

Office Memorandum

DATE : June 21, 2006

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TO : Minnesota Pollution Control Agency
County Feedlot Staff

FROM : Robert Finley *RF*
Feedlot Program Manager

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SUBJECT : Referral of Enforcement Cases from Delegated Counties to the Minnesota Pollution Control Agency

Goal: To provide criteria to promote statewide consistency regarding acceptance of feedlot enforcement referrals from delegated counties to the Minnesota Pollution Control Agency (MPCA). Referral of cases from the delegated counties to the MPCA should be done infrequently and only for very serious cases.

Situations where referrals may be accepted:

1. Conflict of interest between producer and county/county feedlot officer (CFO);
2. Serious environmental harm/potential for harm;
3. Pollution problems and/or investigations involving multiple counties; and
4. Other cases as determined appropriate by the MPCA.

Requirements for the county before cases are referred:

1. County must have issued a Notice of Violation (NOV);
2. County must have tried to refer the case to its county attorney if its previous enforcement action was not successful in resolving the case;
3. 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
4. County must agree to continue to work with the MPCA as needed to resolve the case.

Requirements for the MPCA:

1. Incorporate enforcement requirements into county work plan, including criteria for referral of cases;
2. Staff meet with supervisor and compliance coordinator to approve acceptance of the referral;
3. Conduct enforcement training for CFO and/or county attorney as needed;
4. Examine the feasibility of extending the administrative penalty order (APO) authority to the county; and
5. Develop a notice of violation (NOV) cover letter to be used by the county containing language about referral of the case to its county attorney or the MPCA if the producer does not resolve violations.