



**PAG-12**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**NPDES GENERAL PERMIT FOR OPERATION OF**  
**CONCENTRATED ANIMAL FEEDING OPERATIONS**  
**NOTICE OF INTENT (NOI) INSTRUCTIONS**

**GENERAL INSTRUCTIONS**

The Department of Environmental Protection (DEP) requests that applicants use the most recent versions of Notice of Intent (NOI) forms as posted on DEP's website. The most recent version of the PAG-12 General Permit NOI form (3800-PM-BCW0032b) can be obtained through DEP's website as noted below. A complete NOI package includes the NOI form and all other attachments identified on the NOI checklist (3800-PM-BCW0032c). Applicants can download the appropriate form to a computer, complete the form electronically and print and sign the document for submission to DEP. The NOI form and checklist can be obtained by visiting [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) and selecting "Permit and Authorization Packages," "Clean Water," and "PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations."

**General Instructions.** These instructions are intended to assist the applicant in completing the NOI form identified above. Type or print clearly when completing the form. If additional space is needed to accurately complete the NOI form, attach additional sheets as necessary. If a question is not applicable, write "N/A" in the appropriate box. Where a term used in these instructions is not defined, refer to the definition contained in the PAG-12 General Permit ("General Permit").

**Scope.** The General Permit may be used by certain Concentrated Animal Feeding Operations (CAFOs) to meet requirements for NPDES permit coverage under state and federal regulations, including regulations at 25 Pa. Code §§ 92a.29(a) – (d) and 40 CFR 122.23(a). The following agricultural operations that are not aquatic animal production facilities are eligible for coverage under the General Permit unless conditions exist that would prohibit such coverage (see "Operations Not Authorized by the PAG-12 General Permit" below):

1. Concentrated Animal Operations (CAOs) with greater than 300 Animal Equivalent Units (AEUs).
2. Any agricultural operation with greater than 1,000 AEUs.
3. Any agricultural operation defined as a Large CAFO under 40 CFR 122.23(b)(4).
4. Any agricultural operation defined as a Medium CAFO under 40 CFR 122.23(b)(6)(i) or as a Small CAFO under 40 CFR 122.23(b)(9) that discharges pollutants to surface waters as described in 40 CFR 122.23(b)(6)(ii).
5. Any agricultural operation that is defined as an Animal Feeding Operation (AFO) under 40 CFR 122.23(b)(1) and is designated as a CAFO by the U.S. Environmental Protection Agency (EPA) or DEP under 40 CFR 122.23(c).

**Operations Not Authorized by the PAG-12 General Permit.** The following agricultural operations are not authorized under the PAG-12 General Permit, and DEP may deny coverage under this General Permit when one or more of the following conditions exist:

1. Operations that, individually or in combination with other similar operations, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which is more appropriately controlled under an individual permit.
2. The operation is not, or will not be, in compliance with any one or more of the conditions of the General Permit.
3. Operations proposed by a person responsible for other activities regulated by DEP who has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP.

4. Operations with discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants.
5. Operations subject to categorical point source effluent limitations that have been promulgated by EPA that are not incorporated into the General Permit.
6. Operations that are not in compliance or will not result in compliance with an applicable effluent limitation or water quality standard.
7. Operations for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the facility would constitute an undue administrative burden on DEP.
8. Operations that DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law or DEP regulations.
9. Operations with discharges to waters, including wetlands, with a designated or existing use of High Quality or Exceptional Value pursuant to 25 Pa. Code Chapter 93 (relating to Water Quality Standards).

In addition, CAFOs that discharge pollutants at less than design conditions (see the PAG-12 General Permit for design storms based on animal types) should apply for an individual NPDES permit rather than PAG-12 coverage.

**Deadlines for NOI.** A new or expanding operation that is eligible for and desires coverage under the PAG-12 General Permit must submit an administratively complete and acceptable NOI at least 180 days prior to the planned date for commencing operation as a CAFO. Buildings, facilities and structures may be constructed prior to obtaining NPDES permit coverage, provided that the appropriate earth disturbance and construction permits are obtained, as applicable. A CAFO that is authorized to operate under an individual NPDES permit who is seeking coverage under this General Permit may continue to operate in accordance with the individual permit while DEP reviews the NOI and associated documents for coverage under this General Permit.

A CAFO with existing coverage under the April 1, 2018 version (amended January 1, 2021) of the PAG-12 General Permit may continue to operate under the terms of this General Permit so long as a complete and new NOI using the NOI form (3800-PM-BCW0032b) is submitted to DEP by December 31, 2023.

**Contents of the NOI.** The applicant must submit the information and attachments required by the General Permit and the NOI form provided by DEP, and shall properly sign the NOI in accordance with 25 Pa. Code § 92a.22 (relating to signatories to permit applications and reports) and 40 CFR 122.22.

**Where to Submit the NOI.** The NOI shall be submitted to DEP's Southcentral Regional Office, Clean Water Program, at 909 Elmerton Avenue, Harrisburg, PA 17110.

**NOI Filing Fee.** The NOI filing fees are as follows:

- New (proposed) CAFOs – \$0;
- Existing operations that are expanding and will be considered a CAFO for the first time – \$0;
- Existing operations that are not expanding but will be considered a CAFO for the first time due to changes in standard animal weights or DEP designation – \$0;
- Existing CAFOs that have individual permit coverage and are seeking coverage under PAG-12 – \$500;
- Existing CAFOs that have PAG-12 coverage and are seeking to amend that coverage – \$500; and
- Existing CAFOs that have PAG-12 coverage and are required to submit an NOI to continue coverage under a reissued or modified PAG-12 – \$0.

If a fee is required, a check or money order in the amount of \$500 must be included with the NOI. The check or money order must be made payable to the "Commonwealth of Pennsylvania" and must be dated within 10 days of the NOI submission date.

**CAFO Annual Reports.** CAFO Annual Reports must be submitted to the DEP office responsible for the county in which the CAFO is located by December 31 each year. CAFOs must complete and submit annual reports using DEP's CAFO Annual Report template (3800-PM-BCW0032f) unless notified that an electronic system is available to submit reports. DEP has developed instructions for completion of the CAFO Annual Report (see 3800-PM-BCW0032g).

For existing permittees with PAG-12 coverage as of April 1, 2023, the first annual report that must be submitted to DEP under the General Permit will have a reporting period starting on October 1, 2022, and ending on September 30, 2023. The first annual report is due by December 31, 2023. Thereafter, the annual reporting period is October 1 - September 30, with the annual report due by December 31.

For new permittees with PAG-12 coverage after April 1, 2023, the first annual report is due by December 31 following the first year of General Permit coverage. For example, if an applicant receives approval for PAG-12 coverage with an effective date of October 1, 2023, the first annual report would be due by December 31, 2024 (i.e., the first December 31 following one full year of coverage). The first annual report should cover activities occurring from the effective date of coverage until September 30th following one year of coverage. Thereafter, the annual reporting period is October 1 - September 30, with the annual report due by December 31.

**Annual NOI Installment Fee.** An annual NOI installment fee in the amount of \$500 is due by December 31 each year, starting on December 31, 2023, for existing permittees with PAG-12 coverage as of April 1, 2023. For new permittees with PAG-12 coverage after April 1, 2023, the first annual NOI installment fee is due by December 31 following the first year of General Permit coverage. For example, if an applicant receives approval for PAG-12 coverage with an effective date of October 1, 2023, the first annual NOI installment fee would be due by December 31, 2024.

The annual NOI installment fee must be submitted to DEP's Bureau of Clean Water by the due date to the following address:

PA Department of Environmental Protection  
Bureau of Clean Water  
Rachel Carson State Office Building  
400 Market Street, PO Box 8466  
Harrisburg, PA 17105-8466

Invoices for annual NOI installment fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment.

The annual NOI installment fee is not required if DEP approves a Notice of Termination (NOT) by the due date. The annual NOI installment fee is required in all other circumstances.

## NOI – GENERAL INFORMATION

- NOI Type.** Check the appropriate box to indicate whether the NOI is for new coverage (i.e., a new or existing operation that has never previously applied for NPDES permit coverage), a renewal of coverage (including operations with individual permit coverage seeking coverage under PAG-12 and NOIs submitted by existing CAFOs to remain covered under a reissued PAG-12), or an amendment to coverage. If the box for Renewal or Amendment is checked, the applicant must indicate the NPDES Permit Number of the existing NPDES permit coverage.
- Operation Type.** Select the appropriate box to indicate whether the operation is new, existing or expanding.
- Reason for NOI.** Check the appropriate box to indicate the reason the operation is seeking NPDES permit coverage: 1) a CAO with greater than 300 AEU's; 2) an operation with greater than 1,000 AEU's; 3) a Large CAFO as defined by EPA, the definition of which is contained in the PAG-12 General Permit; or 4) Other (e.g., a Small or Medium CAFO as defined by EPA or an operation designated by EPA or DEP as a CAFO). Check all boxes that apply.

4. **Commencement of Operations.** If the operation is proposed, list the date of anticipated commencement of operation as a CAFO. An applicant must apply for NPDES permit coverage at least 180 days prior to commencing operation as a CAFO, and obtain permit coverage prior to commencing operation as a CAFO. If the operation is existing this field may remain blank.
5. **Surface Waters.** Name the surface water(s) closest to the production area(s) and list the existing and designated uses of the surface water(s) under Chapter 93. The term production area is defined in the PAG-12 General Permit and includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. Existing uses are available through DEP's website ([www.dep.pa.gov](http://www.dep.pa.gov), select Businesses – Water – Bureau of Clean Water – Water Quality – Stream Redesignations – Statewide Existing Use Classifications). Designated uses may be found at [www.pacode.com](http://www.pacode.com) (select Title 25 – Chapter 93). If the surface water(s) are not listed on DEP's existing use website, then the existing use is the same as the designated use.
6. **Maximum Animal Population.** Identify the maximum animal population, in terms of AEUs, that the operation is designed to maintain. In general, this value should be identified in the operation's NMP.
7. **AEUs/Acre.** List the AEUs per acre of available land for manure application. In general, this value should be identified in the operation's NMP.

**NOTE** – If during the term of General Permit coverage, the permittee plans to increase the total AEUs on the operation and/or the value of AEUs/acre by more than 10%, an amendment to general permit coverage will be necessary. If the value of AEUs/acre will increase by more than 10%, an amendment to the NMP is required in accordance with 25 Pa. Code § 83.371(a)(1).

## NOI – APPLICANT INFORMATION

The NOI form assumes that there is one applicant for PAG-12 coverage. If there are co-applicants, complete this section for all co-applicants by including additional pages in the NOI package.

1. **Organization Name.** Applicants other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, also provide the appropriate information on the individual name lines.

2. **Employer ID#.** Also referred to as "Federal Tax ID#." The Employer ID# (EIN) aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required for applicants other than individuals.
3. **Individual Last Name, First Name, MI, Suffix.** This information must be provided for applicants who are individuals or partnerships.
4. **Additional Individual Last Name, First Name, MI, Suffix.** This information, where applicable, must be provided for additional applicants who are individuals or partnerships.
5. **Applicant Address.** Enter the mailing address of the applicant identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box #, RR #, Box # or Highway Contract # designations, use any appropriate designation and number to further define the mailing address of the applicant.
6. **Applicant City, State, Zip.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than the USA, provide country.

7. **Applicant Contact Name.** Applicants that are organizations must provide the name of a person representing the applicant. This applicant contact must be an employee of the organization and must be located at the mailing address of the applicant and may receive correspondence on behalf of the applicant. This individual should be a high-level employee such as CEO, VP, Operations Manager, etc., or someone capable of answering questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Identify the full name of the applicant contact.
8. **Applicant Contact Title.** Enter the title of the applicant contact.
9. **Applicant Contact Phone.** Enter the phone number of the applicant contact.
10. **Applicant Contact Email.** Enter the email address of the applicant contact.
11. **Integrator(s).** If the operation is raising animals under contract with another company (i.e., an integrator) at the time the NOI is prepared, identify the name(s) of the integrator(s) and list the address(es) and phone number(s) of the integrator(s). If during the term of General Permit coverage there is a change in integrators, an amendment to General Permit coverage is not necessary. Attach additional sheets as necessary.

### NOI – SITE INFORMATION

1. **Site (CAFO) Name.** Report the name of the site (CAFO) at the specific physical location. For example, “ABC Farms”.
2. **Total Area of Operation.** List the total area, in acres, associated with the operation that is owned and under the operational control of the applicant. This value should be greater than the acres available for manure application because it takes into account land associated with agricultural production areas, access roads, etc. The value should include land rented or leased by the applicant for manure application.
3. **County and Municipality.** Indicate the county and municipality in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township).
4. **Additional County and Municipality.** If the site is located in more than one municipality and/or county, enter the additional county and municipality. If the site is located in more than two municipalities and/or counties, attach a sheet specifying all municipalities and counties in which the site is located to the NOI.
5. **Site Location Address.** Provide the physical address of the location where the permitted activities will occur, if available. PO Box Numbers are not acceptable for site location information.
6. **Site Location City, State, Zip.** Report the city (or municipality), state and zip code of the site location, if available.

**NOTE** – If a physical address is not available for the project site, provide the name of the road along which primary access to the site is located and the number of miles east or west of a respective intersection.

7. **Detailed Written Directions to Site.** When providing written directions, do not use PO Box addresses. Include landmarks and approximate distances from the nearest highway.
8. **Site Description.** Provide a description of the site including the number and size of animal confinement structures, manure storage facilities, and other relevant site features.
9. **Production Area Coordinates.** Federal regulations require the applicant to report the latitude and longitude of the entrance to the production area. For the purpose of this question on the NOI, report the latitude and longitude of the primary entrance of the largest animal confinement building or structure at the operation. If there are multiple confinement buildings of the same size, report the coordinates of the building that is closest to the operator’s office facilities.
10. **Satellite Farms.** List other sites related to the operation for which the applicant seeks permit coverage. In general, satellite farms are sites located on parcels that are not contiguous to the primary operation (i.e., “home farm”). If a satellite farm is incorporated into the home farm’s NMP, the farm should be listed in this section. Report the name of the satellite farm, the county and municipality where the county and municipality are located, and an

indication of whether or not there are animals on the satellite farm (“Yes” or “No”). Attach additional sheets as necessary.

### NOI – ANIMAL INFORMATION

List all animal types that are or will be present at the operation following approval of coverage under the General Permit and additional information as follows (attach additional sheets as necessary):

- **Animal Type.** List the animal type as identified in Pennsylvania State University's [Agronomy Fact Sheet 54](#).
- **No. Open Confinement.** List the number of animals from each animal type that are not maintained under roof for the majority of the time they spend on the operation.
- **No. Under Roof Confinement.** List the number of animals from each animal type that are maintained under roof for the majority of the time they spend on the operation.
- **Total No. Animals.** This value should be the sum of the values for No. Open Confinement and No. Under Roof Confinement.
- **Weight (lbs).** Use the standard or alternative weight that is used in the latest proposed or approved NMP.
- **Production Days.** Identify the number of days that are spent on the operation for each animal type during a crop year (October 1 – September 30).
- **AEUs.** Calculate the number of AEUs for each animal type by first multiplying the Total No. Animals by the Weight (lbs), and dividing by 1,000. Then multiply this value by the Production Days, and divide by 365. This value should match the AEUs computed for the latest proposed or approved NMP. Sum the AEUs for all animal types at the bottom of the table. This is the Total AEUs for the operation and should match the Maximum Animal Population value reported in the General Information section of the NOI.

### NOI – MANURE AND NUTRIENT MANAGEMENT INFORMATION

1. **NMP Approval Date.** List the date of approval of the latest new or updated NMP. Indicate the crop year(s) addressed by the latest NMP (e.g., 2022 – 2024).
2. **Acres for Manure Application.** List the number of acres owned, the number of acres rented or leased, and the total acres available for manure application. This information should be consistent with the latest approved NMP or an NMP update that is under review by the State Conservation Commission or a delegated county conservation district.
3. **Description of Manure and Agricultural Wastewater Management.** Describe, in detail, the method(s) by which manure and agricultural wastewater are managed and used on the operation. For example:  
  
*Two 100' long x 40' wide x 1.5' deep reinforced concrete shallow pits collect liquid swine manure beneath the two swine houses. These pits are drained by gravity at least once per week using a pull-plug system to a 75' x 75' x 10' deep HDPE-lined impoundment. Manure is pumped out and applied on-site and exported from the farm.*
4. **Solid Manure Generation.** List all animal types that generate solid manure and provide the information requested, as follows (attach additional sheets as necessary):
  - **Animal Type.** List the animal type as identified in Pennsylvania State University's [Agronomy Fact Sheet 54](#).
  - **Amount Generated.** Report the amount of solid manure generated for each animal type, in dry tons per year.
  - **Amount Used on Operation.** List the amount of the total generated solid manure that is land applied or otherwise utilized on the operation, in dry tons per year.

- **Amount Exported from Operation.** Identify the amount of the total generated solid manure that is exported from the operation, in dry tons per year.

Sum the amounts for each animal type to list the totals at the bottom of the table.

**NOTE** – In general, solid manure is manure with a solids content at or above 20%. Poultry manure may be considered a solid manure as well as beef and dairy cattle manure that has been mixed with bedding or other materials.

5. **Manure Stockpiling.** Report whether solid manure is stacked or stockpiled on the operation (“Yes” or “No”). If “Yes”, describe the location(s) where manure is stockpiled. Also, if “Yes”, check the appropriate box to indicate whether manure is stockpiled for less than 15 consecutive days before land applied or manure is stockpiled for 15 consecutive days or more under cover before land application.
6. **Liquid and Semi-Solid Manure Generation.** List all animal types that generate liquid or semi-solid manure and provide the information requested, as follows (attach additional sheets as necessary):
  - **Animal Type.** List the animal type as identified in Pennsylvania State University’s [Agronomy Fact Sheet 54](#).
  - **Volume Generated.** Report the volume of liquid or semi-solid manure generated for each animal type, in gallons per year.
  - **Volume Used on Operation.** List the volume of the total generated liquid or semi-solid manure that is land applied or otherwise utilized on the operation, in gallons per year.
  - **Volume Exported from Operation.** Identify the volume of the total generated liquid or semi-solid manure that is exported from the operation, in gallons per year.

Sum the volumes for each animal type to list the totals at the bottom of the table.

**NOTE** – In general, liquid and semi-solid manure is manure with a solids content below 20%. This includes swine manure, beef and cattle manure (if not mixed with other materials), certain poultry manures, and others.

7. **Agricultural Process Wastewater Generation.** Report all agricultural process wastewater generated at the operation. If the volumes of agricultural process wastewater generated are incorporated into the volumes reported for liquid and semi-solid manure in question 6, above, then check the appropriate box below the table and just report a description of all agricultural process wastewater in the table. Otherwise, complete the table as follows (attach additional sheets as necessary):
  - **Agricultural Process Wastewater Description.** Describe the type of agricultural process wastewater generated on the operation. Such wastewater includes spillage or overflow from livestock or poultry watering systems; washing, cleaning or flushing pens, milk houses, barns, manure pits, or other facilities associated with the operation; silage leachate; direct contact swimming, washing or spray cooling of livestock or poultry; egg washing; or dust control. Agricultural process wastewater includes any water which comes into contact with any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs and bedding.
  - **Volume Generated.** Report the volume of each type of agricultural process wastewater generated on the operation in gallons/year.
  - **Volume Used on Operation.** Report the volume of agricultural process wastewater used on the operation in gallons/year.
  - **Volume Exported from Operation.** Report the volume of agricultural process wastewater exported from the operation in gallons/year.

Check the appropriate box if no agricultural process wastewater is generated on the operation.

8. **Animal Mortality Management.** Describe the operation’s method(s) for managing animal mortalities.

9. **Outdoor Feed Storage Facilities.** Check the appropriate box to indicate whether the operation has feed storage facilities that are not contained under roof (“Yes” or “No”). If Yes, describe all measures that have been taken to prevent discharges to surface waters.
10. **Winter Manure Application.** Check the appropriate box to indicate whether the latest approved NMP provides for the application of manure during the winter period (“Yes” or “No”). A response of “No” to this question does not imply that winter application would not be authorized in the future under an update to the NMP.

### NOI – MANURE STORAGE FACILITY INFORMATION

1. List all manure storage facilities on the operation that are designed to contain liquid and semi-solid manure and provide the information requested below (attach additional sheets as necessary):
- **Type.** Report the types of all manure storage facilities. Report one of the following types unless the applicant can characterize the type in a more accurate manner using a different description:
    - Shallow Underbarn Concrete Pit;
    - Deep Underbarn Concrete Pit;
    - Circular Concrete Aboveground Storage;
    - Circular Concrete Inground Storage;
    - Circular Steel Aboveground Storage;
    - Synthetic-Lined Impoundment; and
    - Earthen/Clay-Lined Impoundment.
  - **Latitude / Longitude.** Report the degrees, minutes, and seconds for Latitude and Longitude coordinates at the center of the manure storage facility.
  - **Year Built.** Report the year the manure storage facility was constructed.
  - **Maximum Capacity.** List the maximum storage capacities of all manure storage facilities, not including regulatory freeboard, in gallons.
  - **Freeboard.** List the minimum required freeboard, in feet (ft), as specified in 25 Pa. Code § 91.36 (i.e., 0.5 ft, 1 ft or 2 ft). Also, indicate the freeboard in ft required at the start of the winter period in order to implement the NMP (i.e., vertical depth for winter storage). This is the freeboard level that the manure storage facility should be at on December 15th considering the volume of manure expected to be generated over winter and any planned applications between December 15th and February 28th.
  - **Subsurface Drain.** Report whether the manure storage facility has a subsurface drain that outlets to the ground surface (“Yes” or “No”). A subsurface drain is generally used to ensure that the seasonal high-water table does not infringe upon the liner of the manure storage facility.
  - **Leak Detection.** Report whether the manure storage facility was constructed with a leak detection system (“Yes” or “No”). A leak detection system generally consists of a perforated drain below a synthetic liner or around a concrete structure that outlets to a sump or the ground surface for inspection, and may or may not be combined with a subsurface drain.
  - **Engineering Certification.** Indicate whether a certification by a PA-registered professional engineer was completed for the manure storage facility following construction (“Yes” or “No”).
  - **Water Quality Management Permit.** Indicate whether a Water Quality Management (WQM) permit was issued for the manure storage facility (“Yes” or “No”).
2. **Solid Manure Storage Structures.** Describe all structures or locations used for the storage of solid manure.
3. **Operation and Maintenance Plan.** Indicate whether an Operation and Maintenance (O&M) Plan has been developed for each manure storage facility listed above (question 1) (“Yes” or “No”).



4. **Corrective Action.** Describe any repairs or corrective action taken for the manure storage facilities listed above (question 1) in the past five years.

#### NOI – OTHER INFORMATION

1. **Agricultural Erosion and Sediment Control (Ag E&S) Plan.** Report whether an Agricultural Erosion and Sediment Control (Ag E&S) Plan (or Conservation Plan) for plowing and tilling and/or animal heavy use areas has been developed for all acres owned, rented or leased by the applicant (“Yes” or “No”). If Yes, indicate the year the Plan was developed or last updated.
2. If the response to question 1 is “Yes”, indicate whether the Ag E&S Plan reflects current agricultural practices and is being implemented (“Yes” or “No”).
3. **Animal Heavy Use Area(s) (AHUA(s)).** Check the appropriate box to indicate whether the operation includes AHUA(s).
4. If the response to question 3 is “Yes”, indicate whether the E&S Plan addresses practices to reduce erosion from the AHUA(s).
5. **Biosecurity.** List any biosecurity measures that are specific to the operation. DEP inspectors follow general protocols for biosecurity at all farms, but if there is anything unique to the operation that DEP should be aware of, report that information here (or submit a biosecurity plan as an attachment).

#### NOI – EXISTING PERMITS

List all permits that have been issued or are pending for this facility or project site by DEP, a delegated county conservation district or EPA within the past five years. Include any NPDES and WQM permits, Chapter 105 permits and any other environmental permits. Provide the permit number, the date of permit issuance, and the name of the agency which issued the permit, as applicable. Attach additional sheets as necessary.

#### NOI – COMPLIANCE HISTORY

Check the appropriate box to indicate if the facility owner or operator was/is in violation of any DEP regulation, permit, order or schedule of compliance at this or ANY OTHER facility or project site within the past five years. If the answer is “No,” no further information is needed in this area. If the answer is “Yes,” list each permit, order or schedule of compliance and provide compliance status of the permitted facility or operation. If needed, use additional sheets to provide ALL information.

#### NOI – CERTIFICATION

The applicant must certify that the information contained in the NOI is true, accurate and complete and agree to abide by the terms and conditions of the General Permit. In addition, the responsible official’s signature also verifies that the operation is eligible for PAG-12 General Permit coverage and the applicant will abide by the terms and conditions of the General Permit.

#### The NOI must be signed as follows:

- For individually owned operations, the NOI must be signed by the owner of the facility or project site.
- For a corporation, the NOI must be signed by a responsible corporate officer. For purposes of this section, a responsible corporate officer means a principal executive officer of at least the level of vice president or an authorized representative, if the representative is responsible for the overall operation of the facility or project from which the discharge described in the NOI originates.
- For a partnership or sole proprietorship, the NOI must be signed by a general partner or the proprietor, respectively.

- For a municipality, state, federal or other public agency, the NOI must be signed by either a principal executive officer, ranking elected official or other authorized employee.

If there are co-applicants, each applicant must sign and date the Certification section of the NOI. Include additional pages with the NOI as necessary.

## CHECKLIST AND NOI ATTACHMENTS

To ensure the NOI is complete, DEP provides a checklist (3800-PM-BCW0032c). This checklist must be returned with the completed NOI form. The following explains each of the NOI components.

**NOI Fee.** As discussed previously in these Instructions, attach a check or money order in the amount of \$500, made payable to “Commonwealth of Pennsylvania”, if applicable.

**General Information Form (GIF).** Applicants of new or expanding operations (only) must attach a completed GIF to the NOI. The GIF may be found on DEP’s website (visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/), select “Permit and Authorization Packages,” “Department-Wide General Information,” and “General Information Form”).

**Nutrient Management Plan (NMP).** Attach to the NOI the latest approved NMP (new or plan amendment) along with the approval letter from the State Conservation Commission or delegated county conservation district. The NMP must meet all requirements of 25 Pa. Code Chapter 83, Subchapter D, and 40 CFR 122.42(e)(1)(i-x), and also include:

- Manure application setbacks for the CAFO of at least 100 feet, or vegetated buffers at least 35 feet in width.
- A statement that manure that is stockpiled for 15 consecutive days or longer shall be under cover or otherwise stored to prevent discharge to surface water during a storm event up to and including the appropriate design storm for that type of operation under §§ 91.36(a)(1) and (5).

**NOTE** – Applicants of new operations may submit an NMP that has not yet been approved by the State Conservation Commission or a delegated county conservation district; however, DEP will not approve General Permit coverage until DEP receives the NMP approval letter.

**NOTE** – Applicants must submit the latest approved NMP and approval letter as an attachment to the NOI. If the latest approved NMP is inconsistent with the information reported on the NOI, an updated NMP that is under review should also be submitted. DEP will not approve General Permit coverage until DEP receives the approval letter for an NMP that is consistent with the information in the NOI.

**Agricultural Erosion and Sediment Control (Ag E&S) Plan.** Attach to the NOI the latest Ag E&S Plan for agricultural plowing and tilling and AHUAs. The Plan should cover all lands owned and under the operational control of the applicant that are used for plowing and tilling and AHUAs and meet the minimum requirements of 25 Pa. Code § 102.4(a).

**Preparedness, Prevention and Contingency (PPC) Plan.** Attach to the NOI a PPC Plan to satisfy the requirements of 25 Pa. Code §§ 91.34(b) and 92a.29(e)(4). The site-specific emergency response plan required by 25 Pa. Code § 83.312 in the NMP will meet these requirements if it is developed consistent with the guidelines contained in DEP’s *Guidelines for the Development and Implementation of Environmental Emergency Response Plans* (Document No. 400-2200-001). In addition, the PPC Plan (or emergency response plan in the NMP) must address actions that will be taken by the applicant in response to a mass animal mortality event at the operation (i.e., method(s) and location(s) of management or disposal).

**Municipal and County (Act 14) Notifications.** Attach to the NOI copies of correspondence submitted to the county(ies) and municipality(ies) where there the operation is located, notifying the government entities of the applicant’s intent to apply for coverage under PAG-12. Also, attach a copy of confirmation that the government entities received the applicant’s correspondence. This notification is required for NOI Types of New and Renewal, as well as Amendment if the operation proposes an expansion. A sample notification letter can be found on DEP’s website (visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/), select “Permit and Authorization Package,” “Clean Water,” “Sample Letter from Applicant to Municipality and County Satisfy Act 14 Notice Requirements”).

**Topographic Map.** Attach a topographic map to the NOI that identifies surface waters and relevant site features such as animal confinement buildings and manure storage facilities (production areas). A separate topographic map is not required if already included in the NMP. The submission of photographs is encouraged but not required.

**Water Quality Management Permit Application.** When an applicant proposes to construct a new or expanded manure storage facility in which a WQM permit is required under 25 Pa. Code § 91.36(a), the applicant should submit an application for a WQM permit at the same time or before the PAG-12 NOI is submitted. DEP may issue a WQM permit prior to taking action on the PAG-12 NOI.

**Chapter 102 NPDES Permit for Stormwater Associated with Construction Activities.** For new or expanding CAFOs, applicants must submit a copy of the approval of coverage under a Chapter 102 NPDES Permit for Stormwater Associated with Construction Activities when earth disturbance will be at least one acre. If the Chapter 102 NPDES approval is not submitted as an attachment to the PAG-12, DEP will not approve General Permit coverage until DEP receives the Chapter 102 NPDES approval letter.

**Summary.** The following chart identifies the components for a complete NOI depending on whether the NOI is for new PAG-12 coverage (including retention of coverage under a reissued or modified PAG-12) or an amendment to coverage. An indication of “Yes” below means that the component is expected for a complete NOI submission unless it is not applicable. The term “Expanding Operations” in the chart below refers to an increase in the proposed animal population on an operation. The term “Not Expanding (Other)” means any other reason for the submission of an NOI to amend coverage, such as the loss of land that results in an increase in the value of AEUs/acre or other changes identified in the General Permit.

NOI Component	NOI Type		
	New NOI (Including Retention of Coverage)	Amendment NOI – Expanding Operations	Amendment NOI – Not Expanding (Other)
One original and two copies of complete NOI form	Yes	Yes	Yes
NOI fee (\$500) <sup>1</sup>	Yes	Yes	Yes
General Information Form <sup>2</sup>	Yes	No	No
Latest approved NMP and approval letter	Yes	Yes	Yes
E&S Plan for plowing and tilling and AHUAs <sup>3</sup>	Yes	Yes	Yes
PPC Plan	Yes	Yes	No
County and municipal notifications (Act 14) and proof of receipt	Yes	Yes	No
Topographic map <sup>4</sup>	Yes	Yes	Yes
WQM permit application <sup>5</sup>	Yes	Yes	Yes
Chapter 102 NPDES permit approval letter <sup>5</sup>	Yes	Yes	Yes

**Notes:**

- 1 The NOI fee is not required for new CAFOs, existing operations that are expanding and will be considered a CAFO for the first time, existing operations that will be considered a CAFO for the first time due to changes in standard animal weights or DEP designation, and CAFOs submitting an NOI to remain covered under a reissued or modified PAG-12. The NOI fee is required for existing CAFOs that have individual permit coverage and are seeking coverage under PAG-12 and for existing CAFOs seeking to amend PAG-12 coverage.
- 2 The General Information Form is not required for NOIs submitted by CAFOs with existing PAG-12 coverage (i.e., new coverage only).
- 3 If a CAFO is not conducting plowing and tilling activities and has no AHUAs, the submission of an E&S Plan is not required.
- 4 A topographic map that is included within an approved NMP will generally satisfy this requirement.
- 5 If construction of a manure storage facility or earth disturbance that is greater than or equal to one acre is not proposed, these components are not applicable.