

MPCA County Feedlot Program Delegation Agreement Work Plan

Work Plan Years:	2016 – 2017
County:	Polk
County Feedlot Officer(s):	Nicole Bernd/Jonah Olson
Primary Contact Person:	Nicole Bernd
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Amendment #:	

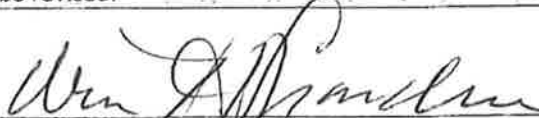
The revised rules adopted on October 23, 2000, require a Delegated County (County) to prepare a Delegation Agreement that describes the County's plans/strategies and goals for administration and implementation of the Feedlot Program. The attached Work Plan satisfies the Minnesota Rules Chapter 7020 requirement 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 inspections for the feedlot.

This County Feedlot Program Delegation Agreement and Work Plan have been prepared by the County for the period of January 1, 2016 – December 31, 2017. The County agrees with the terms and conditions established in this Agreement 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 Work Plan will be reviewed by the MPCA after completion of the first year of the Agreement and, if necessary, will be revised.

	12-15-15
Signature of Chair of Board of County Commissioners	Date

A. Strategies

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

Registration Strategy

1. Please indicate the method(s) the County will use to provide a feedlot owner with a registration receipt. For additional methods and requirements see the Annual Report Guidance document.
 - 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.

Registration forms that are received by Polk County CFO, via mail, will be recorded in office datasheet and a receipt will be mailed to that producer within the 30 day timeline. A copy of the registration form will be provided to producer only if requested. Owner assistance will be provided to those needing assistance completing the registration form. All new and re-registered feedlots will be immediately forward to MPCA staff to be entered into TEMPO, and Polk County will send the registration receipt afterwards.

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 to the completed work plan.)

Polk County CFO's will use the provided registration form available on TEMPO for re-registrations and will use a blank MPCA Registration Form for new registrations. Majority of Polk County re-registrations are due in 2017.

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 newly constructed animal holding or manure storage areas.

The county will send out a re-registration letter and if feedlot AU's have increase by more than 10%, an inspection will be done, permit issued if needed per MPCA guidelines.

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, 2014 and/or any continuous registration strategy over the next two years.

First a reminder letter will be sent, if that fails, the CFO will call the feedlot owner and if the fails, the CFO will consult the MPCA for further action.

Inspection Strategy For assistance with completing this part of the work plan please see Appendix A. A County must set inspection plans and goals 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 in accordance with the following factors. The strategies are for reaching the required inspection rate of 7% of registered feedlots, so inspections need to be at sites required to register by the State. A feedlot inspection and/or a Level 2 or 3 land application inspection may only count once towards the 7% inspection rate. A second inspection done at the same site in the same year would be counted towards performance credits.

1. The County’s inspection strategy must include required goals, **as applicable to the County**, for conducting inspections at these sites:
 - a. Sites proposing construction or expansion
 - b. Sites with an Interim or Construction Short Form (CSF) permit. A CSF permit applies to sites with ≥ 300 AU.
 - c. Sites with signed open lot agreements (OLAs) that have never been inspected
 - d. Sites required to be registered that have never been inspected

Required Inspection Strategies

Strategy Goal	Inspection Goal 2016*	Inspection Goal 2017*
Sites proposing construction or expansion	N/A	N/A
Sites with an Interim or CSF permit	0	1
Sites with OLAs that have never been inspected	N/A	N/A
Sites required to be registered that have never been inspected	1	1
Total	1	2

**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.*

2. The County’s inspection strategy can also include goals, **as applicable**, for conducting inspections at high risk/high priority sites and/or low risk/low priority sites. At least half of the 7% inspections should be compliance (on site) inspections. The remaining half can be a combination of construction/Interim permit, Level 2 and Level 3 inspections. Examples of these are listed below.

HIGH RISK/HIGH PRIORITY SITES

- a) Sites within shoreland and/or a Drinking Water Supply Management Area (DWSMA), Watershed Restoration and Protection Strategy (WRAPS) and/or a TMDL.
- 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 Level 2 or 3 land application inspections within a formally designated area such as a TMDL.
- e) Alternative strategy.

LOW RISK/LOW PRIORITY SITES

- a) Sites within a specified size category such as 300 – 499 AU or 500 – 999 AU.
- b) Sites within a watershed, township or other formally designated area.
- c) Conduct Level 2 or 3 land application inspections within a watershed, township or other formally designated area.
- d) Level 2 or 3 land application inspections as part of a compliance inspection or a Level 3 land application inspection conducted at non-NPDES sites >300 AU.
- e) Conduct inspections at all sites in the county on a five year or less rotating basis.
- f) Alternative strategy.

Inspection Strategies

Strategy Goal	Inspection Goal 2016*	Inspection Goal 2017*
Drinking Water Supply Management Area (DWSMA)	1	1
Sites within a watershed designated area.	1	1
Inspect sites that are over 300 animal units in the county.	Optional Goal: If unable to accomplish the above mentioned Strategy Goal	Optional Goal: If unable to accomplish the above mentioned Strategy Goal
Total	2	2

*Enter the number of inspections the County predicts will be completed for each category.
 Note: Numbers entered for Level 3 land application strategy goals must be quantified by feedlot sites and not individual farm fields.

Inspection Strategy Totals

	Inspection Goal 2016*	Inspection Goal 2017*
Total	2	2

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

Compliance Strategy

1. Please state the various method(s) and practice(s) that the County will use in response to **production site 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 indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.
 - e. Other strategies, as described in the space below.

a, b, c, and d

2. Please indicate in the space below 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 indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.
- e. Other strategies, as described in the space below.

a, b, c and d

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:
- 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.

a

Owner Assistance Strategy

1. Please state the number and type of activities you plan to conduct. (Examples: group education events; newsletters; newspaper articles; producer surveys; distribution of manure sample containers; help with MMP writing.)

One fall/winter newsletter, continuous updates to the Feedlot page designated on the West Polk SWCD's web site westpolkswcd.com and East Polk SWCD's web site eastpolkswcd.org, display board at the annual Polk County Fair and updated fact sheets and guidance documents available at the office.
 One presentation at the University of Minnesota-Crookston to the Animal Industry Class on the MN Feedlot Rules.

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

If proposed, 10-20 producers

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

Yes. Polk County uses an established datasheet available in the office.

B. Delegated County Minimum Program Requirements (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.

1. Inspection MPR

A delegated County must inspect 7% or more of their State required registered feedlots annually, as determined by the table below, to be eligible for the Inspection MPR award.

Inspection MPRs	July 1 – Dec. 31, 2016	Jan. 1 –Dec 31 2017
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1. Agency-approved number required to be registered by the State. <i>(Please enter the number that is shown for your County on the 2016 County Program Base Grant Award Schedule in Appendix B.)</i>	77	
2. County – Agency agreed upon inspection rate. <i>(This is 7% for 2016 and 2017 unless otherwise negotiated.)</i>	7%	
3. County – Agency agreed upon inspection number for the identified time period.	5	

2. Other MPRs

Registration MPRs	YES	NO
1. The County will register and maintain registration data in the Delta/Tempo database in accordance with 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 updates Tempo with the registration information acquired from registration forms and/or permit applications. Tempo fields that must be updated continuously 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 that the County has fulfilled the registration receipt requirement as stated in their registration work plan strategy.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Inspection MPRs	YES	NO
3. The County maintains a record of all compliance inspections, including land application review results, conducted at feedlots required to be registered. At a minimum, counties must maintain on file (electronic or paper) a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 2. H.) <i>A file review should indicate that the County uses and maintains on file inspection documentation in accordance with the above requirement.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The County completes entry of data from all feedlot compliance inspections, including land application review results, at feedlots required to be registered, into Delta and in accordance with Delta inspection fields by February 1 of the year following the end of the program year. (7020.1600, Subp. 2. H.) <i>A Delta/Tempo database query should indicate the entry of inspection data into Tempo occurs within required parameters.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The work plan contains an inspection strategy that has been approved by the agency. (7020.1600, Subp. 3a.B.(1-2)) <i>The Annual Inspection Strategy Progress report (located in the Supplemental Information Page section of the Annual County Feedlot Officer and Performance Credit Report) should indicate that the County initiated inspection plans and goals as stated in their 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 for any compliance inspection conducted. The notification must include a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 3a.B. (5a.))</p> <p><i>A file review should indicate that the County has notified the producers of compliance inspection results. Notification must be in writing either by letter or by a document and signed by the producer that he/she has viewed and agree with the completed inspection report and waives any further notification of results by mail.</i></p>	☒	☐
<p>7. The County will bring feedlot operations into compliance through the implementation of scheduled compliance goals as stated in their compliance strategy (7020.1600, Subp. 3a.B.(5)).</p> <p><i>A file review should indicate that in matters of non-compliance the County followed their compliance strategies.</i></p>	☒	☐
<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 Delta/Tempo the file should contain documentation by either the County or another party verifying that the corrective action was implemented and/or installed. (A separate inspection should be entered in Tempo to show return to compliance.)</i></p>	☒	☐
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.B.)</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>	☒	☐
<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>	☒	☐
<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. Owner's 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> 	☒	☐
<p>12. Appropriate permit issuance after completion of required notifications. (7020.2000, Subp. 5)</p> <p><i>A file review should indicate that permits have been issued after the appropriate number (20) of business days 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 manure management checklist completed by the CFO is on file for any CSF permit issued for a feedlot with ≥ 300 AU 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 with ≥ 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 is addressed by the permit. (7020.0500, Subp. 5.B. and 7001.0140)</p> <p><i>A file review should indicate that 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. The complaint log record includes the following information:</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</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 work plan contains owner assistance goals that have been approved by the agency. (7020.1600, Subp. 2.J.(5) and Subp. 3a.B.(7))</p> <p><i>The annual delegation review should indicate that the County initiated their plans in accordance with their 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) 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 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. (See Annual CFO Report Form Guidance document for more information about Training Performance credits.) All training sessions attended by the County must be submitted using the Supplementary Report Form.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 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> 	<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. (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 Annual CFO Report and an MPCA financial report (yet to be determined) for the previous program year should be on the County's website.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2016 County Feedlot Program Delegation Agreement and Work Plan Review

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

B. Agency Response to County Need Request

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

D. Work Plan Approval

The 2016 delegation agreement and work plan has Yes No been reviewed and satisfactorily addresses delegation agreement requirements.

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 County duties and goals by the MPCA and the County for the January 1 – December 31, 2016 period has been achieved.	Nicole Bernd / Jonah Olson (County Feedlot Officer)
	Nicole Bernd / Jonah Olson (Signature of County Feedlot Officer) (Date)
	Molly Costin (MPCA Regional Staff)
	Molly Costin 12/8/15 (Signature of MPCA Regional Staff) (Date)
	Michelle Die (MPCA County Development Lead)
Michelle Die 12-8-15 (Signature of MPCA County Development Lead) (Date)	

Amendment: _____
