*Note: Numbers entered for in-field land application goals must be quantified by feedlot sites and not individual farm fields.*

### Inspection Strategy Totals

	Inspection Goal 2018*	Inspection Goal 2019*
<b>Total</b>	21	21

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

Please describe the type of documentation the County will use to document inspections by inspection type. (See Appendix A.)

- Compliance Inspection: may include, but not limited to, MPCA compliance inspection checklist, aerial photograph of the site, camera photographs, notes (on compliance and non-compliance, record review calculations), copies or photos of contents of the owner’s feedlot files or records, nitrogen and phosphorus record review worksheets, manure and/or soil test results
- Construction Inspection: may include, but not limited to, aerial photograph of the site, camera photographs, notes, copies or photos of contents of the owner’s feedlot files or records, as-built documentation
- Complaint Inspection: may include, but not limited to, aerial photographs of the feedlot site or field if land application or stockpile, maps from the county feedlot file, camera photographs, notes, copies or photos of contents of the owner’s feedlot files or records, land ownership records, nitrogen and phosphorus record review worksheets, manure and/or soil test results
- Phosphorus/Desk-top Nitrogen & Phosphorus Record Inspection: may include, but not limited to, the nitrogen and phosphorus sections of the MPCA compliance inspection checklist, maps from the county feedlot file, notes, copies or photos of contents of the owner’s feedlot files or records, land ownership records, nitrogen and phosphorus record review worksheets, manure and/or soil test results, record review calculations
- In-Field Land Application Inspection: may include, but not limited to, MPCA compliance inspection checklist for in-field land application inspection, aerial photographs of the application site (showing the locations of sensitive features), maps from the county feedlot file, camera photographs, notes, copies or photos of contents of the owner’s feedlot files or records, land ownership records, nitrogen and phosphorus record review worksheets, manure and/or soil test results, record review calculations
- Stockpile Inspection: may include, but not limited to, MPCA compliance inspection checklist for stockpiles, aerial photograph of the site (which would include locations of nearby sensitive features requiring setbacks), county stockpile permit application and its enclosures (maps/aerials from the feedlot owner or cropland manager and soil information from the Web Soil Survey), camera photographs, notes

### Compliance Strategy

1. Please state the various method(s) and practice(s) that the County will use in response to **compliance 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 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 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 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 an in-field land application inspection, 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 above:

- 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 describe the type of activities you plan to conduct and how many of each. (Examples: group education events; newsletters; newspaper articles; producer surveys; distribution of manure sample containers; help with MMP writing.)

Planning on one newsletter; offer guidance with permit applications prior to submittal (1 to 2); offer assistance with completing the NPDES annual report (1 to 2). The majority of owner assistance is speaking with potential livestock owners and realtors regarding the county's zoning ordinance requirements for livestock and manure application.

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

Approximately 20 to 25 feedlot owners. I do mail out training and education activities to specific



feedlot owners that would benefit from the training (for example, CAWT training to feedlot owners who are also CAWT's).

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

Will be keeping copies of letters mailed to feedlot owners and entries in my work calendar.

**B. DELEGATED COUNTY 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.

**Inspection MPRs**

A County must inspect 7% or more of their State required registered feedlots annually, as determined by the table in Appendix B, to be eligible for the Inspection MPR award. A compliance inspection, a desk-top nitrogen and phosphorus record inspection or an in-field land application inspection may only count once towards the minimum 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 inspections. The remaining half can be a combination of construction/interim permit inspections, desk-top nitrogen and phosphorus record inspections or in-field land application inspections.

Inspection MPRs	Jan. 1 – Dec. 31, 2018	Jan. 1 –Dec 31 2019
1. <b>Agency-approved number of feedlots required to be registered by the State.</b> <i>(Enter the number of feedlots for your County found in Appendix B.)</i>	172	(Leave blank)
2. <b>County–Agency agreed upon inspection rate.</b> <i>(Enter “7%” for 2018 and 2019 unless a different inspection rate percentage was negotiated.)</i>	7%	7%
3. <b>County–Agency agreed upon inspection number for the identified time period.</b> <i>(Calculate 7% of the number from item 1 and enter it here.)</i>	13	(Leave blank)

**Non-Inspection MPRs**

Registration MPRs	YES	NO
1. The County will register and maintain registration data in the Tempo database (MN R. Ch. 7020.0350 Subp. 1 and 7020.1600, Subp. 2. C).  <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 the County updates Tempo with the registration information acquired from registration forms and/or permit applications. Tempo fields that must be updated include shoreland status, DWSMA and OLA as agreed to by FMT-MACFO in 2013.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The County issues a registration receipt to the feedlot owner within 30 days of receipt of the registration form (7020.0350, Subp. 5).  <i>A file review should indicate the County has fulfilled the registration receipt requirement as stated in their Delegation Agreement Work Plan Registration Strategy.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Inspection MPRs</b>	<b>YES</b>	<b>NO</b>
<p>3. The County maintains a record of all compliance inspection results, including land application inspections, conducted at feedlots required to be registered. At a minimum, counties must maintain on file (electronic or paper) a completed copy of the latest Minnesota Feedlot 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 as stated in their Delegation Agreement Work Plan Inspection Strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>4. The County enters data from all feedlot inspections at feedlots required to be registered into Tempo by <b>February 1</b> of the year following the end of the program year (7020.1600, Subp. 2. H.).</p> <p><i>A Tempo database query should indicate that inspection checklist data was entered into Tempo within required parameters.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>5. The County's Inspection Strategy has been approved by the agency (7020.1600, Subp. 3a.B.(1-2)).</p> <p><i>The County's Annual CFO Report Supplemental Information Page should indicate the County initiated inspection plans and goals as stated in their Delegation Agreement Work Plan Inspection Strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Compliance MPRs</b>	<b>YES</b>	<b>NO</b>
<p>6. The County will notify the producer, in writing, of the results of any compliance inspection. (See Appendix A). The notification must include a completed copy of the Minnesota Feedlot Inspection Checklist (7020.1600, Subp. 3a.B. (5)(a)).</p> <p><i>A file review should indicate the County has notified the producer(s) of compliance inspection results. Notification must be in writing either by letter or document, signed by the producer, that he/she has viewed and agrees 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 the County's Delegation Agreement Work Plan Compliance Strategy (7020.1600, Subp. 3a.B.(5)).</p> <p><i>A file review should indicate that the County brought non-compliant feedlot operations into compliance as stated in their Delegation Agreement Work Plan Compliance Strategy.</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 Tempo the file should contain documentation by either the County or another party verifying that the corrective action was implemented and/or installed.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Permitting MPRs</b>	<b>YES</b>	<b>NO</b>
<p>9. The County will issue permits within the 60/120 day time period according to Minn. Stat. 15.99 (7020.0505, Subp. 5.C.).</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 <math>\geq 500</math> AU proposing to construct or expand must include the following information:</i></p> <ul style="list-style-type: none"> <li><i>a. Owners' names or legal name of the facility;</i></li> <li><i>b. Location of facility - county, township, section, and quarter section;</i></li> <li><i>c. Species of livestock and total animal units;</i></li> <li><i>d. Types of confinement buildings, lots, and areas at the animal feedlot; and</i></li> <li><i>e. Types of manure storage areas.</i></li> </ul> <p><i>Public notification is completed by equal or greater notification of one of the following:</i></p> <ul style="list-style-type: none"> <li><i>a. Newspaper (affidavit in file);</i></li> <li><i>b. Delivery by mail or in person; or</i></li> <li><i>c. As part of a county/township permitting process (CUP).</i></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>12. The County will issue the appropriate permit after completion of required notifications (7020.2000, Subp. 4, 5).</p> <p><i>A file review should indicate that permits have been issued after the appropriate number of business days (20) 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 <math>&gt;100</math> AU; that a MMP and a MMP checklist completed by the County is on file for any CSF permit issued for a feedlot 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 <math>\geq 300</math> 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 will be addressed by the permit (7020.0535 Subp.7. and 7001.0140).</p> <p><i>A file review should indicate 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"/>

<b>Complaint Response MPR</b>	<b>YES</b>	<b>NO</b>
<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 should include:</i></p> <ul style="list-style-type: none"> <li>a. <i>Type of complaint;</i></li> <li>b. <i>Location of complaint;</i></li> <li>c. <i>Date and time complaint was made;</i></li> <li>d. <i>Facts and circumstances related to the complaint; and</i></li> <li>e. <i>A statement describing the resolution of the complaint.</i></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Owner Assistance MPR</b>	<b>YES</b>	<b>NO</b>
<p>17. The County's Owner Assistance Strategy has been approved by the agency. (7020.1600, Subp. 2.J.(5) and Subp. 3a.B.(7))</p> <p><i>The year-end review should indicate that the County initiated their plans as stated in their Delegation Agreement Work Plan Owner Assistance Strategy.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Staffing Level and Training MPR</b>	<b>YES</b>	<b>NO</b>
<p>18. The CFO (and other feedlot staff) attend 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. All training sessions attended by the County must be submitted using the Annual CFO Report Supplemental Information Page.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Air Quality MPR</b>	<b>YES</b>	<b>NO</b>
<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.I.)</p> <p><i>The County should maintain a pumping notification log. The log should include:</i></p> <ul style="list-style-type: none"> <li>a. <i>Names of the owners/legal facility name;</i></li> <li>b. <i>Location of the facility (county, township, section, quarter);</i></li> <li>c. <i>Facility permit number; and</i></li> <li>d. <i>Start date and number of days to removal.</i></li> </ul>	<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. (86<sup>th</sup> Legislature, 2009 MN Session Laws, Chapter 37 – H. F No. 2123, Article 1, Section 3, Subdivision 1)</p> <p><i>As of July 1 of the current program year the Annual CFO Report and MPCA Financial Report from the previous program year should be on the County's website.</i></p> <p><a href="https://www.revisor.mn.gov/laws/?year=2009&amp;type=0&amp;doctype=Chapter&amp;id=37">https://www.revisor.mn.gov/laws/?year=2009&amp;type=0&amp;doctype=Chapter&amp;id=37</a></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2018 County Feedlot Program Delegation Agreement Work Plan Review

**A. County Resource Request** (Request any resources the MPCA can provide to help administer the County feedlot program in your County.)

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**MPCA Response to County Resource Request**

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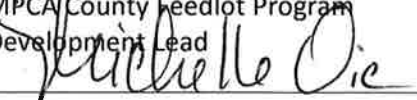
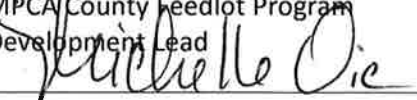
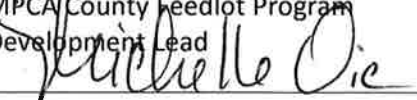
**B. Documentation of Delegation Agreement Work Plan Revisions and/or Alternate Methods for Meeting MPRs** (Any Delegation Agreement Work Plan revisions, including alternate methods for meeting MPRs agreed to by MPCA and the County, must be documented here.)

---

**C. Delegation Agreement Approval**

The 2018 Delegation Agreement Work Plan has been reviewed and satisfactorily addresses Delegation Agreement Work Plan requirements.

Yes  No

<p>The comments as recorded above together with the signatures of represented parties constitute that review of the Delegation Agreement Work Plan has been conducted and agreement of County duties and strategies by the MPCA and the County for the January 1 – December 31, 2018 period has been achieved.</p>					
	County Feedlot Officer				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: none;">Signature of County Feedlot Officer</td> <td style="width: 30%; border: none;">Date</td> </tr> <tr> <td style="border: none; text-align: center; vertical-align: middle;">  </td> <td style="border: none;"></td> </tr> </table>	Signature of County Feedlot Officer	Date		
	Signature of County Feedlot Officer	Date			
					
<table style="width: 100%; border: none;"> <tr> <td style="width: 65%; border: none;">MPCA County Feedlot Program Development Lead</td> <td style="width: 35%; border: none;">Date</td> </tr> <tr> <td style="border: none; text-align: center; vertical-align: middle;">  </td> <td style="border: none; text-align: center; vertical-align: middle;">11-14-17</td> </tr> </table>	MPCA County Feedlot Program Development Lead	Date		11-14-17	
MPCA County Feedlot Program Development Lead	Date				
	11-14-17				

Amendment: \_\_\_\_\_

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## 2019 County Feedlot Program Delegation Agreement Work Plan Review

- A. **County Resource Request** (Request any resources the MPCA can provide to help administer the County feedlot program in your county.)

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**MPCA Response to County Resource Request**

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- B. **Documentation of Delegation Agreement Work Plan Revisions and/or Alternate Methods for Meeting MPRs**  
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Signature of MPCA County Feedlot Program Development Lead	Date		

Amendment: \_\_\_\_\_

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## Appendix A

### 2018–19 Delegation Agreement Work Plan Guidance

This Delegation Agreement Work Plan applies to feedlots that are required to be registered under MN R. Ch 7020.

If a Delegated County (County) will not be able to meet their registration, inspection, compliance and/or owner assistance strategies during the year the County needs to communicate this with the MPCA in a timely manner. If a County is unable to meet expectations they risk losing funding. If a County does not meet the minimum 7% inspection rate they also risk losing funding.

#### NEW!

**Nitrogen Inspection** replaces a Level 1 land application inspection. A compliance inspection now requires more than just verifying if application records are being kept. Inspection of the records to verify nitrogen application requirements is now also required as part of a compliance inspection.

**Phosphorus/Desk-top Nitrogen & Phosphorus Record Inspection** replaces a Level 2 land application inspection.

**In-field Land Application Inspection** replaces a Level 3 land application inspection.

**Stockpile inspection**

#### TYPES OF INSPECTIONS

(Please refer to the new Minnesota Feedlot Inspection Checklist (Checklist) to learn more about a feedlot inspection.)

**Compliance Inspection** is an onsite, full facility inspection during which all parts of the feedlot are inspected. When inspecting a site registered for  $\geq 100$  AU the nitrogen section of the Checklist must be filled out for the inspection to be complete. When entering an inspection of this type into Tempo select *FE Compliance Inspection* as the Compliance Evaluation Type.

**Construction Inspection** is an onsite inspection completed at a feedlot site that is constructing. A construction inspection typically involves just inspecting the construction activity that is taking place and does not require inspection of other parts of the feedlot. When entering an inspection of this type into Tempo select *FE Construction Inspection* as the Compliance Evaluation Type.

**Complaint Inspection** is an inspection conducted in response to a complaint. A complaint inspection typically involves just inspecting the portion of the feedlot relating to the complaint and does not require inspection of other parts of the feedlot. When entering an inspection of this type into Tempo select *FE Complaint Inspection* as the Compliance Evaluation Type.

**Stockpile Inspection** is an onsite inspection conducted to inspect one or more stockpiles. A stockpile inspection typically involves just inspecting the portion of the feedlot relating to the stockpile(s) and does not require inspection of other parts of the feedlot. The stockpile section(s) of the Checklist must be filled out for the inspection to be complete. When entering an inspection of this type into Tempo select *FE Stockpile Inspection* as the Compliance Evaluation Type.

#### Land Application Inspections

- **Phosphorus Inspection** is an inspection of the phosphorus portion of land application records that is conducted in conjunction with a compliance inspection of a site registered for  $\geq 300$  AU. The phosphorus section of the Checklist must be filled out for the inspection to be complete. When entering an inspection of this type in Tempo both *FE Compliance Inspection* and *FE Phosphorus* are selected as Compliance Evaluation Types.



- **Desk-top Nitrogen & Phosphorus Record Inspection** is an inspection of both nitrogen and phosphorus land application records of a site registered for  $\geq 300$  AU. This is an independent inspection conducted without inspecting other parts of the feedlot. The nitrogen and phosphorus sections of the Checklist must be filled out for the inspection to be complete. This inspection typically would be conducted in the office after requesting and receiving application records but it could also be conducted onsite. When entering an inspection of this type into Tempo select *FE Desk-top Nitrogen & Phosphorus Record Inspection* as the Compliance Evaluation Type.
- **In-field Land Application Inspection** is an onsite/in-field inspection that focuses on land application practices including but not limited to discharges and setback requirements. The in-field land application inspection section of the Checklist must be filled out for the inspection to be complete. When entering an inspection of this type into Tempo select *FE In-field Land Application Inspection* as the Compliance Evaluation Type.

#### **A Special Note about Inspections at Facilities Designated as a Large CAFO or Operating Under an NPDES or SDS Permit**

County inspections conducted at NPDES/SDS/CAFO sites DO NOT count towards the minimum 7% inspection rate. If the inspection was requested of the County by MPCA feedlot program staff the County can add that inspection to the Annual CFO Report to obtain performance credits.

### **INSPECTION DOCUMENTATION**

#### **Required**

Each compliance inspection must be documented. A Checklist must be used for all compliance inspections as applicable (MPR 3). The results of compliance and land application inspections are to be documented and communicated in writing to the feedlot owner (MPR 6). It is not necessary to do this for a construction or complaint inspection unless compliance issues are discovered as a result of the inspection. Both the Checklist and the written communication of inspection results to the feedlot owner need to be either in the County's file or uploaded into Tempo. It is a future goal of the MPCA feedlot program to require Counties to upload this inspection documentation into Tempo. Documentation in the file must include the Checklist, written communication of inspection results to the feedlot owner and at least one of the following suggested pieces of documentation.

#### **Suggested**

The following are suggestions for documenting an inspection. This documentation should be either in the County's file or uploaded into Tempo.

- **Compliance Inspection** – aerial photos, maps, camera photos, notes (on non-compliance, record review calculations), copies or photos of contents of the owner's feedlot files or records, nitrogen record review worksheets, manure and/or soil test results
- **Construction Inspection** - aerial photos, maps, camera photos, notes, copies or photos of contents of the owner's feedlot files or records, as-built documentation
- **Complaint Inspection** - aerial photos, maps, camera photos, notes, copies or photos of contents of the owner's feedlot files or records, land ownership records, nitrogen and phosphorus record review worksheets, manure and/or soil test results
- **Stockpile Inspection** - aerial photos, maps, camera photos, notes, locations of nearby sensitive features requiring setbacks, soil information (slope/depth to seasonal water table/texture).
- **Land application Inspections** - aerial photos, maps, camera photos, notes, copies or photos of contents of the owner's feedlot files or records, land ownership records, nitrogen and phosphorus record review worksheets, manure and/or soil test results

For all inspection types except Construction and Complaint:

- Inspection checklist must be used.
- Results must be entered in Tempo.
- A follow-up letter needs to be sent to the feedlot owner. The letter should include Checklist section(s) where non-compliance was identified (or a copy of the entire Checklist) and corrective actions/time frames for addressing non-compliance if applicable.
- Inspection documentation needs to be in County files or uploaded into Tempo.

For Construction and Complaint inspections:

- Inspection checklist can be used.
- Results must be entered in Tempo.
- Inspection documentation should be in County files or uploaded into Tempo.

## HOW INSPECTIONS COUNT TOWARDS THE MINIMUM SEVEN PERCENT (7%) INSPECTION RATE

**Compliance and Construction Inspections** count toward the minimum 7% inspection rate as one (1) inspection.

**Desk-top Nitrogen & Phosphorus Record Inspection** (conducted independent of a compliance inspection) at a feedlot site  $\geq 300$  AU counts as one (1) inspection. Credit will be given only if there are records available and if those records are sufficient to meet the nitrogen record requirement first and then the phosphorus record requirement second. Therefore, looking at both nitrogen and phosphorus records during a desk-top nitrogen and phosphorus inspection counts as one (1) inspection.

**In-field Land Application Inspection** at a feedlot site that is required to be registered or at a feedlot site that receives manure from a site required to be registered counts as one half (0.5) an inspection. In order for the in-field land application inspection to count towards the minimum 7% inspection rate, the feedlot that is the source of the manure is required to be registered and should not be considered a large CAFO or operating under an NPDES or SDS permit.

It is important to note that only one inspection can be counted toward the minimum 7% inspection rate for any given feedlot site during the program year. For example, if a County completes a compliance inspection and an in-field land application inspection at the same feedlot site during the same program year, the in-field land application inspection cannot be counted towards the minimum 7% inspection rate. However, any additional inspections completed for the same feedlot site during the same program year may count towards performance credits.

## INSPECTION STRATEGY

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

### Supplemental Information Page

A County must write an annual inspection strategy progress report. This is included in the Supplemental Information Page of the year-end Annual CFO Report. The County needs to be realistic with their inspection strategy because they will be required to initiate and work towards these strategy goals (MPR 5).

### Recommended Approach for Developing an Inspection Strategy

**Step 1.** The first step is to calculate the number of feedlots 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/desk-top nitrogen and phosphorus record/in-field land application inspections

annually. One in-field land application “inspection” counts as one half (0.5) inspection towards the minimum 7% inspection rate.

**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 “Required Inspection Strategies” on page 2). For example, a County may estimate based on past experience they need to inspect 15 sites as a result of permit issuance requirements, 10 sites with signed OLAs that have never been inspected and 50 sites required to be registered that have never been visited. In this case 75 sites need to be inspected.

**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 many sites that have never been inspected or 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 (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.** Counties may choose inspection strategies in addition to those that are required (see “Inspection Strategies” on page 3). Counties are encouraged to inspect sites in the BWSR One Watershed One Plan (see link below). Remember that inspections require follow-up and possible enforcement for non-compliant sites. Follow-up calls, letters, assistance and enforcement do not count towards the minimum 7% inspection rate.

#### WATERSHED CONTACTS



Interagency

Watershed Core Team



1W1P\_watershed\_lea

ds\_map5.pdf

#### BWSR ONE WATERSHED ONE PLAN (1W1P)

1W1P website link: <http://bwsr.state.mn.us/planning/1W1P/index.html>

**APPENDIX B****2018 County Program Base Grant Award Feedlot Number**

Delegated County	Feedlots Eligible for Funding
Big Stone	40
Blue Earth	363
Brown	386
Carver	238
Clay	105
Cottonwood	257
Douglas	420
Faribault	362
Fillmore	737
Freeborn	285
Goodhue	685
Houston	414
Jackson	330
Kandiyohi	445
Kittson	18
Lac Qui Parle	194
Lake of the Woods	25
Le Sueur	172
Lincoln	414
Lyon	282
McLeod	329
Marshall	41
Martin	474
Meeker	253
Morrison	618
Mower	381
Murray	425
Nicollet	316
Nobles	432
Norman	45
Pennington	38
Pipestone	451
Polk	77
Pope	294
Red Lake	38
Renville	288
Rice	287
Rock	512
Sibley	289
Stearns	1,491
Steele	251
Stevens	130
Swift	157
Todd	682
Traverse	34
Wadena	99
Waseca	234
Watonwan	184
Winona	555
Wright	263
Yellow Medicine	271