



**Minnesota
Pollution
Control
Agency**

Regional
Division

Feedlot Program

County Feedlot Program

Water quality/feedlots #6.51 Updated November 2009

Minnesota’s regulatory feedlot program includes an optional arrangement between the Minnesota Pollution Control Agency (MPCA) and county government. This cooperative program is known as “county delegation” or the “county feedlot program.” County feedlot programs are responsible for the implementation of feedlot rules and regulations, with the exception of large feedlots that require federal permits. Fifty-five counties including most of the major feedlot areas participate in the county feedlot program.

What is the County Feedlot Program?

A county feedlot program is established by the transfer of regulatory authority from the MPCA to the county. This transfer of authority is granted by statute and it allows the MPCA to "delegate" administration of certain parts of the feedlot program to counties. County feedlot programs have responsibility for implementing state feedlot regulations including:

- Registration
- Permitting
- Inspections
- Education and assistance
- Complaint follow-up

County Feedlot Program benefits

The growing importance of county feedlot programs stems from the success of existing programs and recognition that administration of the feedlot program at the local level is effective and has many benefits.

Counties have considerable experience and sensitivity to local practices and conditions that can help to expedite feedlot owner permitting needs and compliance concerns. This includes knowledge of private and community well-water supplies, soils, high priority watersheds, and an understanding of



County feedlot officers tour a dairy during the convention in October 2006

local zoning and land use plans, ordinances and issues. Also, county staff have the advantage of being part of a network of local agencies where technical assistance and other programs can be coordinated to support the needs of the feedlot owner. The emphasis on delegation in the role of feedlot regulations is supported by legislative action. Appropriations to support and build the strength of county programs began in 1995.

The CFO (County Feedlot Officer)

The CFO is the central figure of Minnesota’s County Feedlot Program. All counties that become delegated must designate a CFO. They assume responsibility and leadership for implementing feedlot rules and regulations in their county. They become the authority and initial contact for feedlot owners. CFOs must be well-trained and have access to others who work in similar capacities. CFOs receive annual training through MPCA programs. In addition, CFOs gain expertise and competence through regularly scheduled CFO meetings.

The CFO has multiple responsibilities. On a day-to-day basis the CFO makes on-site visits, provides technical assistance, reviews and issues permits, responds to

MPCA Area Offices:

Rochester area:

507/285-7343

Mankato area:

507/389-5977

Marshall area:

507/537-7146

Willmar area:

320/214-3786

Detroit Lakes area:

218/847-1519

Brainerd area:

218/828-2492

Duluth area:

218/723-4660

St. Paul:

651/296-6300

Toll free:

800/657-3864

wq-f6-51

complaints, and conducts public information and outreach. Many of these duties are time-intensive tasks and counties with more than 500 feedlots typically need a full-time CFO position.

Some counties use other local government services such as the Natural Resource Conservation Service (NRCS), the Soil and Water Conservation District (SWCD) and the Extension Service to perform many of the more technical requirements of the program. Under these arrangements the county retains regulatory approval and is responsible for such actions as determining compliance and signing permits.

MPCA role in County Feedlot Program

The County Feedlot Program is best understood as a partnership between the delegated county and the MPCA. The MPCA's role is to provide training, program oversight, policy and technical support, and formal enforcement support when needed.

Program oversight: By statute the MPCA mandate is to protect Minnesota's environment. This accountability must be passed through to any entity to which the MPCA delegates its authority. This means the MPCA must ensure that counties with delegation are implementing feedlot rules and regulations and that the work done conforms with state feedlot requirements. The *Legislative Auditor's Report (January 1999)* recommended that the MPCA establish more effective oversight of delegated county programs. A second part related to performance is MPCA's administration of the county feedlot grant program. The legislature designated the MPCA as the administrative agency to run this program which provides financial support to counties to implement feedlot regulations.

Policy and technical support: The MPCA provides technical information and professional expertise to assist counties that are confronted with more difficult feedlot projects. The agency has engineers, hydrologists, geologists and soil scientists to assist in these matters. The MPCA continues to develop technical and regulatory policy for sharing with counties to meet a continually evolving livestock industry.

Enforcement support: MPCA provides enforcement support to the CFO when requested. Most regulatory goals of the feedlot program are accomplished by the county through education, assistance, and monitoring to gain voluntary compliance. In situations where cooperative

efforts do not work the MPCA has the capacity to accept the case and, if necessary, implement enforcement actions.

Delegation under the revised feedlot rules

The adoption of revised feedlot rules on October 23, 2000 marked a significant change in the expectations, directions and strategies of the county feedlot program. Under the revised feedlot rules, county programs are charged with conducting a broader range of feedlot duties than under the previous rules. This includes expanded permitting responsibilities, increased inspection requirements and implementation of registration. Along with this greater role comes more flexibility and liberty for counties to design programs that fit their needs. Implications and detail of important changes are discussed here:

Expanded permitting authority: Delegated counties now have the authority to issue interim and construction short-form permits for the vast majority of feedlots with less than 1,000 animal units. Permits for feedlots with 1,000 animal units or more must be issued by the MPCA.

Emphasis on field presence: The value of field presence was an important theme during the feedlot rule revision. On-site visits are recognized for often being the best approach to educate feedlot owners about feedlot rule requirements and to initiate needed corrective actions. Delegation requirements (Minn. R. ch. 7020.166, subpart 3), reflect an emphasis on inspections as a regulatory strategy. It requires delegated counties to plan and set goals for conducting the following types of inspections:

- Construction inspections
- Inspections for the purpose of identifying pollution hazards
- Compliance inspections for feedlots operating under the open-lot certification

Conducting registration: Most feedlot owners in Minnesota must, periodically, register their feedlot with the delegated county or MPCA. Counties that are delegated are responsible for implementing registration. Since feedlot owners are required to register every four years, maintaining and updating registration records is an ongoing responsibility for a delegated county.

County program flexibility: The revised feedlot rules have increased the level of flexibility for counties that
(continued on back page)

operate delegated programs. They allow a delegated county to tailor their program to fit the specific types and practices of livestock production facilities unique to their county. For example, in Hennepin County the plan will need to address manure management on hobby farms. In Northwest Minnesota livestock operations that contain feedlots and pastures are the primary concern, and in intensive livestock production areas, appropriate regulatory oversight will be more similar to industry.

Flexibility has been designed into the program through a delegation agreement, essentially a workplan that is developed by the county. This document describes the plans and goals that the county thinks are important to accomplish in each of the core feedlot program areas. The MPCA reviews this document for balance between program requirements and the unique circumstances of the county. The agreement is revised annually, if needed, to adjust to changing needs and resources.

The County Grant Program

Since 1995 the legislature has appropriated funding to support the county feedlot program. The funding formula includes:

- Base grant: Number of feedlots in shoreland with 10 or more animal units and the number in non-shoreland with 50 or more animal units;
- Performance grant: The county meets minimum performance requirements.
- Incentive grant: The county earns performance credits.

Under the above formula a county with a moderate number of feedlots (400) could expect to receive approximately \$40,000 annually in funding. The county is required to match (cash/in-kind) the base grant component of the formula with local funds.

To receive feedlot grants counties must prepare a work plan and a budget for expenditure of the funds. The MPCA is responsible for reviewing and approving the grants. Reviews of annual County Feedlot Officer reports of past year's performance are an important part of the grant evaluation process.

Delegation application requirements

To be delegated a county must have completed the following three steps.

- A resolution requesting delegation signed by the county must be submitted to the MPCA. This is a one-time resolution and existing delegated counties do not need to resubmit or update this resolution.
- A CFO position must be created and a county employee must be designated to staff the position.
- A delegation agreement must be prepared and approved by MPCA that contains county plans and goals for implementing feedlot regulations. The plan must be updated on an annual basis.

For more information

For more information about the revised feedlot rule or to download a copy of the revised rule, log onto the MPCA website at: <http://www.pca.state.mn.us/hot/feedlot-rules.html>.

Or, call your area office listed on the first page of this fact sheet and ask for the feedlot officer, or call the MPCA-St. Paul office toll-free at (800) 657-3864.