

June 5, 2020

Dear Members of the Agricultural Advisory Board:

We are pleased to provide you with the included proposed pre-draft of the PAG-12 NPDES General Permit (the “Proposed General Permit”). As further explained at the Agricultural Advisory Board (“Board”) meeting on May 21, 2020, the Department of Environmental Protection (the “Department”) is proposing to amend the existing PAG-12 General Permit, which was effective as of April 1, 2018.

The Department proposes to amend the PAG-12 General Permit to address two general concerns identified since the effective date of the current PAG-12 General Permit:

1. Certain provisions in the PAG-12 General Permit have created unanticipated and undesirable additional administrative burden for permittees and the Department.
2. Addressing an omission from water line inspections for certain CAFOs.

To address these concerns, the Department has amended the language in the Proposed General Permit as follows:

- Removed language indicating that the submission of a CAFO Annual Report will be considered a NOI and clarified that submission of an NOI is required for coverage. (See Pages 1, 4, and 11 of the Proposed General Permit.)
- Removed language stating that failure to submit a timely CAFO Annual Report and/or NOI fee will constitute expiration of coverage. (See Page 11 of the Proposed General Permit.)
- Clarified that the annual fee associated with PAG-12 General Permit coverage is an installment payment of the NOI fee. (See Page 11 of the Proposed General Permit.) NOTE: This clarification will not result in additional fees or required payments.
- Clarified that the Department will provide further instruction as to the form of the NOI and the manner of submission for renewal of coverage at the end of the five-year permit term. (See page 17 of the Proposed General Permit.)
- Corrected an error in Part A, clarifying that all Large CAFOs must perform daily water line inspections to be consistent with federal requirements. (See Page 10 of the Proposed General Permit.)

**We ask that you submit written feedback to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) and Jill Whitcomb at [jiwhitcomb@pa.gov](mailto:jiwhitcomb@pa.gov) on the Proposed General Permit no later than COB June 22, 2020.**



To assist your review and consideration, the Proposed General Permit included with this correspondence shows each change currently proposed in the form of a redline document or “tracked change” version indicating where text is proposed to be removed from, added to, or modified in the current PAG-12 General Permit.

As explained at the Board’s May 21, 2020 meeting, in order for the proposed changes to be beneficial to permittees and to the Department, the Department seeks to have an effective date for the amended General Permit of no later than October 31, 2020. In order to meet this deadline, the Department must – subject to feedback from the Board – publish the amended draft General Permit, solicit and respond to public comments on the draft General Permit, and publish a final amended General Permit. The Department is thankful for the Board’s support in this process and will endeavor to work with the Board over the coming weeks and months to address shared concerns with the current PAG-12 General Permit.

Sincerely,

A handwritten signature in cursive script that reads "Jill K. Whitcomb".

Jill K. Whitcomb  
Director  
Chesapeake Bay Office