MPCA County Feedlot Program
Delegation Agreement Work Plan

Delegation Agreement Years:	2020-21
County:	Lyon
County Feedlot Officer (CFO):	Devin Ryan, John Biren, Luke Olson
If CFO is employed solely by SWCD, list designated County employee who will sign permits/Grant Agreement:	
Telephone Number(s):	507-591-2002
E-mail Address(es):	devinryan@co.lyon.mn.us
Amendment Number:	

(Refer to Appendix A when 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.

The County will contact the MPCA to discuss potential changes to this Delegation Agreement Work Plan if the County is unable to meet any of the requirements. Agreed upon changes must be documented and incorporated into the Delegation Agreement Work Plan.

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 seven percent inspection rate MPR and/or ninety percent 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.

This MPCA County Feedlot Program Delegation Agreement Work Plan has been prepared by the County for the period of January 1, 2020 – December 31, 2021. 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.

Signature of Chair of Board of County Commissioners	Date
Gary Crowley	November 5, 2019

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 within 30 days of receiving registration information:
    a. A registration receipt letter or postcard
    b. An inspection letter that contains confirmation about registration/re-registration
    c. A permit and/or a permit cover letter that contains confirmation of registration/re-registration

(A) A registration receipt letter will be sent to the producer. If an inspection or permit issuance is conducted, (B & C) An inspection letter or permit cover letter that contains confirmation about the registration/re-registration will be used.

2. Please indicate the type of registration form used by the County.
    a. MPCA standard registration form. (County can use a Notice of Construction and/or permit application to register/re-register a site.) County can delete MPCA logo and instructions on where to send the form. Any additional county-specific data requested can be obtained using an additional registration form page or by modifying the form with MPCA approval.
    b. *MPCA web-based registration system (when it becomes available).*

(A) MPCA standard registration form (B) MPCA web-based registration system

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 not previously included).

Lyon County will complete an inspection to determine site compliance. In addition, the site will be required to complete the applicable permitting requirements to properly document and approve the construction and/or expansion. The MPCA regional staff will be contacted if the increase results in the site meeting the large CAFO threshold numbers or exceeds 1,000 animal units.

NEW!

4. Please describe the strategy and timeline the County shall follow to address facilities that are not registered/re-registered in the current (items a, b, d) and/or prior (item c, d) four-year registration cycle.
    a. Register/re-register sites throughout the four year registration cycle and submit registration forms to MPCA master file staff within 60 days of receipt (may exceed 60 days if there is a waiver, in writing, as it pertains to permits in Statute 15.99)
    b. Register/re-register sites early in the fourth year of the registration cycle and submit registration forms to MPCA master file staff within 60 days of receipt (may exceed 60 days if there is a waiver, in writing, as it pertains to permits in Statute 15.99)
    c. Sites required to be registered that do not have a current registration (registered prior to January 1, 2014) will be inspected or contacted to verify animal numbers so registration can be updated and submitted to MPCA master file staff within 60 days of receipt (may exceed 60 days if there is a waiver, in writing, as it pertains to permits in Statute 15.99)
    d. Other (describe below)

(A)	Register/re-register sites throughout the four year registration cycle and submit registration forms to MPCA master file staff within 60 days of receipt (may exceed 60 days if there is a waiver, in writing, as it pertains to permits in Statute 15.99)

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.

NEW! Required Inspection Strategies

Strategy	2020	2021
Conduct inspections at existing sites that have submitted permit applications proposing construction or expansion to ensure that the appropriate permit is issued.	Yes ☒ No ☐	Yes ☒ No ☐

NEW! The County's inspection strategy shall include goals for conducting a **majority** of inspections at high risk/high priority sites. The strategy may also include goals for low risk/low priority sites. The County may choose from the provided examples and/or write an alternative 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 have open lot area(s) without runoff controls.*
- *c) Sites that have never been inspected that fall into item a) and b).*
- *d) Sites that, according to previous inspections, have not been maintaining adequate land application records and/or manure management plans.*
- *e) Sites constructing Manure Storage Areas (MSA) and open lot runoff controls.*
- *f) Conduct phosphorus inspections within a formally designated area such as a TMDL, WRAPs or BWSR 1W1P. (See Appendix A for BWSR 1W1P link.)*
- *g) 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.)*
- *h) 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) Conduct inspections at sites required to be registered that have never been inspected*
- *i) Alternative Strategy*

Inspection Strategies

Inspection Strategy	Inspection Goal 2020*	Inspection Goal 2021*
	5	5
	10	10
	5	5
	5	5
Total	20	20

**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.

NEW! At least seventy five percent (75%) of inspection data shall be entered into Tempo within 90 days of the inspection. The remaining twenty five percent (25%) (or less) of inspection data shall be entered within 120 days of the inspection. Minimally funded counties may enter data less frequently.
☒ Yes I agree ☐ No I do not agree (discuss with MPCA staff)

Please describe the type of documentation the County will use to document inspections by inspection type.

NEW! See Appendix A for newly required documentation.

Compliance Inspection: Checklist (W/notes), Inspection results letter, nitrogen rate worksheet, Aerial site map/photo
Construction Inspection: Aerial map & Photos, notes, copies of MMP/Engineering Plans/Permit application/as built documentation
Complaint Inspection: Aerial map, photos, notes, documentation regarding complaint in complaint log
Phosphorus/Desk-top Nitrogen & Phosphorus Record Inspection: Checklist (W/notes), Inspection results letter, copy of manure records if applicable, nitrogen & Phosphorus rate worksheet, Aerial site map/photo
In-Field Land Application Inspection: Checklist, Aerial Maps, nitrogen & phosphorus rate worksheets, land ownership records
Stockpile Inspection: Checklist, Aerial map, photos, notes, land ownership records, nitrogen and phosphorus worksheet

Compliance Strategy

1. **Please state the various method(s) and practice(s) the County will use in response to compliance inspections that result in non-compliance:**
   a. **Include corrective actions with completion deadlines in the inspection results notification letter.**
   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. **Other (describe below)**

A letter highlighting corrective actions will be sent to all non-compliant producers. If applicable, a MinnFARM analysis will also be included to define what issues were deemed non-compliant. Interim permits will be used with timelines to achieve corrective actions. Technical assistance to achieve the corrective actions will be provided by staff.

2. Please indicate the various method(s) and practice(s) 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 with completion deadlines in the inspection results notification letter.
   c. Issue an LOW or NOV that will include corrective actions and deadlines.
   d. Other (describe below)

(A & D) The non-compliant land application inspection will result in either a letter being sent to the producer at the same time as the facility non-compliance or due to the seasonal timing of land application, the non-compliance will be dealt with through a separate mailing or an in-person discussion.

NEW!

3. Notification of inspection results, including corrective action(s) and completion deadlines, shall be sent to feedlot owners. For compliance inspections and/or desktop N & P record reviews the notification of results will be sent to feedlot owners within 30 days of a compliance determination. County intends to follow-up with feedlot owners to evaluate progress.
   ☒ Yes I agree ☐ No I do not agree (discuss with MPCA staff)

NEW!

4. Explain how the County will escalate enforcement action when progress is not being made on corrective actions.

Lyon County will send LOW first, then NOV, along with consulting the County Attorney, when progress is not being made on corrective actions.

Owner Assistance Strategy

1. Please describe the type and number of activities you plan to conduct and how you will track the number of producers reached. (Example: group education events; newsletters; newspaper articles; producer surveys; distribution of manure sample containers; help with MMP writing.)

Type: 1)Distribution of UofM manure management information 2) assist in MMP writing 3)attend producer organization meetings/banquets
Number: 1)As needed/requested 2) 2-3 producers or as needed 3) 2-3 meetings/banquets
How tracked: Excel document

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 seven percent (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 construction inspection, a desk-top nitrogen and phosphorus record inspection or an in-field land application inspection may only count once

towards the minimum seven percent 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 seven percent (7%) inspections should be compliance inspections. The remaining half can be a combination of construction inspections, desk-top nitrogen and phosphorus record inspections or in-field land application inspections.

Inspection MPRs	Jan. 1 – Dec. 31, 2020	Jan. 1 –Dec 31 2021
1. **Agency-approved number of feedlots required to be registered by the State.** *(Enter the number of feedlots for your County found in Appendix B.)*	272	272
2. **County–Agency agreed upon inspection rate.** *(Enter "7%" for 2020 and 2021 unless a different inspection rate percentage was negotiated.)*	7%	7%
3. **NEW! County–Agency agreed upon inspection number for the identified time period.** *(Calculate 7% of the number from item 1 and if not a whole number, round up to the nearest 0.5 and enter it here. Example: 12.0 =12.0, 12.1 thru 12.5 = 12.5, 12.6 thru 12.9 = 13.0)*	20	20

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). *A County program review should indicate that the County uses the MPCA feedlot registration form and the County updates Tempo by sending the registration information from registration forms, Notice of Construction forms and permit applications to MPCA master file staff within 60 days (NEW!) of receiving registration information. Tempo fields that must be updated include shoreland status and DWSMA as agreed by FMT-MACFO, 2013.* *Instructions for entering registration information into Tempo are available in Tempo HELP/Feedlot folder/CFO Feedlot folder/Instructional Exercises folder/"How to register feedlots and enter data in tempo.docx".*	☒	☐
2. The County issues a registration receipt to the feedlot owner within 30 days of receipt of registration information (7020.0350, Subp. 5). *A file review should indicate the County has fulfilled the registration receipt requirement as stated in their Delegation Agreement Work Plan Registration Strategy.*	☒	☐
NEW! The County acknowledges the following: a. The MPCA will run a report on or about January 30, 2022 to determine the number of feedlots the County will receive funding for during 2023 and 2024. b. In order for feedlot sites to count for funding purposes for 2023 and 2024 they must: • Have a locked registration in Tempo, • Have a registration Effective Start Date of January 1, 2018 or later, and • Be required to register: 10 or more AU in shoreland areas or 50 or more AU outside shoreland areas. c. Feedlot sites will not count for funding purposes for 2023 and 2024 if they:	☒	

• Do not have a locked registration in Tempo even if they are required to be registered, • Do not have a current registration Effective Start Date (i.e. it is dated January 1, 2018 or earlier), or • Have less than 10 AU in shoreland areas or less than 50 AU in areas outside of shoreland even if the previous registration contained animal numbers that required registration and/or the date they last had animals was within five (5) years prior to January 1, 2022.		

Inspection MPRs	YES	NO
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) inspection documentation as outlined in Appendix A (UPDATED!) (7020.1600, Subp. 2. H.). *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.*	☒	☐
4. NEW! The County enters data from all feedlot inspections at feedlots required to be registered into Tempo by no later than February 1 of the year following the end of the program year (7020.1600, Subp. 2. H.) and at least seventy five percent (75%) of inspection data shall be entered into Tempo within 90 days of the inspection. The remaining twenty five percent (25%) (or less) of inspection data shall be entered within 120 days of the inspection. Minimally funded counties may enter data less frequently. *A Tempo database query should indicate that inspection checklist data was entered into Tempo within required parameters.* *Instructions for entering an inspection into Tempo are available in Tempo HELP/Feedlot folder/CFO Feedlot folder/Instructional Exercises folder/"Exercise 7. Inspection county.docx" and Tempo HELP/Feedlot folder/CFO Feedlot folder/"Tempo-over all compliance guidance-CFO.docx".)*	☒	☐
NEW! The County acknowledges the following: **a. For inspections to count toward the required seven percent (7%) inspection rate they must:** • **Be at sites that are required to register,** • **Have a locked inspection in Tempo, and** • **Occurred during the CFO Annual Report reporting year.** *** If at the time of inspection a site has a current (January 1, 2014 or later) locked registration with animal numbers that require registration (10 or more AU in shoreland or 50 or more AU outside of shoreland) and as a result of the inspection the registration information is updated to animal numbers that no longer require registration, the inspection shall count toward the seven percent (7%) inspection rate.** **b. Inspections at feedlot sites will not count toward the required seven percent (7%) inspection rate if:**	☒	

• Inspection information is not entered into Tempo, or • Inspections entered into Tempo are not locked.		
5. The County's Inspection Strategy has been approved by the agency (7020.1600, Subp. 3a.B.(1-2)). *The County's CFO Annual Report should indicate the County initiated inspection plans and goals as stated in their Delegation Agreement Work Plan Inspection Strategy.*	☒	☐

Compliance MPRs	YES	NO
6. NEW! The County will notify the producer, in writing or via e-mail, of the results of any inspection. The notification must include a completed copy of the Minnesota Feedlot Inspection Checklist (7020.1600, Subp. 3a.B. (5)(a)). For compliance and desktop N & P inspections the written or e-mailed inspection notification shall be within 30 days of a compliance determination. *A file review should indicate the County has notified the producer(s) of compliance inspection results. Notification must be in writing or via e-mail.*	☒	☐
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)). *A file review should indicate that the County brought non-compliant feedlots into compliance as stated in their Delegation Agreement Work Plan Compliance Strategy.*	☒	☐
8. The County maintains documentation and correspondence for any return to compliance from a documented non-compliance status (7020.1600, Subp. 2.H.). *When a County records a corrective action in Tempo the file should contain documentation verifying the corrective action. Tempo should indicate that the audit data screen is correctly filled out for partial or complete upgrades and/or the Violations screen in Tempo has been updated to reflect the return to compliance.*	☒	☐

Permitting MPRs	YES	NO
9. The County will issue permits within the 60/120 day time period according to Minn. Stat. 15.99 (7020.0505, Subp. 5.C.). *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.*	☒	☐
10. The County will make sure all permit applications are complete (7020.1600, Subp. 2.C.). *A file review should indicate that the County uses an agency-approved application checklist and that application information is complete and accurate as verified through the use of the application checklist.*	☒	☐
11. The County will ensure producer compliance with required notifications (7020.2000, Subp. 4 and Subp. 5). *Public notifications for new or existing feedlots with a capacity of ≥500 AU proposing to construct or expand must include the following information:* *a. Owner(s) name(s) or legal name of the facility;*	☒	☐

b. Location of facility - county, township, section, quarter section; c. Species of livestock and total animal units; d. Types of confinement buildings, lots, and areas at the animal feedlot; and e. Types of manure storage areas. Public notification is completed by equal or greater notification of one of the following: a. Newspaper (affidavit in file); b. Delivery by mail or in person; or c. As part of a county/township permitting process (Conditional Use Permit); d. A copy of the newspaper including date of publication; e. A printed copy of the notification from the newspaper website including date of publication.		
12. The County will issue the appropriate permit after completion of required notifications (7020.2000, Subp. 4, 5). *A file review should indicate that permits have been issued more than twenty (20) business days after public notifications.*	☒	☐
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). *A file should contain a MMP and a completed MMP checklist for any interim permit issued for a site >100 AU; a MMP and a completed MMP for any CSF permit issued for a feedlot where manure is non-transferred over 300 AU; and a completed copy of the document "MMP When Ownership of Manure is Transferred" for a feedlot ≥300 AU where manure is transferred. A file review will confirm that a copy of the MMP checklist is in the permit file and verify that the MMP is complete, accurate and meets feedlot rule requirements as verified through the use of the MMP checklist.*	☒	☐
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. *A file review should indicate that the County uses an agency-approved LMSA checklist and that LMSA plans and specifications are complete, accurate and meet feedlot rule requirements as verified through the use of the LMSA checklist.*	☒	☐
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). *A file review should indicate the County issues interim permits in appropriate situations and conducts an inspection at existing sites prior to permit issuance.*	☒	☐

Complaint Response MPR	**YES**	**NO**
16. The County maintains a record of all complaint correspondence. (7020.1600, Subp. 2.H. and Subp. 2.J.(6)) *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.* *The complaint log should include:* a. Type of complaint; b. Location of complaint; c. Date and time complaint was made; d. Facts and circumstances related to the complaint; and e. A statement describing the resolution of the complaint.	☒	☐

Owner Assistance MPR	**YES**	**NO**

17. The County's Owner Assistance Strategy has been approved by the agency. (7020.1600, Subp, 2.J.(5) and Subp. 3a.B.(7)) *A review should indicate the County initiated their plan as stated in their Delegation Agreement Work Plan Owner Assistance Strategy.*	☒	☐

Staffing Level and Training MPR	**YES**	**NO**
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.) *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.*	☒	☐

Air Quality MPR	**YES**	**NO**
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.) *The County should maintain a pumping notification log. The log should include:* *a. Names of the owners/legal facility name;* *b. Location of the facility (county, township, section, quarter);* *c. Facility permit number; and* *d. Start date and number of days to removal.*	☒	☐

Web Reporting Requirement	**YES**	**NO**
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. (86th Legislature, 2009 MN Session Laws, Chapter 37 – H. F No. 2123, Article 1, Section 3, Subdivision 1) *As of July 1 of the current program year the CFO Annual Report and MPCA Financial Report from the previous program year should be posted on the County's website.* *https://www.revisor.mn.gov/laws/?year=2009&type=0&doctype=Chapter&id=37*	☒	☐

2020 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.)

_____

MPCA Response to County Resource Request

_____

B. Documentation of Delegation Agreement Work Plan Revisions and/or Alternate Methods for Meeting MPRs (Any Delegations 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 2020 Delegation Agreement Work Plan has been reviewed and satisfactorily addresses Delegation Agreement Work Plan requirements. ☑ Yes ☐ No

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, 2020 period has been achieved.	Devin Ryan County Feedlot Officer 12-2-19 Signature of County Feedlot Officer — Date Michelle Die MPCA County Feedlot Program Development Lead Michelle Die 12-17-19 Signature of MPCA County Feedlot Program Development Lead — Date

Amendment: _____

_____

_____

2021 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.)

_____

MPCA Response to County Resource Request

_____

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 2021 Delegation Agreement Work Plan has been reviewed and satisfactorily addresses Delegation Agreement Work Plan requirements. ☐ Yes ☐ No

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 that agreement of County duties and strategies by the MPCA and the County for the January 1 – December 31, 2021 period has been achieved.		
	County Feedlot Officer	
	Signature of County Feedlot Officer	Date
	MPCA County Feedlot Program Development Lead	
	Signature of MPCA County Feedlot Program Development Lead	Date

Amendment: _____

_____

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Appendix A

2020–21 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 and work with MPCA to determine an acceptable alternative. If a County is unable to achieve the strategies of the Delegation Agreement Work Plan they risk losing funding. A County that does not meet the minimum seven percent inspection rate may be at risk for losing funding.

TYPES OF INSPECTIONS

Please refer to the 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 ≥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 and load applicable checklist.

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 and load applicable checklist.

Complaint Inspection is an inspection conducted in response to a complaint. A complaint inspection typically involves just inspecting the portion of the feedlot, land application site, manure stockpile or other areas relating to the complaint and does not require inspection of any other area not directly related to the complaint. 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 and load the applicable checklist portions.

Land Application Inspections

- **Phosphorus Inspection** is an inspection of the phosphorus portion of land application records that is conducted <u>in conjunction</u> with a compliance inspection of a site registered for ≥ 300 AU. The phosphorus section of the Checklist must be filled out for the inspection to be complete. **NOTE:** The number of years of records reviewed needs to meet the minimum of the crop rotation (i.e. C*/SB = two years, C/C/SB = three years, O/H/H/H/C/C/C = 7 years.) When entering an inspection of this type in Tempo <u>both</u> *FE Compliance Inspection* <u>and</u> *FE Phosphorus* are selected as Compliance Evaluation Types and load the applicable checklist. (*C = Corn, SB = Soybean, O = Oats, H =Hay)

- **Desktop Nitrogen & Phosphorus Record Review** is an inspection of <u>both</u> nitrogen and phosphorus land application records of a site registered for ≥ 300 AU. This is an <u>independent</u> inspection conducted <u>without</u> 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 and load the applicable checklist. **NOTE:** Desk-top Phosphorus records reviews must be completed in the same manner as described in the Phosphorus inspection above.

- **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 inspection should include a review of the MMP as applicable. 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 and load the applicable checklist.

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 seven percent (7%) inspection rate. If the inspection was requested of the County by MPCA feedlot program staff the County can add that inspection to the CFO Annual 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 or via e-mail to the feedlot owner. For compliance inspections and desktop N & P record reviews results are to be communicated to the feedlot owner within 30 days of a compliance determination (MPR #6). It is not necessary to document and communicate results to the feedlot owner 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.

NEW!

For **compliance** inspections at **feedlot sites with ≥300 AU where manure application records are kept,** documentation in the file must include:

- The Checklist,
- Written communication of the inspection results,
- A copy or photo of a representative sample of manure application records that were evaluated. Examples include: manure and soil sample results, field maps with application rates, MPCA Manure Planner. (This is not tied to an MPR.),
- The County's evaluation of nitrogen rates (i.e. nitrogen rate worksheet). Include documentation used to make a nitrogen determination. (This is not tied to an MPR.), and
- The County's evaluation of phosphorus rates (i.e. phosphorus rate worksheet), if an optional phosphorus inspection is conducted in conjunction with a compliance inspection. (This is not tied to an MPR.)

The County can also include additional items (photos, site map, etc.) as part of the inspection file if they determine it is applicable or necessary to document the inspection.

NEW!

For **Compliance** inspections at feedlot sites with 100 -299 AU where **manure application records are required to be kept,** documentation in the file must include:

- The Checklist,
- Written communication of the inspection results,

- The County's evaluation of nitrogen rates (i.e. nitrogen rate worksheet). Include documentation used to make a nitrogen determination. (This is not tied to an MPR.), and
- The County's evaluation of phosphorus rates (i.e. phosphorus rate worksheet), if an optional phosphorus inspection is conducted in conjunction with a compliance inspection. (This is not tied to an MPR.)

The County can also include additional items (photos, site map, etc.) as part of the inspection file if they determine it is applicable or necessary to document the inspection.

NEW!

For **Desk-Top N & P** inspections documentation in the file must include:

- The Checklist,
- Written communication of the inspection results,
- A copy or photo of a representative sample of manure application records that were evaluated (This is not tied to an MPR).
- The County's evaluation of the nitrogen rates (i.e. nitrogen rate worksheet). (This is not tied to an MPR).
- The County's evaluation of phosphorus rates (i.e. phosphorus rate worksheet). (This is not tied to an MPR).

The County can also include additional items as part of the inspection file if they determine it is applicable or necessary to document the inspection.

For Compliance inspections at feedlot sites where manure application records are **not** required to be kept (sites with less than 100 AU) and other types of inspections, documentation in the file must include the Checklist, written communication of inspection results to the feedlot owner (within 30 days of a compliance determination for compliance and desktop N&P inspections) and <u>at least one of the following suggested pieces of documentation.</u>

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),
- **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 <u>except</u> Construction and Complaint:

- 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. For Compliance and Desk-Top N & P inspections the follow-up letter is to be sent to the producer within 30 days of compliance determination.
- 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, each as one (1) inspection.

Desktop Nitrogen & Phosphorus Record Review (conducted independent of a compliance inspection) at a feedlot site ≥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 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. 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 decide how many inspections the County can conduct in each of the high risk/low risk categories over the next two years. 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.

BWSR ONE WATERSHED ONE PLAN (1W1P)

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

Appendix B

2020 County Program Base Grant Award Feedlot Number

Big Stone	51	$7,500	$7,500		$7,500
Blue Earth	353	$27,152	$27,152	$11,921	$39,073
Brown	372	$28,614	$28,614	$12,562	$41,176
Carver	190	$14,615	$14,615	$6,416	$21,031
Clay	89	$6,846	$6,846	$3,006	$9,852
Cottonwood	233	$17,922	$17,922	$7,868	$25,790
Douglas	322	$24,768	$24,768	$10,874	$35,642
Faribault	293	$22,537	$22,537	$9,895	$32,432
Fillmore	597	$45,921	$45,921	$20,161	$66,082
Freeborn	245	$18,845	$18,845	$8,274	$27,119
Goodhue	496	$38,152	$38,152	$16,750	$54,902
Houston	354	$27,229	$27,229	$11,955	$39,184
Jackson	317	$24,383	$24,383	$10,705	$35,088
Kandiyohi	389	$29,921	$29,921	$13,137	$43,058
Kittson	18	$7,500	$7,500		$7,500
Lac Qui Parle	185	$14,230	$14,230	$6,247	$20,477
Lake of the Woods	25	$7,500	$7,500		$7,500
Le Sueur	158	$12,153	$12,153	$5,336	$17,489
Lincoln	402	$30,921	$30,921	$13,576	$44,497
Lyon	272	$20,922	$20,922	$9,185	$30,107
Marshall	38	$7,500	$7,500		$7,500
Martin	520	$39,998	$39,998	$17,560	$57,558
McLeod	300	$23,076	$23,076	$10,131	$33,207
Meeker	287	$22,076	$22,076	$9,692	$31,768
Morrison	612	$47,074	$47,074	$20,667	$67,741
Mower	342	$26,306	$26,306	$11,549	$37,855
Murray	435	$33,460	$33,460	$14,690	$48,150
Nicollet	302	$23,229	$23,229	$10,199	$33,428
Nobles	463	$35,613	$35,613	$15,636	$51,249
Norman	49	$7,500	$7,500		$7,500
Pennington	44	$7,500	$7,500		$7,500
Pipestone	447	$34,383	$34,383	$15,095	$49,478
Polk	76	$5,846	$5,846	$2,567	$8,413
Pope	138	$10,615	$10,615	$4,660	$15,275
Red Lake	46	$7,500	$7,500		$7,500
Renville	278	$21,383	$21,383	$9,388	$30,771
Rice	244	$18,768	$18,768	$8,240	$27,008
Rock	509	$39,152	$39,152	$17,189	$56,341
Stearns	1,447	$111,302	$111,302	$48,865	$160,167
Steele	239	$18,384	$18,384	$8,071	$26,455
Stevens	125	$9,615	$9,615	$4,221	$13,836
Swift	155	$11,922	$11,922	$5,234	$17,156
Todd	797	$61,304	$61,304	$26,915	$88,219
Traverse	39	$7,500	$7,500		$7,500
Wadena	81	$6,230	$6,230	$2,735	$8,965
Waseca	232	$17,845	$17,845	$7,835	$25,680
Watonwan	186	$14,307	$14,307	$6,281	$20,588
Winona	522	$40,152	$40,152	$17,628	$57,780
Wright	248	$19,076	$19,076	$8,375	$27,451
Yellow Medicine	249	$19,153	$19,153	$8,409	$27,562