

2012 - 2013 County Feedlot Program Delegation Agreement and Work Plan (January 1, 2012 – December 31, 2013)

County: Lyon

County Feedlot Officer(s): John Biren

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

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

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

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

<p>This County Feedlot Program Delegation Agreement and Work Plan has been prepared by the county for the period of January 1, 2012 – December 31, 2013. The county agrees with the terms and conditions established in this delegation agreement and will use feedlot grant funds in conjunction with the required local match dollars and in-kind contributions to carry out the goals and plans described herein. The county understands that this Work Plan will be reviewed by the MPCA after completion of the first year of the agreement and, if necessary, will be revised.</p>	
Signature of Chair of Board of County Commissioners	Date

A. Work Plan Strategies

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

Registration Strategy: Please address the following registration strategy criteria.

1. Please indicate the method(s) used by the county to provide an owner with a registration receipt.*
 - a. A registration receipt letter
 - b. An inspection report letter that contains confirmation of re- registration.
 - c. A permit cover letter or Certificate of Compliance that contains confirmation of re- registration.

* Registration receipt practices that deviate from the above agency-approved methods must be described in Part C of the Work Plan Review Summary page.

2. Please indicate the type of registration form used by the county:
 - a. MPCA standard registration form
3. Please describe the strategy and timeline that the county intends to follow to re-register feedlots in accordance with the January 1, 2014 deadline.

Following inventory, 25 percent of feedlots will be registered each year with the intent on having each feedlot in Lyon County meeting the required four year registration requirement. A registration receipt letter will be sent to the producer.

Inspection Strategy:

Delegated county rules require counties to set inspection plans and goals for the purpose of identifying pollution hazards and determining compliance with discharge standards and schedules at sites with OLAs. Mn Rules 7020.1600 Subp. 3a. B.1 a. & 1b.

Please describe your inspection strategy for 2012-2013 by completing items 1 – 4 below.

1. Please state your inspection strategy by choosing from one or more of the following inspection strategy examples listed below. Please describe any alternative strategies in the space below.
 - a. The county has prioritized feedlots to inspect based on a countywide Level 3 inventory.
 - b. The county inspects all feedlots in the county on a 5 year or less rotating basis.
 - c. The county will place an emphasis on inspections at sites that, according to previous inspections, have not been maintaining manure management records.

See a through c above.

*Inspections at all non-NPDES feedlots in shoreland and/or DWSMAs by 2015 is an internal MPCA feedlot program objective.

** Level II land application inspections at all non-NPDES feedlots >300 AU by 2019 is an internal MPCA feedlot program objective.

2. Please state the number of inspections that you plan to conduct in 2012 and in 2013 as a result of the inspection strategy you have chosen. (Note: The MPCA will consider the amount of work completed and plan complexity when evaluating county progress in fulfilling strategies.)

Lyon County will complete a minimum of 7 percent per year.

- A delegated county must inspect 7% or more of the feedlots required to be registered annually, and
- A delegated county must achieve 90 percent of the non-inspection as set forth in part 2 of this section.

1. Inspection Rate Minimum Program Requirement

Inspection Minimum Program Requirement:	Jan. 1 – Dec. 31, 2012	Jan. 1 – Dec 31, 2013
1. Agency-approved number of feedlots required to be registered: (Use number on 2012 Grant Award Schedule)	338	To be completed in 2013
2. County – Agency agreed upon inspection number:	24	
3. County – Agency agreed upon inspection rate: (Minimum of 7% unless otherwise negotiated by the two parties.)	7 %	

2. Non-Inspection Rate Minimum Program Requirements

Please complete the following table using checking "YES" or "NO".

Registration Minimum Program Requirements:	YES	NO
1. The county will register and maintain registration data in accordance with MN Rules 7020.0350 Subpart 1. for all feedlots required to be registered. (7020.1600, Subp. 2.A.) <i>A county program review indicates that the county uses the MPCA standard feedlot registration form or has been approved to use a county-designed registration form.</i>	X	<input type="checkbox"/>
2. The county updates registration information and submits updated information with their annual report. (7020.1600, Subp. 2.J.(1)) <i>A Delta database query indicates that registration updates are made by the county annually (including the "deactivation" of sites).</i>	X	<input type="checkbox"/>
3. The county issues a registration receipt to the feedlot owner within 30 days of receipt of the registration form. (7020.0350, Subp. 5.) <i>File reviews indicate that the county has fulfilled the registration receipt requirement as stated in their registration work plan strategy.</i>	X	<input type="checkbox"/>

Inspection Minimum Program Requirements:	YES	NO
4. The county maintains a record of all compliance inspections conducted at feedlots required to be registered. At a minimum counties must maintain on file, in electronic or paper form, documentation in accordance with the following schedule: <ul style="list-style-type: none"> ○ January 1, 2012 – December 31 2012. Counties must maintain on file a copy of the Non-NPDES Inspection Checklist or, upon work plan approval, an alternative form that documents inspection results. ○ January 1, 2013 – December 31, 2013. The plan is to have this MPR modified to 	x	<input type="checkbox"/>

<p><i>Files reviews indicate that the county:</i></p> <p>a. Date stamps applications and all its components</p> <p>b. Send 15 Day Incomplete Letters</p>		
<p>10. The county will determine if an EAW is required by reviewing applications to determine if either a mandatory threshold or a phased action is applicable. (7020.0505, Subp. 5.B.)</p>	X	<input type="checkbox"/>
<p>11. The county forwards to MPCA all permit applications subject to NPDES permits; animal manure not used as domestic fertilizer; > 500 AU with a liquid manure storage area (LMSA) within 1,000' of a karst feature; >500 AU within a vulnerable DWMSA; and variances. (7020.1600, Subp. 4a.B.)</p> <p><i>Files reviews indicate that the county is aware of the EPA thresholds (Animal Numbers) that require an NPDES Permit.</i></p>	X	<input type="checkbox"/>
<p>12. The county will make sure all permit applications are complete. (7020.1600, Subp. 2.C.)</p> <p><i>Files reviews indicate that the county uses an agency approved application checklist and that applications are complete.</i></p>	X	<input type="checkbox"/>
<p>13. 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 or greater proposing to construct or expand must include the following information:</i></p> <p>a. Owner's names or legal name of the facility;</p> <p>b. Location of facility - county, township, section, and quarter section;</p> <p>c. Species of livestock and total animal units;</p> <p>d. Types of confinement buildings, lots, and areas at the animal feedlot; and</p> <p>e. Types of manure storage areas;</p> <p><i>Public notification completed by:</i></p> <p>a. Newspaper (affidavit in file)</p> <p>b. Written Notice Location</p> <p>c. Conditional Use Permit Notice</p>	X	<input type="checkbox"/>
<p>14. The county will ensure producer compliance with required local government notifications. (7020.2000, Subp. 5)</p> <p><i>File reviews indicate that local zoning authorities (township and/or city) have been notified ("Notice of Construction or Expansion") at a minimum of 30 days prior to construction or expansion of new or existing feedlots with a capacity less than 300 AU.</i></p>	X	<input type="checkbox"/>
<p>15. Appropriate permit issuance after completion of required notifications. (7020.2000, Subp. 5)</p> <p><i>File reviews indicate that permits have been issued after the appropriate number (20) of business days following public notifications.</i></p>	X	<input type="checkbox"/>
<p>16. When a manure management plan (MMP) is required, the county shall ensure that MMP conditions have been met according to 7020.2225, Subp. 4.D.</p> <p><i>File reviews indicate that the county uses an agency approved manure management plan checklist and that submitted plans are complete.</i></p>	X	<input type="checkbox"/>
<p>17. The county will ensure that producers who submit a permit application that includes a liquid manure storage area (LMSA) meet the requirements set forth in 7020.2100.</p> <p><i>File reviews indicate that the county uses an agency approved concrete pit construction checklist and that plans and specifications are complete.</i></p>	X	<input type="checkbox"/>

<p>23. The CFO (and other feedlot staff) attends training necessary to perform the duties of the feedlot program and is consistent with the agency training recommendations. (7020.1600, Subp. 2.K.)</p> <p><i>The county completed a minimum of 18 continuing education units (CEU); each unit consisting of one hour of training related to Minnesota Rules Chapter 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.</i></p> <p><i>(See Annual CFO Report Form Guidance document for more information about Training Performance credits.) All training sessions attended by the county must be submitted with the Supplementary Report Form.</i></p>	X	<input type="checkbox"/>
<p>24. The county maintains a record of resources used to match grant dollars. (Senate File No. 905, 3rd Engrossment: 83rd Legislative Sessions (2003-2004))</p>	X	<input type="checkbox"/>

Air Quality Minimum Program Requirements:	YES	NO
<p>25. 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 maintains a pumping notification log.</i></p> <p><i>The record includes the following information:</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</i> <i>d. Start date and number of days to removal</i> 	x	<input type="checkbox"/>

Web Reporting Requirement:	YES	NO
<p>26. The county maintains an active Web site listing detailed information on the expenditure of county program grant funds and measureable outcomes as a result of the expenditure of funds. (H.F. No. 2123, 86th Legislative Session, Article 1, Section 3, Subdivision 1)</p> <p><i>As of July 1 of the current program year the following reports for the previous program year have been maintained on the county's web site:</i></p> <ul style="list-style-type: none"> <i>a. NRBG feedlot program financial report as recorded on eLINK</i> <i>b. Annual CFO Report</i> 	x	<input type="checkbox"/>

FY 2012 County Program Base Grant Award Schedule

(July 1, 2011 - June 30, 2012)

\$1,959,000 Appropriation

1. The base grant funding rate for 2012 is \$89.05/feedlot.
2. Data from the January 1, 2010 Registration Update is used for the Feedlots Eligible-for-Funding column. This is the same data that was used for the 2011 base grants.
3. Nine counties receive the minimum funding of \$7,500 as provided by statute.
4. The County Match Requirement column shows the match required by the county in 2012.

Delegated County	Feedlots Eligible for Funding	2012 Base Grant Award	County Match Requirement
Big Stone	65	\$7,500	\$5,250
Blue Earth	358	\$31,880	\$22,316
Brown	389	\$34,640	\$24,248
Carver	264	\$23,509	\$16,456
Clay	113	\$10,063	\$7,044
Cottonwood	302	\$26,893	\$18,825
Dakota	183	\$16,296	\$11,407
Dodge	304	\$27,071	\$18,950
Douglas	411	\$36,600	\$25,620
Faribault	430	\$38,292	\$26,804
Fillmore	866	\$77,117	\$53,982
Freeborn	356	\$31,702	\$22,191
Goodhue	769	\$68,479	\$47,936
Houston	447	\$39,805	\$27,864
Jackson	346	\$30,811	\$21,568
Kandiyohi	450	\$40,073	\$28,051
Kittson	25	\$7,500	\$5,250
Lac Qui Parle	189	\$16,830	\$11,781
Lake of the Woods	29	\$7,500	\$5,250
Le Sueur	185	\$16,474	\$11,532
Lincoln	430	\$38,292	\$26,804
Lyon	338	\$30,099	\$21,069
McLeod	357	\$31,791	\$22,254
Marshall	67	\$7,500	\$5,250
Martin	500	\$44,525	\$31,168
Meeker	315	\$28,051	\$19,636
Morrison	592	\$52,718	\$36,902
Mower	361	\$32,147	\$22,503
Murray	462	\$41,141	\$28,799
Nicollet	347	\$30,900	\$21,630
Nobles	452	\$40,251	\$28,175
Norman	46	\$7,500	\$5,250
Pennington	47	\$7,500	\$5,250
Pipestone	524	\$46,662	\$32,664
Polk	82	\$7,500	\$5,250
Pope	334	\$29,743	\$20,820
Red Lake	37	\$7,500	\$5,250

The 2012 - 2013 County Feedlot Program Delegation Agreement and Work Plan Review Summary

A. County Need Requests. Please state any specific resources that you are requesting the MPCA to provide in administering the county feedlot program in your county:

None

B. Agency Response/Comment to County Need Requests:

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

N/A

D. Work Plan Approval

The 2012-11 delegation agreement and work plan has been reviewed and satisfactorily addresses delegation agreement requirements.

Yes No

<p>The comments as recorded in the above parts together with the signatures of represented parties constitute that review of the delegation agreement has been conducted and that agreement of delegated county duties and goals by the MPCA and the county for the January 1 – December 31, 2012 period has been achieved.</p>	County Feedlot Officer:	
		<u>12-27-11</u>
	(Signature County Feedlot Officer)	(Date)
	MPCA Representative:	
	<u>12-27-11</u>	
(Signature MPCA Representative)	(Date)	