

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY, DEPARTMENT OF AGRICULTURE,
BOARD OF WATER AND SOIL RESOURCES**

FEEDLOT RULE OPEN LOT AGREEMENT - MEMORANDUM OF UNDERSTANDING

BACKGROUND: Since October 2000, livestock producers having open feedlots with fewer than 300 Animal Units (AU) had the option to sign an Open Lot Agreement (OLA), whereby they committed to correct their open lot runoff problems in exchange for a flexible time schedule for compliance and a conditional waiver from enforcement of penalties for past violations of water quality standards.

Interim measures were to be completed by October 1, 2005, and final corrective measures were to be completed by October 1, 2010. Due to limited availability of cost-share and technical assistance, it will be MPCA policy that the conditional waiver from retroactive enforcement penalties will continue for producers who have signed an OLA and continue to pursue funding for feedlot fixes.

AGREEMENT: The Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, and the Minnesota Board of Water and Soil Resources, hereby agree:

1. A producer who has signed an OLA, and has applied for and maintains eligibility for cost share, shall continue to receive a conditional waiver from enforcement penalties until cost-share is available for the corrective measures.
2. A producer who has signed an OLA, but **has not** applied for cost share, must apply for cost share before **October 1, 2010**, and continue to seek cost share until it is available, to receive a continued conditional waiver from enforcement penalties.
3. 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.
4. No extension of the end date of the Open Lot Agreement (7020.2003, subp. 6A).

All producers are encouraged to seek assistance from their local conservation office and work with their county feedlot office or MPCA office to correct remaining open lot runoff problems.

RELATED STATUTES: In accordance with M.S. 116.07, Subd. 7(p), a feedlot operator will not be required to spend more than \$3,000 to upgrade an existing feedlot with fewer than 300 animal units unless cost-share is available for 75 percent of the cost of the upgrade, unless the upgrade is needed to correct an immediate public health threat under MS145A.04, subd. 8, or the facility is determined to be a concentrated animal feeding operation under Code of Federal Regulations, title 40, section 122.23.



Minnesota Pollution
Control Agency

Paul Eger

Paul Eger, Commissioner
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Gene Hugoson

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John Jaschke

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