

MPCA County Feedlot Program Delegation Agreement Work Plan

SCANNED

Delegation Agreement Years: 2018-19

County: Lyon

County Feedlot Officer(s): John Biren, Devin Ryan, Luke Olson

Primary Contact Person: Devin Ryan

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Amendment Number: _____

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

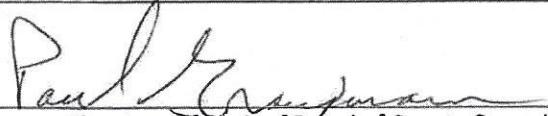
The revised rules adopted on October 23, 2000 and updated in January 2015, require a Delegated County (County) to prepare a Delegation Agreement that describes the County's plans, strategies and goals for administration and implementation of the Feedlot Program. This Delegation Agreement Work Plan satisfies 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.

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 style="font-size: 1.2em; font-family: cursive;">Nov 7, 2017</p>
<p>Signature of Chair of Board of County Commissioners</p>	<p>Date</p>

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

Most often a registration receipt letter will be sent to the producer ("a"). In the event of a feedlot inspection or a permit issuance for expansion of a feedlot methods "b" or "c" may be used.

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.)

a. MPCA standard registration form

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).

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.

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.

Each producer who has not met the re-registration deadline will be contacted by phone, mail or in-person to identify the stocking status of the feedlot, current conditions, and proposed plans for the sites.

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	5	5
Sites with an Interim (at sites required to be registered) or Construction Short Form (CSF) permit w/ \geq 300AU.	4	4

Sites with signed open lot agreements (OLA) that have never been inspected	N/A	N/A
Sites required to be registered that have never been inspected	13	13
Total	22	22

*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

Inspection Strategy	Inspection Goal 2018*	Inspection Goal 2019*
Sites that, according to previous inspections, have not been maintaining adequate land application records and/or manure management plans	3	3
Site 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).	4	4
Conduct inspections at all sites in the county on a five year or less rotating basis	3	3
Inspect sites that are required to be registered that have never been inspected, with a focus on open lots	3	2
Total	13	13

**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*
Total	35	35

**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: MPCA Inspection checklist, aerial photos and maps, as well as notes will be completed and entered into TEMPO.

Construction Inspection: Notes and comments will be added to aerial photos and engineering plans during a construction inspection, then entered into TEMPO.

Complaint Inspection: Complaints inspections will be documented with aerial photos, notes, and applicable camera photos in a separate complaint folder and entered into TEMPO

Phosphorus/Desk-top Nitrogen & Phosphorus Record Inspection: Aerial photos, maps, notes and nitrogen and phosphorus record review sheets will be used and entered into TEMPO

In-Field Land Application Inspection: Aerial maps will be used to document In-field Land Application Inspections as well as applicable MPCA MMP checklists. Will be entered into TEMPO.

Stockpile Inspection: Aerial maps and applicable MPCA Inspection checklist options will be completed and entered into TEMPO.

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.

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) 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.

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.

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 will vary slightly depending on the responsiveness of the producer to correct the problem, the severity of the environmental threat, and the availability of cost-share assistance to correct the issue. Through this evaluation, Lyon County will develop a timeline to address each issue, taking into consideration that all non-compliances are unique. Interm permits, where applicable, will be used to guide the producer from non-compliance to compliance in a set timeframe. The County will send follow-up letters within 30 days of discovery of the non-compliance.

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.)

Lyon County will actively promote the University of Minnesota manure management information and documents as well as provide outreach materials to individual producers. Lyon County will help 2-3 producers per year with MMP writing and provide 2-3 educational opportunities per year for landowners (group education, newsletters, newspaper articles).

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

We can expect 20-25 producers per year to attend training, likely declining each year due to average producer age increases and the easy availability of information via technology.

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

Lyon County documents producer contacts throught the Ownership Assistance Program.

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. Agency-approved number of feedlots required to be registered by the State. (Enter the number of feedlots for your County found in Appendix B.)	282	(Leave blank)
2. County–Agency agreed upon inspection rate. (Enter “7%” for 2018 and 2019 unless a different inspection rate percentage was negotiated.)	7% (20)	7% (20)
3. County–Agency agreed upon inspection number for the identified time period. (Calculate 7% of the number from item 1 and enter it here.)	20	(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"/>

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) a completed copy of the latest Minnesota Feedlot Inspection Checklist (7020.1600, Subp. 2. H.). <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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The County enters data from all feedlot inspections at feedlots required to be registered into Tempo by February 1 of the year following the end of the program year (7020.1600, Subp. 2. H.). <i>A Tempo database query should indicate that inspection checklist data was entered into Tempo within required parameters.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The County’s Inspection Strategy has been approved by the agency (7020.1600, Subp. 3a.B.(1-2)). <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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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5. The County's Inspection Strategy has been approved by the agency (7020.1600, Subp. 3a.B.(1-2)). <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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Compliance MPRs	YES	NO
<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"/>

Permitting MPRs	YES	NO
<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 ≥ 500 AU proposing to construct or expand must include the following information:</i></p> <ul style="list-style-type: none"> <i>a. Owners' names or legal name of the facility;</i> <i>b. Location of facility - county, township, section, and quarter section;</i> <i>c. Species of livestock and total animal units;</i> <i>d. Types of confinement buildings, lots, and areas at the animal feedlot; and</i> <i>e. Types of manure storage areas.</i> <p><i>Public notification is completed by equal or greater notification of one of the following:</i></p> <ul style="list-style-type: none"> <i>a. Newspaper (affidavit in file);</i> <i>b. Delivery by mail or in person; or</i> <i>c. As part of a county/township permitting process (CUP).</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>12. The County will issue the appropriate permit after completion of required notifications (7020.2000, Subp. 4, 5).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<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>		
<p>13. The County will ensure that MMP (manure management plan) conditions have been met according to 7020.2225, Subp. 4.D. prior to permit issuance (7001.0140).</p> <p><i>A file review should indicate that a MMP and a MMP checklist completed by the County is on file for any Interim permit issued for a site >100 AU; that a 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 ≥300 AU where manure is transferred.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>14. The County will ensure that a producer who submits a permit application that includes a liquid manure storage area (LMSA) meets the requirements in 7020.2100.</p> <p><i>A file review should indicate that the County uses an agency-approved LMSA checklist and that plans and specifications are complete.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>15. The County will ensure that any pollution problem existing at a producer's site will be resolved before the permit is issued or 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"/>

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

Owner Assistance MPR	YES	NO
<p>17. The 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"/>

Staffing Level and Training MPR	YES	NO
<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"/>

Air Quality MPR	YES	NO
<p>19. The County maintains a record of all notifications received from feedlot owners claiming air quality exemptions including the days exempted and the cumulative days used. (7020.1600, Subp. 2.I.)</p> <p><i>The County should maintain a pumping notification log. The log should include:</i></p> <ul style="list-style-type: none"> <i>a. Names of the owners/legal facility name;</i> <i>b. Location of the facility (county, township, section, quarter);</i> <i>c. Facility permit number; and</i> <i>d. Start date and number of days to removal.</i> 	<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. (86th 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>https://www.revisor.mn.gov/laws/?year=2009&type=0&doctype=Chapter&id=37</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.)

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 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>	<p style="text-align: center;"><i>Devin Ryan</i> County Feedlot Officer</p>
	<p style="text-align: center;"><i>[Signature]</i> 11-14-17 Signature of County Feedlot Officer Date</p>
	<p style="text-align: center;"><i>Michelle Oie</i> MPCA County Feedlot Program Development Lead</p>
	<p style="text-align: center;"><i>Michelle Oie</i> 10/16/17 Signature of MPCA County Feedlot Program Development Lead Date</p>

Amendment: _____

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.)

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 2019 Delegation Agreement Work Plan has been reviewed and satisfactorily addresses Delegation Agreement Work Plan requirements.

Yes No

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	<p style="text-align: center;"><i>[Signature]</i> 8/20/18</p>
	<p>Signature of County Feedlot Officer Date</p>
	<p style="text-align: center;"><i>Michelle Die</i> MPCA County Feedlot Program Development Lead</p>
<p style="text-align: center;"><i>[Signature]</i> 8/23/18</p>	
<p>Signature of MPCA County Feedlot Program Development Lead Date</p>	

Amendment: _____
