

# Minnesota Pollution Control Agency County Feedlot Program Delegation Agreement Work Plan

*(When completing this document, make sure to fill in the grey boxes and Xs with the specified information.)*

Delegation Agreement Years:	<u>2024-2025</u>
County:	<u>Lyon</u>
County Feedlot Officer (CFO):	<u>Courtney Snyder, John Biren, Luke Olson</u>
If CFO is employed solely by SWCD, list designated County employee who will sign permits/Grant Agreement:	<u></u>
Telephone number(s):	<u>507-829-3254</u>
Email address(es):	<u>courtneysnyder@co.lyon.mn.us</u>

## A. Strategies

Minn. R. ch. 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

See Appendix A for additional clarifying information regarding Registration of feedlots.

- Please indicate the method(s) the County will use to provide a feedlot owner, who does not have an email address, with a registration receipt within 30 days of the county entering the registration information into the online registration service:** *(Double-click on checkbox and select "checked." Select all that apply.)*

- A registration receipt letter or postcard.
- An inspection letter that contains confirmation about registration/re-registration.
- A permit and/or a permit cover letter that contains confirmation of registration/re-registration.
- The County will document the dated 30-day registration receipts, as described below:

Click or tap here to enter text.

- Please indicate how the County will register sites using the online registration service. Select all that apply or provide a narrative if the County is planning to conduct registrations in another manner than those provided below:**

- The County will advise feedlot owners to use the online registration service to register new feedlots or update existing feedlot registration information.
- The County will request feedlot owners complete and submit a registration data collection sheet. Upon receiving completed registration data collection sheets the County will enter registration information into the online registration service for feedlot owners.
- The County will collect registration information during site inspections and will enter registration information into the online registration service for feedlot owners.

- The County will use information provided by feedlot owners on permit application forms and/or Notices of Construction forms and will enter registration information into the online registration service for feedlot owners.

Click or tap here to enter text.

**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).**

- 4. 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 1000 AU.

**5. Please describe the strategy and timeline the County shall follow to address facilities that are not registered/re-registered in the current and/or prior four-year registration cycle. (Select all that apply.)**

- Register/re-register sites throughout the four-year registration cycle.
- Register/re-register sites early in the fourth year of the registration cycle.
- Sites required to be registered that do not have a current registration (registered prior to January 1, 2018) will be inspected or contacted to verify animal numbers so registration can be updated.
- Other (Example: How the county will address multiple AIs/sites that have the same address. Describe below.)

Click or tap here to enter text.

**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.

**Note:** *At least half of the required seven percent inspections need to be “Compliance” inspections. However, stockpile and manure storage area closure inspections conducted on their own do not count towards the County’s minimum seven percent inspection rate.*

**Required Inspection Strategies**

Strategy	Year 1	Year 2
Conduct compliance inspections at existing sites that have not had an inspection within the last year and have submitted permit applications proposing construction or expansion to ensure that the appropriate permit is issued.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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 in the below sections.

**HIGH RISK/HIGH PRIORITY SITES** *(check all that apply):*

- Sites within shoreland, a Drinking Water Supply Management Area (DWSMA), Watershed Restoration and Protection Strategy (WRAPS), BWSR One Watershed One Plan (1W1P), or other prioritized impaired waters (see Appendix A for 1W1P link). If the whole county is in a 1W1P/WRAP, perhaps prioritize by sub watersheds.
- Sites that have open lot area(s) without runoff controls.
- Sites that have never been inspected that fall into the first two checkboxes.
- Sites that, according to previous inspections, have not been maintaining adequate land application records and/or manure management plans.
- Sites constructing Manure Storage Areas (MSA) and open lot runoff controls.
- Conduct phosphorus inspections within a formally designated area such as WRAPS or BWSR 1W1P. *(See Appendix A for BWSR 1W1P link.)*
- Conduct in-field land application inspections within a formally designated area such as WRAPS or BWSR 1W1P. *(See Appendix A for BWSR 1W1P link.)*
- Alternative Strategy *(explain alternative strategies below):*

Click or tap here to enter text.

**LOW RISK/LOW PRIORITY SITES** *(check all that apply):*

- Sites within a specified size category (i.e., 300-499 AU). *Please explain/describe your inspection strategies in the text box below.*
- Sites within a watershed, township or other formally designated area.
- Conduct phosphorus inspections within a specific watershed, township or other formally designated area.
- Conduct in-field land application inspections within a specific watershed, township or other formally designated area.
- Conduct phosphorus inspections as part of a compliance inspection.
- Conduct in-field land application inspections as part of a compliance inspection or at non-NPDES sites >300 AU.
- Conduct inspections at all sites in the County on a five year or less rotating basis.
- Conduct inspections at sites required to be registered that have never been inspected.
- Alternative Strategy *(explain alternative strategies below):*

Click or tap here to enter text.

### Inspection Strategies

Inspection Strategy	Inspection Goal Year 1*	Inspection Goal Year 2*
Sites that have never been inspected that fall into the first two checkboxes.	5	5
Conduct in-field land application inspections within a formally designated area such as WRAPS or BWSR 1W1P. <i>(See Appendix A for BWSR 1W1P link.)</i>	5	5
Conduct inspections at all sites in the County on a five year or less rotating basis.	7	7
Conduct inspections at sites required to be registered that have never been inspected	2	2
Conduct in-field land application inspections as part of a compliance inspection or at non-NPDES sites >300 AU.	2	2
<b>Total:</b>	<b>21</b>	<b>21</b>

*\*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.

At least seventy five percent (75%) of inspection data shall be entered into Tempo 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)*

Note:

- Counties need to enter 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.
- Counties that enter ninety percent (90%) of inspection data within 60 days of the inspection date will receive four (4) Performance Credits.

***Be sure to read and understand Appendix A for required inspection documentation.***

#### Compliance Strategy

1. Please state the various initial method(s) and practice(s) the County will use in response to **compliance inspections** that result in non-compliance: (Blatant violations will be referred to MPCA as soon as possible in accordance with Appendix C.)
  - Include corrective actions with completion deadlines in the inspection results notification letter.
  - Issue a Letter of Warning (LOW) or a Notice of Violation (NOV) that will include corrective actions and deadlines.
  - Issue an interim permit that includes timelines for corrective actions.

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 initial method(s) and practice(s) the County will use in response to **land application inspections** that result in non-compliance: (Blatant violations will be referred to MPCA as soon as possible in accordance with Appendix C.)

- Address non-compliance at the same time the facility non-compliance is addressed. See above.
- Include corrective actions with completion deadlines in the inspection results notification letter.
- Issue an LOW or NOV that will include corrective actions and deadlines.
- Other (describe 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. 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*)

4. Explain how the County will escalate enforcement action when progress is not being made on corrective actions. (**Note:** See Appendix C – MPCA memorandum on CFO referral to MPCA.)  
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 during the term of this DAWP 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, social media posts.)

- 1) Send outreach newsletters to rural landowners with updates &/or guidance  
2) Attend Lyon County Fair & set-up a booth with outreach information  
3) Attend producer organization meetings/banquets (2 meetings/banquets)  
Tracking will be done in an excel document.

Counties are pre-approved to conduct publicity based on their Owner Assistance Strategy. Counties need to add "Paid for by a grant from the State of Minnesota" to any originally created Minn. R. ch. 7020 information intended for distribution.

## B. Delegated County Minimum Program Requirements (MPRs)

Minn. 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 full compliance inspection, a construction inspection, a desk-top nitrogen and phosphorus record inspection (desktop N & P) 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 need to 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. Note that stockpile and manure storage area closure inspections, on their own, do not count towards the minimum seven percent inspection requirement.

Inspection MPRs	Year 1	Year 2
1. Agency-approved number of feedlots required to be registered by the State. <i>(For Year 1, enter the "Feedlots Eligible for Funding" number for your county found in Appendix B. For Year 2, the Agency-approved number of feedlots for each county will be determined by the MPCA around April 1, 2024. Counties will need to determine the number of inspections that need to be conducted to meet their 7% inspection rate based on the number of Agency-approved feedlots at that time.)</i>	286	282  The 2025 MPCA approved number of feedlots is to be added by the county in 2024.
2. County–Agency agreed upon inspection rate. <i>(Enter "7%" unless a different inspection rate percentage was negotiated.)</i>	7%	7%
3. County–Agency agreed upon inspection number for the identified time period. <i>(Calculate 7% of the number from item 1. 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)</i>	20.5	20  To be added by the county in 2024.

### Non-Inspection MPRs

Registration MPRs	YES	NO
1. The County will register and maintain registration data in the Tempo database (Minn. R. ch. 7020.0350, subp. 1 and 7020.1600, subp. 2. C). <i>Instructions for entering registration information into the online registration system are available in Tempo HELP/Feedlot folder/Registration Information folder/ "Online Registration FAQs.docx"</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Registration MPRs	YES	NO
<p>2. The County issues a registration receipt to the feedlot owner within 30 days of entering registration information into the online registration service if the site owner does not have an email address (Minn. R. ch. 7020.0350, subp. 5).</p> <p><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></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The County acknowledges the following:</p> <p>a. The MPCA will run a report on or about January 30, 2024 to determine the number of feedlots the County will receive funding for during 2025 and 2026.</p> <p>b. In order for feedlot sites to count for funding purposes for 2025 and 2026 they must:</p> <ul style="list-style-type: none"> <li>• Have a locked registration in Tempo,</li> <li>• Have a registration Effective Start Date of January 1, 2018 or later; and</li> <li>• Be required to register: 10 or more AU in shoreland areas or 50 or more AU outside shoreland areas.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Inspection MPRs	YES	NO
<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) inspection documentation as outlined in Appendix A (Minn. R. ch. 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 no later than <b>February 1</b> of the year following the end of the program year (Minn. R. ch. 7020.1600, subp. 2.H) <b>and</b> at least seventy five percent (75%) of inspection data shall be entered into Tempo within 120 days of the inspection. Minimally funded counties may enter data less frequently.</p> <p><i>A Tempo database query should indicate that inspection checklist data was entered into Tempo within required parameters.</i></p> <p><i>Instructions for entering an inspection into Tempo are available in Tempo HELP/Feedlot folder/ Inspection Information folder.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Inspection MPRs	YES	NO
<p>The County acknowledges the following:</p> <p>a. For inspections to count toward the required seven percent (7%) inspection rate they must*:</p> <ul style="list-style-type: none"> <li>• Be at sites that are required to register: 10 or more AU in shoreland areas or 50 or more AU outside shoreland areas;</li> <li>• Have a locked inspection in Tempo; and</li> <li>• Have occurred during the CFO Annual Report reporting year.</li> </ul> <p>*If at the time of inspection a site has a current (January 1, 2018 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.</p> <p>b. Inspections at feedlot sites will <b>not</b> count toward the required seven percent (7%) inspection rate if:</p> <ul style="list-style-type: none"> <li>• Inspection information is not entered into Tempo, or</li> <li>• Inspections entered into Tempo are not locked.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>5. The County's Inspection Strategy has been approved by the agency (Minn. R. ch. 7020.1600, subp. 3a.B(1-2)).</p> <p><i>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.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Compliance MPRs	YES	NO
<p>6. The County will notify the producer, in writing or via email, of the results of any inspection. The notification must include a completed copy of the Minnesota Feedlot Inspection Checklist (wq-f3-45e). (Minn. R. ch. 7020.1600, subp. 3a.B(5)(a)). For compliance and desktop N &amp; P inspections the written or emailed inspection notification shall be within 30 days of a compliance determination.</p> <p><i>A file review should indicate the County has notified the producer(s) of compliance inspection results. Notification must be in writing or via email.</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 (Minn. R. ch. 7020.1600, subp. 3a.B(5)).</p> <p><i>A file review should indicate that the County brought non-compliant feedlots 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 (Minn. R. ch. 7020.1600, subp. 2.H).</p> <p><i>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 the Violations screen in Tempo has been updated to reflect the return to compliance.</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 (Minn. R. ch. 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 email) does not need a date stamp provided the dated email is saved with the document.</i></p>	☒	☐
<p>10. The County will make sure all permit applications are complete (Minn. R. ch. 7020.1600, subp. 2.C).</p> <p><i>A file review should indicate that the County uses the most recent agency-approved permit application checklist and that application information is complete and accurate as verified through the use of the permit application checklist.</i></p>	☒	☐
<p>11. The County will ensure producer compliance with required notifications (Minn. R. ch. 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. Owner(s) name(s) or legal name of the facility;</i></li> <li><i>b. Location of facility - county, township, section, 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 (Conditional Use Permit);</i></li> <li><i>d. A copy of the newspaper including date of publication;</i></li> <li><i>e. A printed copy of the notification from the newspaper website including date of publication.</i></li> </ul>	☒	☐
<p>12. The County will issue the appropriate permit after completion of required notifications (Minn. R. ch. 7020.2000, subp. 4, 5).</p> <p><i>A file review should indicate that permits have been issued more than twenty (20) business days after public notifications.</i></p>	☒	☐
<p>13. The County will ensure that manure management plan (MMP ) conditions have been met according to Minn. R. ch. 7020.2225, subp. 4.D prior to permit issuance (Minn. R. ch. 7001.0140).</p> <p><i>A file should contain either a permit with a deadline for MMP submittal or an MMP and a completed MMP review checklist for any interim permit issued for a site <math>&gt;100</math> AU; an MMP and a completed MMP review checklist for any CSF (construction short form) 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 <math>\geq 300</math> AU where manure is transferred. A file review will confirm that a copy of the most recent Agency-approved MMP review 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 review checklist.</i></p>	☒	☐

<b>Permitting MPRs</b>	<b>YES</b>	<b>NO</b>
<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 Minn. R. ch. 7020.2100.</p> <p><i>A file review should indicate that the County uses the most recent 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.</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 (Minn. R. ch. 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 at existing sites within one year 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. (Minn. R. ch. 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><i>a. Type of complaint;</i></li> <li><i>b. Location of complaint;</i></li> <li><i>c. Date and time complaint was made;</i></li> <li><i>d. Facts and circumstances related to the complaint; and</i></li> <li><i>e. 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. (Minn. R. ch. 7020.1600, subp. 2.J.(5) and subp. 3a.B.(7))</p> <p><i>A review should indicate the County initiated their plan 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. (Minn. R. ch. 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 Minn. R. 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.</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. (Minn. R. ch. 7020.1600, subp. 2.1.)</p> <p><i>The County should maintain a pumping notification log. The log should include:</i></p> <ul style="list-style-type: none"> <li><i>a. Names of the owners/legal facility name;</i></li> <li><i>b. Location of the facility (county, township, section, quarter);</i></li> <li><i>c. Facility permit number; and</i></li> <li><i>d. 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 measurable outcomes as a result of the expenditure of funds. (86<sup>th</sup> Legislature, MN Session Laws 2009, 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 CFO Annual Report and MPCA Financial Report from the previous program year should be posted 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"/>

## Appendix A

### 2024-25 Delegation Agreement Work Plan Guidance

This Delegation Agreement Work Plan applies to feedlots that are required to be registered under Minn. 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.

#### 1. DATA PRACTICES:

Any data requested that is part of the Tempo warehouse data dump, MPCA's "What's in my Neighborhood" and a submitted permit application and Manure Management Plan is public information. As such the county is not required to immediately notify the MPCA and is does not need to await direction on whether the county can disseminate this data to the public. The county can release this public data because this statement is a blanket approval for the county to do so.

#### 2. REGISTRATION:

##### a) Producer contact information

- If a feedlot owner provides contact information (phone / email) it needs to be entered. Counties should not enter their own contact information if a feedlot owner has provided contact information.
- If a feedlot owner does not provide contact information an effort should be made by the CFO to gather/obtain feedlot owner contact information (phone/email) before entering registration information so, if possible, the feedlot owner's contact information is entered rather than the contact information of the CFO.
- Entering CFO contact information (phone/email) as part of a feedlot's contact information should only be done as a last resort... meaning that either:
  - The feedlot owner does not have phone/email contact information.
  - The feedlot owner is unwilling to provide contact information.

##### b) Collected registration information

- If a feedlot owner submits registration information to the county (i.e., Registration Data Collection sheet or permit application) so that the county can enter the registration information into the on-line registration service, the submitted information needs to be retained (attached in Tempo or in county file).

##### c) Registration receipt

- If a feedlot owner does not provide email contact information and CFO email contact information is entered as contact information for the feedlot, the CFO needs to clearly document receipt of registration back to the feedlot owner. Acceptable forms of documentation include:
  - Dated registration receipt letter;

- Dated inspection letter that indicates registration was updated;
- Dated permit cover letter that indicates registration was updated; or
- The County will document the dated 30-day registration receipts as described in the Registration Strategy above.

d) Register / Update feedlot registration information when permits are issued

- When a feedlot owner submits an application for a feedlot permit or Notice of Construction, the CFO needs to ensure that:
  - New feedlot sites are registered based on the information submitted; and
  - Registration information is updated for existing feedlot sites based on the information submitted.

## 6. TYPES OF INSPECTIONS

Please refer to the Minnesota Feedlot Inspection Checklist (Checklist) to learn more about a feedlot inspection. All inspections must be documented.

**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 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.

**Manure Storage Area Closure** is an inspection that has been conducted at a facility and the inspector has evaluated the site's compliance with manure storage area closure requirements. If you have received a notification of manure storage area closure and did not inspect the facility, follow the procedure for "How to enter Notification of Manure Storage Area Closure" located here (<file:///pca.state.mn.us/xdrive/Tempo/Feedlot/>).

*Note that stockpile and manure storage area closure inspections, on their own, do not count towards the minimum seven percent inspection requirement.*

### 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. Feedlot owners are required to maintain three (3) years of field records when fields do not have sensitive features and six (6) years when fields do contain sensitive features. **Please see phosphorus inspection guidance found on the MPCA County Feedlot Officers webpage for more information.**
- **Desktop Nitrogen & Phosphorus Record Review** 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 and load the applicable checklist. **NOTE:** When a Desk-top Nitrogen & Phosphorus Record Inspection is conducted, review of the phosphorus portion of the records 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. In-field land application inspections should focus on fields that have sensitive features present.

### 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.

## 7. 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 email 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).

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 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.

For **Compliance** inspections at feedlot sites with  $\geq 300$  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; 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.

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.

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; 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.

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.

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); and
- The County's evaluation of phosphorus rates (i.e., phosphorus rate worksheet).

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 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),

- **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
- **Manure Storage Area (MSA) Closure** – either a letter stating that the MSA was closed in accordance with rule requirements and/or photo documenting the closure

For all inspection types except 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 THE MINIMUM 7% INSPECTION RATE IS DETERMINED AND CALCULATED**

1. A minimum of 7% of sites required to be registered must be inspected before any PCs are earned.
  - Only sites that received a Compliance, Construction, Desktop N&P, or In-field Land Application inspection can be used to satisfy the 7% minimum.
2. The following multipliers are used when using site inspections to satisfy the 7% minimum:
  - Sites that received a Compliance Inspection are counted as one (1.0) inspection.
  - Sites that received a Construction inspection are counted as one (1.0) inspection.
  - Sites that received a Desk-top Nitrogen & Phosphorus Record inspection are counted as one (1.0) inspection.
  - Sites that received an In-field Land Application inspection are counted as one half (0.5) of an inspection.

#### **HOW PERFORMANCE CREDITS (PCs) ARE CALCULATED**

3. Counties must meet or exceed 85% of the Minimum Program Requirements (MPRs) and the 7% minimum site inspection rate to be eligible to receive PCs.
4. At least half of the site inspections used to satisfy the 7% minimum need to be **Compliance** inspections. The remaining half can be a combination of inspection types including Compliance, Construction, Desktop Nitrogen & Phosphorus Record Inspection, or In-field Land Application.

5. PCs are not earned for inspections that satisfy the 7% minimum.
6. Inspections are applied to the 7% minimum in the following order:
  1. Compliance
  2. Construction
  3. Desktop Nitrogen & Phosphorus
  4. In-field Land Application
7. PCs are awarded for any inspection(s) not used to satisfy the 7% minimum based on the PC multipliers in the CFO Annual Report.

### EXAMPLES

A county has 100 feedlots required to be registered. A minimum 7% inspection rate means a minimum of seven (7) feedlot sites need to be inspected and at least three and a half (3.5) of these inspections need to be Compliance inspections.

1. If the county inspects eight feedlot sites (8 Compliance inspections), they would receive 3 PCs for the extra Compliance inspection.
2. If the county inspects eight feedlot sites (7 Compliance and 1 Construction), they would receive 2 PCs for the extra Construction inspection.
3. If the county inspects nine feedlot sites (3 Compliance and 6 Construction), they would receive 0 PC. Only three Compliance inspections were done and that is not at least half (3.5) of the required 7% (7).
4. If the county inspects 13 feedlot sites (4 Compliance, 2 Construction, 1 Desk-top Nitrogen & Phosphorus and 6 In-field Land Application), they would receive 6 PCs.
  - 4 Compliance, 2 Construction, and 1 Desktop N&P inspections satisfy the 7%.
  - What's left goes towards PCs: 6 In-field Land Application x 1 = 6 PCs.
5. If the county inspects 18 feedlot sites (8 Compliance, 2 Construction, 1 Desk-top Nitrogen & Phosphorus and 7 In-field Land Application), they would receive 17 PCs.
  - The first 7 Compliance inspections go towards the 7%.
  - What's left goes towards PCs: one Compliance x 3 = 3 + two Construction x 2 = 4 + one Desktop N&P x 3 = 3 + seven In-field Land Application x 1 = 7 for a total of 17 PCs (3 + 4 + 3 + 7).
6. If the county inspects 15 feedlot sites (4 Compliance, 1 Construction, and 10 In-field Land Application), they would receive 6 PCs.
  - Four Compliance, one Construction, and four In-field Land Application inspections go towards the 7% ( $4 + 1 + \{4 \times 0.5=2\} = 7$ ).
  - What's left goes towards PCs: six In-field Land Application x 1 = 6 PCs.

### 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  $\geq 300$  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 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.

If **at the time of inspection**, a site has a current (January 1, 2022 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 7% inspection rate.

## 8. 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.

## 9. BWSR ONE WATERSHED ONE PLAN (1W1P): <http://bwsr.state.mn.us/planning/1W1P/index.html>

## APPENDIX B

### 2024 County Program Base Grant Award Feedlot Number

Delegated County	Feedlots Eligible for Funding	Part B. Base Grant Award	County Match Requirement	Part C. MPR Award	Total Award
Big Stone	49	\$6,385.48	\$6,385.48	\$2,718.03	\$9,103.51
Blue Earth	342	\$44,568.07	\$44,568.07	\$18,970.74	\$63,538.81
Brown	304	\$39,616.06	\$39,616.06	\$16,862.88	\$56,478.94
Carver	174	\$22,674.98	\$22,674.98	\$9,651.78	\$32,326.76
Clay	77	\$10,034.33	\$10,034.33	\$4,271.19	\$14,305.52
Cottonwood	170	\$22,153.72	\$22,153.72	\$9,429.90	\$31,583.62
Douglas	247	\$32,188.05	\$32,188.05	\$13,701.09	\$45,889.14
Faribault	266	\$34,664.06	\$34,664.06	\$14,755.02	\$49,419.08
Fillmore	568	\$74,019.49	\$74,019.49	\$31,506.96	\$105,526.45
Freeborn	225	\$29,321.10	\$29,321.10	\$12,480.75	\$41,801.85
Goodhue	428	\$55,775.25	\$55,775.25	\$23,741.16	\$79,516.41
Houston	295	\$38,443.22	\$38,443.22	\$16,363.65	\$54,806.87
Jackson	284	\$37,009.74	\$37,009.74	\$15,753.48	\$52,763.22
Kandiyohi	308	\$40,137.33	\$40,137.33	\$17,084.76	\$57,222.09
Kittson	15	\$7,500.00	\$7,500.00		\$7,500.00
Lac qui Parle	168	\$21,893.09	\$21,893.09	\$9,318.96	\$31,212.05
Lake of the Woods	20	\$7,500.00	\$7,500.00		\$7,500.00
Le Sueur	147	\$19,156.45	\$19,156.45	\$8,154.09	\$27,310.54
Lincoln	384	\$50,041.34	\$50,041.34	\$21,300.48	\$71,341.82
Lyon	286	\$37,270.38	\$37,270.38	\$15,864.42	\$53,134.80
Marshall	48	\$6,255.17	\$6,255.17	\$2,662.56	\$8,917.73
Martin	502	\$65,418.63	\$65,418.63	\$27,845.94	\$93,264.57
McLeod	233	\$30,363.63	\$30,363.63	\$12,924.51	\$43,288.14
Meeker	271	\$35,315.64	\$35,315.64	\$15,032.37	\$50,348.01
Morrison	531	\$69,197.80	\$69,197.80	\$29,454.57	\$98,652.37
Mower	291	\$37,921.96	\$37,921.96	\$16,141.77	\$54,063.73
Murray	435	\$56,687.46	\$56,687.46	\$24,129.45	\$80,816.91
Nicollet	281	\$36,618.80	\$36,618.80	\$15,587.07	\$52,205.87
Nobles	457	\$59,554.41	\$59,554.41	\$25,349.79	\$84,904.20
Norman	45	\$5,864.22	\$5,864.22	\$2,496.15	\$8,360.37
Pennington	32	\$7,500.00	\$7,500.00		\$7,500.00
Pipestone	420	\$54,732.72	\$54,732.72	\$23,297.40	\$78,030.12
Polk	47	\$6,124.85	\$6,124.85	\$2,607.09	\$8,731.94
Pope	119	\$15,507.60	\$15,507.60	\$6,600.93	\$22,108.53
Red Lake	31	\$7,500.00	\$7,500.00		\$7,500.00
Renville	271	\$35,315.64	\$35,315.64	\$15,032.37	\$50,348.01
Rice	221	\$28,799.84	\$28,799.84	\$12,258.87	\$41,058.71
Rock	539	\$70,240.32	\$70,240.32	\$29,898.33	\$100,138.65
Stearns	1370	\$178,532.92	\$178,532.92	\$75,993.90	\$254,526.82
Steele	191	\$24,890.36	\$24,890.36	\$10,594.77	\$35,485.13
Stevens	108	\$14,074.13	\$14,074.13	\$5,990.76	\$20,064.89
Swift	137	\$17,853.29	\$17,853.29	\$7,599.39	\$25,452.68
Todd	702	\$91,481.83	\$91,481.83	\$38,939.94	\$130,421.77
Traverse	35	\$7,500.00	\$7,500.00		\$7,500.00
Wadena	71	\$9,252.44	\$9,252.44	\$3,938.37	\$13,190.81
Waseca	232	\$30,233.31	\$30,233.31	\$12,869.04	\$43,102.35
Watonwan	170	\$22,153.72	\$22,153.72	\$9,429.90	\$31,583.62
Winona	477	\$62,160.73	\$62,160.73	\$26,459.19	\$88,619.92
Wright	222	\$28,930.15	\$28,930.15	\$12,314.34	\$41,244.49
Yellow Medicine	223	\$29,060.47	\$29,060.47	\$12,369.81	\$41,430.28
<b>Total</b>	<b>13,469</b>	<b>\$1,775,394.18</b>	<b>\$1,775,394.18</b>	<b>\$739,747.92</b>	<b>\$2,515,142.10</b>

## APPENDIX C

### CFO referral of enforcement to MPCA

## Policy memo: Referral of enforcement cases from delegated counties to MPCA

DATE : June 21, 2006 (updated June 1, 2021)  
TO : MPCA and County Feedlot Staff  
FROM : Randall G. Hukriede, Feedlot Program Manager  
PHONE : 320-295-2227

**Goal:** To provide criteria to promote statewide consistency regarding acceptance of feedlot enforcement referrals from delegated counties to the Minnesota Pollution Control Agency (MPCA) where there is a persistent failure by a feedlot owner to correct pollution hazards. Referral of cases from the delegated counties to the MPCA should be done infrequently and only for very serious cases. This memo does not apply to situations where a county feedlot officer (CFO) discovers a blatant violation (e.g., acute discharging, pumping, piping, dumping manure to waters of the state). These situations should be referred to the MPCA immediately.

### Situations where referrals may be accepted:

- Conflict of interest between producer and county/CFO;
- Serious environmental harm/potential for harm;
- Pollution problems and/or investigations involving multiple counties; and
- Other cases as determined appropriate by the MPCA.

### Requirements for the county before cases are referred:

- County must have issued a Notice of Violation (NOV);
- County must have tried to refer the case to its county attorney if its previous enforcement action was not successful in resolving the case;
- County must send a letter to the MPCA describing what it has done to resolve the case and why it wants to refer the case to the MPCA; and
- County must agree to continue to work with the MPCA as needed to resolve the case.

### Requirements for the MPCA:

- Incorporate enforcement requirements by reference into county workplans and delegation agreements.
- Staff meet with supervisor and compliance coordinator to approve acceptance of the referral.
- Continue to conduct enforcement training for CFOs and/or county attorney as needed.
- Maintain a NOV and Letter of Warning to be used by counties.