



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

Revisions to CAFO PAG-12 General Permit

Agricultural Advisory Board
February 19, 2013

Source for Changes

Public Comment Period – October 27, 2012 through November 26, 2012. Received 70 comments from 7 commentators.

Additional internal comments

Additional comments from EPA during 2/16/13 conference call

Changes Based on Public Comments

Notice of intent

- Removed requirement for notary seal.

PAG-12 General Permit

- Abbreviated Clean Streams Law as “the State Act” and the Clean Water Act as the “the Federal Act”
- Combined the three “weekly Inspections” Subcategories into one Subcategory.
- Revised “Periodic inspections” to “Periodic Inspections performed when land applying manure”.
- Removed “DMR” from the Signatory and Certification Requirements

Changes Based on Public Comments

PAG-12 General Permit

- Corrected reference to definition of winter
- Revised crop harvest date from “September 30th’ to December 31st. Applies to crops covered by calendar year of annual report (January 1st – December 31st).
- Added reference to the Biosecurity act under “Right to Entry”
- Added “within 100 feet” for manure application and winter application setbacks.
- Clarified that no winter application “Unless the fields have 25% cover”

Changes Based on Public Comments

PAG-12 General Permit

- Deleted “managed” from the responsibility of the operator concerning manure hauled or transported under the Commercial Manure Hauler and Broker Certification Act.

Additional Changes

PAG-12 Permit

- Added a second signature line to the Notice of Intent.
- Added citation for 25 PA. Code chapter 91 to definition of manure storage facility for clarity.
- Included dates for notification of winter manure storage capacity . By “January 15th” capacity observed on or about “December 15th”.
 - Liquid or Semi-solid operations should report available capacity in feet and inches
 - Solids only operations should report volume of available capacity.

Additional Changes

- Revised the notification period for winter application of manure from “at least 48 hours” to “within 5-7 days”.
- Add reference to 40 CFR Part 19 within Part B.II.A, Penalties and Liability.
- Remove “EPA” from Part B.II.A.1, Right of Entry. This is in direct response to referencing the Biosecurity Act.
- Revised text to “manure generated and exported by the CAFO shall be hauled and Transported...” in reference to the Commercial Manure Hauler and Broker Certification Act

Next Steps

- Submit document package to Policy Office for final review. (PAG-12 General Permit, Notice of Intent, Comment/Response Document and PA Bulletin notice)
- Meet with Regional Offices to make any final adjustments to recordkeeping forms.
- Upon approval of Policy Office, publish notice of final PAG-12 General Permit and Notice of Intent in PA Bulletin.
- Current PAG-12 expires March 31, 2013.



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