



Minnesota
Pollution
Control
Agency

2005-2010 OPEN LOT CERTIFICATION for feedlots having fewer than 300 animal units

Part 1. Purpose and Scope. This certification provides notice of intent to comply and a formal agreement by the owner of an animal feedlot (feedlot) with eligible open lots that the owner agrees to the schedule of compliance in Minn. R. 7020.2003, subparts 5 and 6 for those eligible open lots. No permit is required for corrective actions completed under this agreement. This certification applies only to eligible open lots with discharges that did not comply with the biological effluent limitation and if applicable, the phosphorus effluent limitation in Minn. R. 7050.0215 as of October 23, 2000. **Pollution hazards originating from areas other than from eligible open lots (e.g. milkhouse wastes, silage storage runoff, manure storage area runoff, etc.) are not covered by this certification.**

Part 2. Eligibility Requirements. Minnesota Pollution Control Agency (MPCA) rules identify the eligibility requirements that must be met before an owner of a feedlot with open lots is eligible for the 2005-2010 schedule of compliance. Under Minn. R. 7020.2003, subp. 4, the owner and the owner's feedlot must meet the following:

- A. the feedlot has a capacity of fewer than 300 animal units as of October 23, 2000 (the animal units indicated on the owner's registration form submitted under Item F);
- B. the feedlot is not a new feedlot and that the eligible open lots must have existed on October 23, 2000;
- C. one or more open lots at the feedlot have manure-contaminated runoff that discharge(s) to waters of the state;
- D. the manure-contaminated runoff from the open lots does not create or maintain an immediate threat to human health or the environment;
- E. the feedlot has not been designated a Concentrated Animal Feeding Operation;
- F. the owner has registered the feedlot in accordance with Minn. 7020.0350; and
- G. the owner has completed and signed this certification form agreeing to comply with Minn. R. 7020.2003, subparts 5 and 6.

Part 3. Owner's Interim Corrective Measures. Under Minn. R. 7020.2003, subpart 5, the owner shall implement interim corrective measures at the eligible open lots until final measures are implemented and final compliance with Minn. R. 7050.0215 is achieved. Under Minn. R. 7020.2003, subpart 5, the owner agrees to do the following:

- A. **Ongoing Corrective Measures.** The owner shall operate and manage the feedlot to minimize discharges from the eligible open lots at all times. The owner is responsible for implementing corrective measures, such as scraping manure off of the open lots on a regular frequency, to minimize manure-contaminated runoff from the lot to waters of the state. The owner must implement these interim corrective measures on an ongoing basis.
- B. **2005 Corrective Measure Deadline.** The owner shall also complete at least one of the following two options by October 1, 2005:
 - Option 1: The owner shall install and have fully operational:
 - a. diversions that prevent precipitation and snowmelt from building roofs and upslope land from flowing onto or through the feedlot or manure storage area; and

- b. vegetated buffer areas or filter strips that have 100 feet or more of nonchannelized flow through perennial grasses or forages for all runoff from the open lots.

Option 2: The owner shall install and have fully operational corrective and protective measures that demonstrate through completion an acceptable model that a 50 percent or greater reduction in discharges of phosphorus and biochemical oxygen demand loading has been achieved. (See 7020.2003) The percent reduction in discharges must be based on comparison of the corrective measures in operation at the feedlot on October 23, 2000, and the proposed interim corrective measures and practices. The owner must maintain records of the model results until completing final requirements are achieved as discussed in Part 4, and make the model results available to the MPCA or county feedlot pollution control officer (CFO) upon request.

Part 4. Owner's Final Corrective Measures and 2010 Deadline. Under Minn. R. 7020.2003, subpart 6, the owner shall implement final corrective and protective measures to achieve final compliance with Minn. R. 7050.0215, by October 1, 2010. Expansion in animal numbers at sites that have enrolled in the OLA is allowed so long as the expansion does not increase the discharge at the feedlot site and the total animal unit capacity of the feedlot site does not exceed 300 animal units. Under Minn. R. 7020.2003, subpart 6, the owner agrees to do the following:

- A. By October 1, 2010, the owner shall install, implement and have fully operational final corrective and protective measures that bring all eligible open lots at the feedlot into compliance with the effluent limitations in Minn. R. 7050.0215; and
- B. Feedlot owners enrolled in the OLA will not expand their animal numbers provided unless they are in compliance with the terms and conditions of the OLA, which includes the schedule milestones of October 2005 and 2010 and requirements for ongoing management and operation.

Part 5. Conditional Waiver. With respect to the owner(s), the MPCA agrees not to exercise any administrative, legal or equitable remedies available to MPCA or the County Feedlot Officer (CFO) to obtain civil penalties for past violations of Minn. R. 7050.0215 caused solely by passive manure-contaminated runoff from eligible open lots and for failure to apply for a permit as long as the owner(s) meet(s) and continues to meet all of the eligibility requirements in Minn. R. 7020.2003, subpart 4 and the owner complies with the requirements in Minn. R. 7020.2003, subparts 4, 5 and 6. The MPCA and CFO reserve the right to enforce all applicable statutes and rules or to take any action authorized by law if the owner fails to maintain compliance with the requirements in Minnesota Rules, part 7020.2003, subparts 4, 5 and 6.

The MPCA and CFO reserve the right to require the owner to implement additional corrective and protective measures on an expedited time-schedule if the MPCA and/or CFO determines that manure-contaminated runoff from the eligible open lot(s) is creating or maintaining an immediate threat to human health or the environment.

Part 6. General Provisions.

- A. **Access and Information Responses.** The owner shall allow the MPCA or any authorized member, employee or agent thereof, upon presentation of credentials, access at reasonable times to the property and facilities to obtain such information and documentation as authorized by Minn. Stat. §§ 115.04 and 116.091 (1998), which is relevant to making a determination that the owner is in compliance with applicable statutes and rules. The owner also agrees to provide and furnish to MPCA any information that the owner may have or which is relevant in making a determination that the owner is in compliance with applicable statutes and rules, including a determination of whether adequate actions are being taken to comply with the interim corrective measures and deadline in Minn. R. 7020.2003, subpart 5 and the final corrective measure requirements and final compliance deadline in Minn. R. 7020.2003, subpart 6.

- B. **Sampling and Data Availability.** The owner shall make available to the MPCA or CFO, upon request, the results of any sampling, tests, or other data generated by the owner, or on its behalf, to implement the requirements identified in this certification.
- C. **Retention of Records.** The owner shall retain in its possession a copy of this certification and all records and documents related to this certification. The owner shall preserve the copy of the certification and these records, documents, reports and data and shall promptly make them available for review upon request by the MPCA or CFO.
- D. **Applicable Laws and Permits.** All required actions pursuant to the rules identified in this certification shall be undertaken in accordance with the requirements of all applicable state and federal laws, rules and regulations. Nothing in this certification exempts or relieves the owner of its obligations to comply with local governmental requirements.

Part 7. Facility and Owner Information. This certification applies to the feedlot facility and owner described below. The owner must also complete a map or sketch of the feedlot as required in Part 9 of this certification.

Legal name of facility (if different than owner): _____
 County: _____ Township: _____
 Section: _____ ¼ Section: _____
 Name of owner signing certification (print): _____
 Owner's Mailing Address: _____
 City: _____ State: _____ Zip: _____ Phone: _____

Part 8. Owner's Certification.

I hereby certify that I am an owner of the feedlot facility described in Parts 7 and 9 of this certification and that I have read and understand the requirements identified in this certification. I also certify that the eligibility requirements identified in Part 2 of this certification have been met and complied with and that I (the owner(s) of the feedlot described in Parts 7 and 9) do hereby formally agree to comply with the requirements of Minn. R. 7020.2003, subparts 4, 5 and 6.

I understand that the interim and final corrective and protective measures and final compliance with Minn. R. 7050.0215 must be implemented and completed in accordance with the interim compliance date, October 1, 2005, and the final compliance date, October 1, 2010, specified in Minn. R. 7020.2003, subparts 5 and 6 and that failure to implement and complete those requirements is a violation of those rules and may subject me to future enforcement actions. I also understand that I am not exempt from complying with any other applicable rules and regulations.

By my signature below, I represent that I have the authority to execute this certification on behalf of the owners of the feedlot and that the information submitted as part of this certification is, to the best of my knowledge and belief, true, accurate and complete.

Owner's Signature: _____ Date: _____

Part 9. Feedlot Facility Map/Sketch. In the space provided below, the owner must sketch or draw a map of the feedlot facility described in Part 7 of this certification. The sketch/map must identify the relevant features of the feedlot facility **as they existed on October 23, 2000**. The sketch/map must include at least the following relevant features: barns and open lots where animals are housed; open lots that are eligible and to be covered under this certification; roof areas that contribute precipitation to any of the open lots; existing runoff diversions or control structures; nearby surface waters; the general direction the runoff from open lots travels; and a compass direction or road for orientation purposes.

For office use only: Date received: _____ Entered into database: _____
Copy sent to Owner: _____
Notes: _____

Return this executed certification to: [Insert address and phone number of MPCA subdistrict office or delegated county feedlot office]