

**7020.1600 AUTHORITIES AND REQUIREMENTS FOR DELEGATED COUNTIES.**

Subpart 1. **Scope.** A county delegation process consists of the following:

- A. the county board resolution;
- B. commissioner authorization;
- C. a delegation agreement signed by the county board and commissioner;
- D. periodic review of the delegation agreement; and
- E. when applicable, withdrawal from the program by the county board or revocation of authorization to administer the program by the commissioner.

Subp. 2. **County feedlot pollution control officer requirements.** A delegated county animal feedlot program shall require the county feedlot pollution control officer to:

- A. administer animal feedlots and manure storage areas registration programs according to part 7020.0350;
- B. locate and register all animal feedlots and manure storage areas that remain unregistered by the date required under part 7020.0350;
- C. distribute permit application and registration forms to owners required to make application for a permit. Permit application forms must contain the information required in part 7020.0505, subpart 3;
- D. review permit applications and issue construction short-form and interim permits in accordance with part 7020.0535, and in the approved delegation agreement;
- E. inspect all animal feedlots and manure storage areas in accordance with the approved delegation agreement;
- F. review and process complaints;
- G. provide assistance to owners in completing permit applications;
- H. maintain a record of all correspondence and material relating to permit applications, inspections, and complaints;
- I. maintain a record of all notifications received from livestock production facility operators claiming the hydrogen sulfide ambient air quality standard exemption, including the days the exemption was claimed and the cumulative days used, as provided in Minnesota Statutes, section 116.0713, paragraphs (b) and (c);

J. submit an annual report to the commissioner by April 1 of each year, in a format requested by the commissioner, that includes the following:

(1) all newly acquired and updated registration information required under part 7020.0350;

(2) inspection summary information from the previous year;

(3) permitting summary information from the previous year, including information regarding permits for facilities with fewer than 1,000 animal units that are CAFOs under Code of Federal Regulations, title 40, part 122;

(4) complaint and complaint response summary information from the previous year;

(5) outreach and education summary information from the previous year;  
and

(6) summary of the progress toward achieving the goals identified in the approved delegation agreement and, if applicable, proposed adjustments to the goals or plans to meet the goals in the approved delegation agreement;

K. complete the required county feedlot pollution control officer training necessary to perform the duties described under this part assigned to the county feedlot pollution control officer; and

L. forward to the commissioner all permit applications, inspection reports, and all other applicable documents for the facilities identified in subpart 4a, item B.

Subp. 3. [Repealed, 25 SR 834]

Subp. 3a. **Resolutions and delegation agreements.** To assume responsibility for administering the delegated county feedlot program under this part, a Minnesota county board shall complete the requirements in items A to D. Delegation agreements must be reviewed and revised by the commissioner and the county annually to determine if the requirements of item B are being fulfilled and to establish new goals.

A. Submit to the commissioner a resolution duly adopted by the county board requesting permission to administer the animal feedlot program in the county.

B. Submit to the commissioner, for review and approval, a delegation agreement that contains:

(1) inspection goals for facilities capable of holding fewer than 300 animal units or the manure produced by fewer than 300 animal units:

(a) at existing facilities for the purposes of identifying pollution hazards;

(b) at new and expanding facilities for which construction activities have commenced; and

(c) for determining compliance with discharge standards under part 7020.2003, subpart 3;

(2) inspections conducted at facilities capable of holding 300 to 999 animal units or the manure produced by 300 to 999 animal units for the facilities meeting the conditions under subitem (1), units (a) and (b);

(3) permitting goals;

(4) registration goals, including locating and registering facilities that remain unregistered after the date required under part 7020.0350;

(5) scheduled compliance goals, coordinated with county local water plans, for bringing feedlot operations into compliance with the applicable standards under parts 7020.2000 to 7020.2225, considering the following:

(a) type and extent of the pollution hazard at feedlot operations;

(b) availability of private and public financial resources for cost-share grants and low-interest loans; and

(c) availability of private and public technical and administrative assistance;

(6) complaint response and resolution goals;

(7) owner assistance goals; and

(8) staffing levels available to achieve the stated goals.

C. Receive written authorization from the commissioner to administer the program identified in subpart 1.

D. Designate a county feedlot pollution control officer as having the primary responsibility for the animal feedlot permit program and charge the person with the duties in subpart 2.

Subp. 4. [Repealed, 25 SR 834]

Subp. 4a. **Permit application processing procedures.** The processing of permit applications by a delegated county shall be conducted according to the procedures in items A to F.

A. The county feedlot pollution control officer shall process permit applications and issue construction short-form and interim permits according to this part and parts 7020.0505 and 7020.0535, except as directed in item B.

B. The county feedlot pollution control officer shall forward to the commissioner for issuance all permit applications and all other applicable documents, comments, and recommendations for the following:

- (1) all facilities that are required to apply for a permit under part 7020.0405, subpart 1, item A or B;
- (2) all facilities where all animal manure is not used as domestic fertilizer;
- (3) all facilities capable of holding 500 or more animal units or the manure produced by 500 or more animal units that are proposing liquid manure storage areas within 1,000 feet of an open or filled sinkhole, a known cave, a resurgent spring, a disappearing stream, a karst window, or a blind valley;
- (4) all facilities with 500 or more animal units that are within a vulnerable drinking water supply management area, as described on a Minnesota Department of Health approved wellhead protection plan; and
- (5) all facilities for which an application for a variance under part 7020.0505, subpart 6, is submitted.

C. The county feedlot pollution control officer may forward to the commissioner any permit application when technical assistance or permit issuance by the commissioner is desired with a statement of the action desired from the agency. The commissioner shall process all complete permit applications forwarded by the county with a request to issue a permit, and shall notify the county of the status of the review and of any intended action.

D. The county feedlot pollution control officer shall forward to the commissioner permit applications for facilities that are eligible for the exemption under part 7020.2100, subpart 2, item C, for review and approval before a permit can be issued by the county feedlot pollution control officer.

E. Upon issuance of a permit according to this part, a delegated county shall provide the commissioner written notice of its action. Pursuant to Minnesota Statutes, section 116.07, subdivision 7, the commissioner shall, after receipt of written notification of the issuance of a permit by a delegated county, have 15 days to review, suspend, modify, or reverse the issuance of the permit. If the agency takes no action, the action of the county is final, subject to appeal as provided in Minnesota Statutes, chapter 14. If the agency suspends, modifies, or reverses the issuance of the permit, the applicant must be informed in writing by the agency of the reasons for suspension, modification, or reversal and must be informed of review procedures under chapters 7000 and 7001. If no person requests a contested case hearing within 30 days, the agency decision with regard to the permit becomes final, subject to appeal as provided in Minnesota Statutes, chapter 14.

F. For a delegated county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the commissioner for review.

The commissioner shall, after receipt of the justification for revocation from the county, review the matter within 60 days to determine compliance with applicable agency rules. The county must receive written approval of the permit revocation from the commissioner before taking action.

Subp. 5. [Repealed, 25 SR 834]

Subp. 6. **Withdrawal by county from review process.** A delegated county no longer wishing to have delegation authority shall submit a resolution to the commissioner stating its reasons for withdrawal and the effective date of withdrawal.

Subp. 7. **Revocation of county review authority.** If the agency finds that a county program is not meeting the requirements of this chapter, the agency may, after giving the county written notice and an opportunity to respond, revoke its approval of the county's delegation.

**Statutory Authority:** *MS s 115.03; 116.07; 122.23*

**History:** *L 1987 c 186 s 15; 17 SR 1279; 25 SR 834; 38 SR 1535*

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