



Delegated county feedlot program

Counties participate in providing local service

Minnesota’s regulatory feedlot program includes an optional arrangement between the Minnesota Pollution Control Agency (MPCA) and county government. This agreement known as “county delegation” or “county feedlot program” increases local service for livestock producers. County feedlot programs are responsible for the implementation of feedlot rules and regulations, with the exception of feedlots that require state or federal operating permits. As of March 2019, 50 counties including most of the state’s major feedlot areas participate.

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

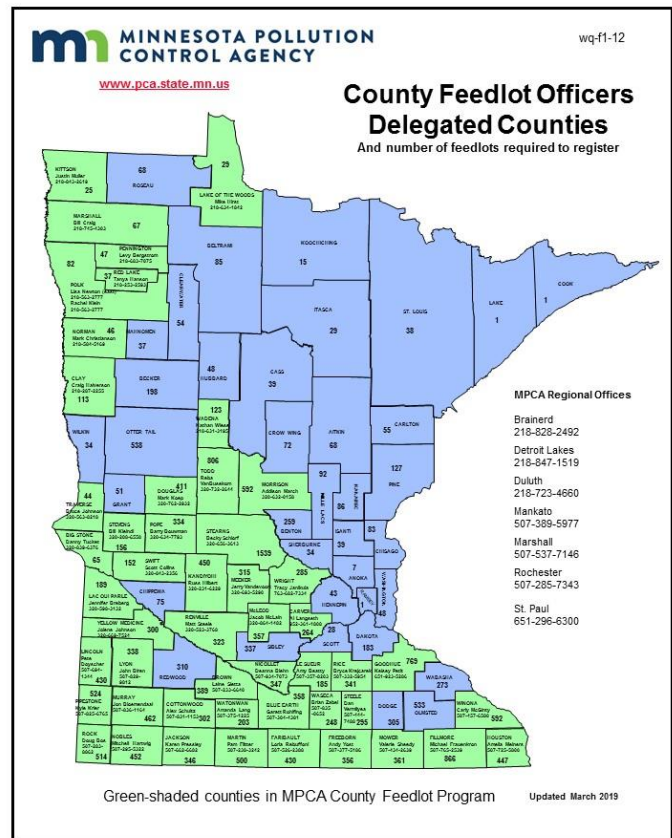
County feedlot program benefits

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 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 County Feedlot Officer is the central figure of the 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 complaints, and conducts public information and outreach. Many of these duties are time-intensive tasks and counties with more than 500 registered 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 the 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 to state feedlot requirements. The *Legislative Auditor's Report (January 1999)* recommended that the MPCA establish more effective oversight of delegated county programs. To address the report's concerns for more effective oversight the MPCA has established a formal mid-year and annual County Feedlot program review process. 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 revised feedlot rules

A major revision of feedlot rules effective Oct. 23, 2000 marked a significant change in the expectations, directions and strategies of the county feedlot program. Under the rule, 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
- Compliance inspections for the purpose of identifying pollution hazards
- Land application inspections



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 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 formula includes (next page):

- 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 (feedlots required by statute to register);
- 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

More information about the delegated county program is available in the feedlot rule, on the web at: <http://www.pca.state.mn.us/hot/feedlot-rules.html>, or by calling the MPCA at 800-657-3864.

County feedlot officers – delegated counties (50 as of March 15, 2019)

<u>Name</u>	<u>County</u>	<u>Phone</u>	<u>Name</u>	<u>County</u>	<u>Phone</u>
Danny Tucket	Big Stone	320-839-6376	Jon Bloemendaal	Murray	507-836-1164
Garett Rohlifing	Blue Earth	507-304-4381	Deanna Biehn	Nicollet	507-934-7073
Robert Santaella	Brown	507-233-6640	Mitchell Hartwig	Nobles	507-295-5322
Al Langseth	Carver	952-361-1808	Mark Christianson	Norman	218-584-5169
Craig Halverson	Clay	218-287-2255	Vacant	Pennington	218-683-7075
Alex Schultz	Cottonwood	507-831-1153	Kyle Krier	Pipestone	507-825-6765
Mark Koep	Douglas	320-762-2932	Lisa Newton	Polk (East)	218-563-2777
Shane Johnson	Faribault	507-526-2388	Rachel Klein	Polk (West)	218-563-2777
Mike Frauenkron	Fillmore	507-765-2539	Barry Bouwman	Pope	320-634-5020
Andy Yost	Freeborn	507-377-5186	Tanya Hanson	Red Lake	218-253-2593
Kelsey Petit	Goodhue	651-923-5286	Matt Steele	Renville	320-523-3768
Amelia Meiners	Houston	507-725-5800	Bryce Krejcarek	Rice	507-332-5954
Karen Pressley	Jackson	507-662-6682	Douglas Bos	Rock	507-283-8862
Russ Hilbert	Kandiyohi	320-231-6229	Greg DeVries	Sibley	507-237-4091
Justin Muller	Kittson	218-843-2619	Becky Schlorf	Stearns	320-656-3613
Jennifer Breberg	Lac qui Parle	320-598-3132	Dan Vermilyea	Steele	507-444-7488
Mike Hirst	Lake of the Woods	218-634-1842	Bill Kleindl	Stevens	320-208-6558
Amy Beatty	LeSueur	507-357-8203	Scott Collins	Swift	320-843-2356
Pete Doyscher	Lincoln	507-694-1344	Reba VanBeusekom	Todd	320-732-2644
John Biren	Lyon	507-829-9812	Bruce Johnson	Traverse	320-563-8218
Bill Craig	Marshall	218-745-4303	Nathan Wiese	Wadena	218-631-3195
Pam Flitter	Martin	507-238-3242	Brian Zabel	Waseca	507-835-0652
Sandy Posusta	McLeod	320-864-1259	David Haler	Watsonwan	507-375-2519
Ann Steinhaus	Meeker	320-535-3075	Carly McGinty	Winona	507-457-6580
Addison March	Morrison	320-632-0158	Tracy Janikula	Wright	763-682-7334
Angie Knish	Mower	507-437-9560	Jolene Johnson	Yellow Medicine	320-669-7524

(Updated March 15, 2019. List subject to change)