



Minnesota
Pollution
Control
Agency

Feedlots in Open Lot Agreement

Recommendations Beyond October 1, 2010

Water Quality/Feedlots #6.52 • Updated March 2009

Livestock producers are encouraged to work closely with their local SWCD, county feedlot officer, or MPCA regional office to determine if their site is well-suited for a low cost fix.

The Open Lot Agreement (OLA) program was established in October 2000. The purpose was to allow a more flexible and phased approach to improving existing open lot feedlots with fewer than 300 animal units, which are mostly dairy and beef lots. The OLA was proposed as a way to encourage producers to seek information and assistance for practical solutions, and to promote progress towards fixing open lot runoff problems in a reasonable and achievable way. Under the agreements, interim corrective measures were to be completed by Oct. 1, 2005, with final corrective measures completed by Oct. 1, 2010. According to MPCA and delegated county records, 4,879 livestock producers are participating in the Open Lot Agreement.

What will happen after the Oct. 1, 2010 deadline?

The 2010 date was authorized in the 7020 feedlot rules and represented a final compliance deadline for operators who committed to the Open Lot Agreement. In the agreement, feedlot owners committed to correct their open lot runoff problems in exchange for a flexible time schedule (up to 10 years) and a conditional waiver from retroactive enforcement penalties.

In March 2009 the MPCA, Department of Agriculture, and Board of Water and Soil Resources signed a Memorandum of Understanding that after October 2010, producers who signed an OLA and have applied for and maintain eligibility for cost-share, will continue to receive a conditional waiver from enforcement penalties until cost-share is available for corrective measures. A producer who has



signed an OLA, but **has not** applied for cost share, **must apply** for cost share before **Oct. 1, 2010**, and continue to seek cost share until it is available, to receive a continued conditional waiver from enforcement penalties.

A producer who has **not** already signed an OLA will not be eligible to receive the benefits of the OLA and will need to follow the applicable requirements of Minnesota Rules Chapter 7020.

The MPCA will respond to noncompliant situations on a case-by-case basis, considering site specific conditions and circumstances:

- Potential environmental risk posed by open lot runoff at the site;
- Extent of attempts to correct or prevent the situation;
 - Were interim corrective measures implemented, even if a final fix has not been completed;
 - Is the producer making progress individually, or by working with NRCS/SWCD, a consultant, the MPCA or county;

MPCA Offices:

Rochester:
507/285-7343

Mankato:
507/389-5977

Marshall:
507/537-7146

Willmar:
320/214-3786

Detroit Lakes:
218/847-1519

Brainerd:
218/828-2492

Duluth:
218/723-4660

Metro:
651/296-6300

Toll-Free-TTY:
800/657-3864

- Has the producer applied for cost-share and still on the waiting list;
- Compliance history of the facility.

What should I do while waiting for cost-share approval?

In addition to remaining actively on the wait list for assistance, producers should be taking steps as to address pollution runoff from their facilities, including maintaining good management of the lots using Best Management Practices and implementing as many fixes as possible. Some low cost fixes may be available for some sites. Producers are encouraged to work closely with their local SWCD, county feedlot officer, or MPCA Regional office to identify if their site is well suited for a low-cost fix.

Am I being penalized for "voluntarily" signing this agreement?

There is no advantage to producers that didn't sign the OLA. Producers that did not sign an OLA are also required to fix their runoff problems, and they do not have the advantage of an enforcement waiver from previous runoff violations.

I requested financial and technical cost-share assistance in the past and was not approved due to higher priorities. Do I need to reapply?

Yes, you should maintain an active application with your local assistance providers.

Since I signed the agreement my circumstances have changed and now I don't want to spend additional money to maintain my small feedlot. What should I do?

In order to maintain a feedlot in Minnesota, producers are required to address pollution including runoff from open lots. Producers that are contemplating closure should speak to their county feedlot officer or MPCA regional office. In some cases, a timetable for closure will be allowed. In other cases some low-cost fixes may be available. These are case-by-case evaluations. Livestock producers are encouraged to work closely with their local SWCD, county feedlot officer, or MPCA regional office to determine if their site is well-suited for a low cost fix.

I still haven't completed my runoff control system. Should I expect high costs?

Not necessarily. In many cases a low-cost approach to runoff control can be found, such as installing clean water diversions, installing vegetated buffers, reducing lot size and use, and/or cleaning the lot more often.



However, in some cases, the costs can be significant and that is why we urge producers to work with assistance agencies that can help design and provide financial assistance.

Is assistance still available?

Assistance is currently available from the USDA-NRCS Environmental Quality Incentives Program (EQIP) and the state Board of Water and Soil Resources cost-share program. Other sources of low interest loans include the USDA Farm Service Agency and Minnesota Department of Agriculture. In some areas watershed projects and district have funds for agricultural waste facilities. To find out about these funds contact your Soil and Water Conservation District or FSA office. In some cases these funds are being supplemented with special project funds. In most cases your Soil and Water Conservation District is a one-stop-shop for assistance. For producers meeting eligibility requirements, loans also are available through USDA-FSA Farm Loan Programs at very competitive rates. Each year there is more demand than supply for financial assistance. It is important to get your application in as soon as possible.

For More Information

For more information, contact your County Feedlot Officer or MPCA feedlot staff in your region. Contact your local SWCD or NRCS office to seek assistance in evaluating feedlot improvement options. A list of county feedlot officers in delegated counties can be found on the MPCA Web site at:

www.pca.state.mn.us/hot/feedlots.html.

Minn. Rules Chapter 7020.2003 Subp. 4

Eligible open lot feedlots capable of holding fewer than 300 animal units.