

Writing Nutrient Management Plans Workshop: Omaha, Nebraska: September 24-25, 2001

Presentation Title: Working With Other Professionals and Agencies

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ABSTRACT

Cost effective permit nutrient plans (PNPs) for concentrated animal feeding operations (CAFOs) using a team approach are discussed in detail in this presentation. The professional team approach is described by answering five fundamental questions:

- Why work with other professionals?
- Who would be helpful?
- When should other professionals or agencies be considered?
- What are professional licensing programs?
- How do agronomists work effectively with other professionals?

There are situations when other licensed professionals may be required for developing portions of PNPs. However, voluntary use of a professional team is an advantage to both the consultant and the CAFO operator. The delegation of responsibility for development of a PNP is summarized in Table 1.

Table 1. The Professional Development Team for Preparation of CAFO PNPs.

Components of the PNP	Team Members
Executive Summary and Cover Sheet	Agronomist
Waste Production	Agronomist, Animal Scientist
Waste Collection, Containment, Storage, Treatment, and Transfer	Agricultural or Civil Engineer, Agronomist
Evaluation and Treatment of Proposed Land Application Sites: Land Identification and Characterization, Identification of Water and Sensitive Areas, Surface and Ground Water Assessment, Soil Erosion Control	Hydrologist, Hydrogeologist, Soil Scientist, Agricultural Engineer, Agronomist, Land Surveyor
Land Application	Agronomist, Soil Scientist

Increased quality of PNPs, reduction in the amount of time required developing PNPs, reduction in overall consultant liability, and increased consultant profitability are the primary reasons for using a professional team approach to development of CAFO PNPs.

Liability and licensing issues are an important consideration when developing PNPs at a state level. Typically state government does not recognize “certified” professionals as a licensed profession when certificate holders are performing non-mandated activities. A professional certified by a professional organization is shielded from personal liability when working for a corporation. However, when a certified professional preparing a PNP is practicing engineering or any other licensed professional activity without the appropriate license, the certified individual is at risk of exposure to state sanctions. When state governments mandate performance of activities, such as writing PNPs, the government is creating a *de facto* “licensing” program. Licensed professionals are personally accountable for the content of all plans and permits they prepare. During any litigation or legal action, the licensee is held personally responsible for all components of the PNP. The corporate shield does not protect the licensee because the individual licensee holds the license and not the company. Understanding state licensing programs and the expectations of licensed professionals is critical for developing PNP development teams.

Profitability using the cooperative approach to PNPs is discussed in detail. Development of high quality and useable CAFO PNPs can be profitable using a fee for service approach. If PNP development is priced using a commodity approach, very few consultants will be able to withstand the inevitable financial losses.

Development of a well qualified professional team of professionals is discussed in detail. The steps in developing this team include:

- Establishing a clear understanding of all components of the project by the team leader.
- Contacting and screening qualified and experienced team members.
- Understanding the expectations of all team members.
- Establishing clear lines of communication
- Avoiding the common pitfalls of subcontracting or in house team conditions.

Typical pitfalls of a professional team can be avoided by developing a contract with subcontractors or in house employees. The contract includes terms to regulate:

- The complete scope of work: Type, flow, and timing
- The completion dates
- The type and method for work products: Text, plans, maps, and tables
- Ownership of documents
- Payment rates and schedules
- Assumption of liability and indemnification
- Insurance
- Terms for stop work orders
- Conditions and terms when new or additional work is required
- Method and jurisdiction for settling disputes