

**Standard Operating Procedure (SOP)<sup>1</sup>**  
**Chesapeake Bay Agricultural Inspection Program (CBAIP)**  
**SOP No. CBO-INSP-001**  
**May 2022**  
**Version 1.5**

This SOP describes the procedures by which the Department of Environmental Protection (DEP) and participating County Conservation Districts (CCDs) will conduct Initial, Follow-Up, and Phase 2 Inspections of agricultural operations within the Chesapeake Bay watershed to document compliance with agricultural planning requirements found in the Pennsylvania Clean Streams Law and regulations promulgated thereunder. This SOP was developed to supersede two previously-published SOPs, the Chesapeake Bay Agricultural Inspection Program SOP (CBO-INSP-001) and the Chesapeake Bay Agricultural Inspection Program – Phase 2 SOP (CBO-INSP-002), and is consistent with [Pennsylvania's 2016 Chesapeake Bay Strategy](#) and the [Pennsylvania Phase 3 Watershed Implementation Plan](#).

The objectives of Initial Inspections are to annually verify that at least 10% of agricultural operations within the Chesapeake Bay watershed have written Agricultural Erosion and Sediment Control Plans (Ag E&S Plans) under 25 Pa. Code § 102.4(a)(2); written Manure Management Plans (MMPs) under 25 Pa. Code § 91.36(b)(1)(i); and discuss implementation of the plans with the owner and/or operator. Following verification of Ag E&S Plans and/or MMPs for a given operation, a Phase 2 Inspection is performed. The objectives of Phase 2 Inspections are to verify proper implementation of Best Management Practices (BMPs) found in those Ag E&S Plans and/or MMPs for each agricultural operation. These BMPs must be implemented according to the schedules described in the Ag E&S Plan and/or MMP. Definitions for key terms used in this SOP are presented in Attachment A.

This SOP does not address:

- Compliance inspections of Concentrated Animal Feeding Operations (CAFOs). DEP will continue to inspect CAFOs in accordance with its National Pollutant Discharge Elimination System Compliance Monitoring Strategy (NPDES CMS), submitted to the U.S. Environmental Protection Agency (EPA) by the start of each federal fiscal year. A separate SOP for inspections of CAFOs has been developed (CBO-INSP-003).
- Annual Nutrient Management Plan (NMP) Status Reviews for Concentrated Animal Operations (CAOs) or other operations that develop Act 38 NMPs on a voluntary basis. Existing CCD and State Conservation Commission (SCC) procedures will continue to be followed for Annual NMP Status Reviews. Initial Inspections will not be conducted on operations where it is known that NMPs (and Ag E&S Plans) have been developed.

In addition, this SOP applies only to the counties listed in Attachment B. The counties in Attachment B have historically received funding from DEP for Chesapeake Bay Technicians. In the event that a CCD identified in Attachment B no longer receives funding from DEP, implementation of this SOP will be the responsibility of DEP in that county.

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<sup>1</sup> The process and procedures outlined in this SOP are intended to supplement existing requirements. Nothing in the SOP shall affect or alter existing regulatory requirements. The process, procedures, guidance, and interpretations herein are neither an adjudication nor regulation. There is no intent on the part of DEP to give the procedures in this SOP that weight or deference. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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**Attachments**

- Attachment A – Definitions of Terms in SOP
- Attachment B – Chesapeake Bay County Codes
- Attachment C – Template Letters
- Attachment D – Agricultural Operation Referral Form

## **SOP – Chesapeake Bay Agricultural Inspection Program**

### **I. Roles and Responsibilities.**

The following summarizes the roles and responsibilities of each organization that will participate in the implementation of this SOP.

#### **A. CCDs.**

Each CCD will notify DEP annually, prior to July 1, that it will or will not enter into a Chesapeake Bay Technician contract and conduct the inspections addressed by this SOP, unless DEP provides an opportunity for a CCD to sign a contract at a later date. CCDs should communicate any anticipated changes to their participation in the CBAIP to the Chesapeake Bay Office (CBO) and the appropriate DEP regional office at least three months prior to a CCD board decision regarding participation in the CBAIP. If a CCD elects to enter into a Chesapeake Bay Technician contract (i.e., is a “participating CCD” under this SOP), the CCD will:

1. Participate in DEP-led training events on the SOP.
2. Develop annual inspection strategies for agricultural operations to be inspected prior to the start of each state fiscal year (July 1).
3. Conduct inspections of agricultural operations and complete follow-up activities in accordance with this SOP, including performing the minimum number of required Initial Inspections and Phase 2 Inspections as outlined in paragraph III.A.3.
4. Submit quarterly reports to CBO and DEP regional offices using the inspection module of PracticeKeeper, ensuring that all inspection types are recorded.

#### **B. DEP Regional Offices.**

The responsible staff within each DEP regional office will:

1. Provide training and technical assistance to participating CCDs within the region on the implementation of this SOP.
2. Develop annual inspection strategies for agricultural operations to be inspected prior to the start of each state fiscal year (July 1).
3. Conduct inspections of agricultural operations and complete follow-up activities in accordance with this SOP including performing the minimum number of required Initial Inspections and Phase 2 Inspections as outlined in paragraph III.B.2.

#### **C. DEP Central Office – CBO.**

DEP CBO will have oversight responsibilities for implementation of this SOP. Specifically, DEP CBO will:

1. Conduct initial and periodic training of DEP regional staff on this SOP and assist DEP regional offices in providing training and technical assistance to participating CCDs on the implementation of this SOP.
2. Conduct additional in-person and/or virtual training as necessary and/or as requested by DEP regional offices or CCDs.
3. Receive feedback from DEP regional staff and partnering organizations on the SOP and associated documents and make modifications to these documents as deemed appropriate or necessary.
4. Receive and provide feedback on annual inspection strategies and inspection lists or maps.
5. Monitor SOP implementation progress.

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6. Provide specific technical assistance as needed.
7. Upon request by a CCD conducting inspections and after receiving the names and addresses from the CCD, issue pre-inspection letters to agricultural operations selected for inspection by the CCD.
8. Provide enforcement support relevant to the non-compliance action being addressed.

### II. Inspection Overview.

The following summarizes the inspection types that will be used to implement this SOP. Figure 1 (page 29 of this document) provides an illustration of the inspection activities that may be performed for “full credit” under this SOP and those that are not considered inspections under this SOP. Where the term “inspector” is used in this and subsequent sections, it refers to the individual employed by DEP or the CCD who conducts the inspection; in certain cases, a distinction is made between “DEP inspector” and “CCD inspector”. Each inspection will be completed for a unique agricultural operation or satellite farm as defined in Attachment A.

#### A. Initial Inspections.

Initial Inspections include those on-site field inspections with the owner and/or operator or their designee of the agricultural operation present, during which requests will be made to produce the agricultural operation’s written Ag E&S Plan and/or MMP.

Initial inspections are necessary for agricultural operations where:

1. DEP regional offices and CCDs are unaware if the agricultural operation has both an MMP/NMP and an Ag E&S Plan, as applicable (all operations that receive Annual NMP Status Reviews are therefore excluded).
2. The agricultural operation has not previously received an Initial Inspection.
3. The agricultural operation has not otherwise committed to develop the required plan(s) verbally or in writing to a DEP regional office and/or CCD (see paragraphs IV.A.2. and IV.B.1.b.).

CCDs will complete the Inspection Report for all Initial Inspections performed by the CCD. In addition, DEP regional offices will complete the Inspection Report for Initial Inspections that are conducted within a county whose CCD is participating in implementing this SOP and may use this report for Initial Inspections conducted within a county whose CCD is not participating.

#### B. Phase 2 Inspections.

Phase 2 Inspections include inspections of areas of production and fields with the owner and/or operator or their designee of the agricultural operation present to determine compliance with the BMP implementation schedules set forth in the operation’s Ag E&S Plan and/or MMP. Additionally, the BMPs should be evaluated to ensure they are functioning as intended to minimize the potential for pollution (i.e. proper implementation).

Phase 2 inspections are necessary for agricultural operations where:

1. A DEP regional office and/or participating CCD has documentation (on file or in a data system) confirming the existence of administratively complete Ag E&S Plans and/or MMPs resulting from an Initial Inspection or another method, and
2. A DEP regional office and/or participating CCD has not yet verified that the BMPs contained in the Ag E&S Plan and/or MMP have been properly implemented as scheduled in the associated plan(s).

**NOTE:** An Initial Inspection and Phase 2 Inspection may be completed during the same site visit provided the inspector verifies both the existence of the agricultural operation’s Ag E&S Plan and/or MMP and the

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proper implementation of the BMPs as scheduled in the plan(s) during the same inspection. This may be dependent on the owner's and/or operator's willingness to proceed with the Phase 2 Inspection during the Initial Inspection.

### C. Virtual Inspections.

Virtual inspections provide an alternate way to evaluate agricultural operations if an on-site visit is not ideal due to conditions such as COVID-19, biosecurity risks, etc. While a Follow-Up Inspection in the field may be necessary to fully determine compliance, virtual inspections may be utilized where applicable to gather information necessary for both Initial Inspections and Phase 2 Inspections.

### D. Follow-Up Inspections.

Follow-Up Inspections may be conducted by DEP regional offices when:

1. A pollution incident was observed during an Initial Inspection by a CCD or DEP inspector. These Follow-Up Inspections will be conducted only by DEP regional offices.
2. DEP regional offices investigate other water quality concerns, evaluate the implementation status of MMPs and Ag E&S Plans, and/or verify the existence of BMPs.

In addition, DEP regional offices and CCDs will take follow-up measures in accordance with paragraphs VII.B.2.a.i. and VII.B.2.a.ii. when an Initial Inspection reveals that an operation was lacking a written MMP and/or Ag E&S Plan, and such plan(s) was/were not submitted to the inspector by the deadline provided. These measures are not considered an "inspection" under this SOP.

### E. Complaint Response Inspections.

A complaint response may count toward an Initial Inspection or a Phase 2 Inspection if: a) the agricultural operation has not yet received an Initial Inspection or a Phase 2 Inspection, b) the operation does not receive Annual NMP Status Reviews, and c) the Inspection Report for Agricultural Operations (3800-FM-BCW0524) is completed. DEP may, at any time, choose to not follow this SOP in pursuing remedy of a complaint or findings of a complaint investigation.

## III. Annual Planning for Initial Inspections and Phase 2 Inspections.

Prior to the start of each state fiscal year, DEP regional offices and participating CCDs should develop annual inspection strategies for planning purposes. These strategies may be accompanied by preliminary lists of agricultural operations that are planned for Initial Inspections and Phase 2 Inspections during the fiscal year, which are subject to change as necessary. DEP strategies may also address agricultural operations that will receive Follow-Up Inspections. A map showing the locations of operations that are intended for inspection may also be developed and submitted with the strategies.

Inspection strategies for Phase 2 Inspections should rely on a targeted watershed(s) approach, unless another strategy is deemed acceptable by DEP. Targeted watersheds will be determined through priority ranking criteria based upon local impact and/or impact to the Chesapeake Bay, as established by DEP's Central Office.

It is recommended that DEP regional offices and participating CCDs meet prior to May 1<sup>st</sup> each year to plan annual inspection strategies.

### A. CCDs.

1. It is recommended that the CCD perform an Initial Inspection on all agricultural operations in the county prior to transitioning to Phase 2 Inspections. However, if a rationale for an immediate transition to Phase 2 Inspections and a plan to perform the Initial Inspections on the remaining agricultural

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operations in the county are adequately described in the annual inspection strategy, the CCD may include a percentage of Phase 2 Inspections in that strategy. The inspection strategies should provide detail regarding the area(s) that is planned for inspection and may include impaired watersheds, geographic boundaries, or other strategies. All submissions should be in electronic format.

### 2. Planning for Initial Inspections:

Farm IDs will be assigned to each unique agricultural operation as follows: XX-YYYYY, where XX = two-digit County Code (see Attachment B) and YYYYY = five-digit sequence number, unique to each agricultural operation within a county. An additional identifier may be added by CCDs and DEP regional offices at the end of this number, if desired (e.g., XX-YYYYY-ZZZ). It is recommended that CCDs coordinate with DEP regional offices if an additional identifier is used.

### 3. The minimum number of required inspections per fiscal year are as follows:

#### a. For each full-time DEP-funded Bay Technician position:

- i. If the CCD's strategy is to complete only Initial Inspections for the upcoming fiscal year, at least 50 unique agricultural operations should receive an Initial Inspection.
- ii. If there are no Initial Inspections remaining, a total of 25 different agricultural operations should receive a Phase 2 Inspection.
- iii. If there are both Initial Inspections and Phase 2 Inspections to be conducted, the number of Initial Inspections conducted would be subtracted from 50, which is the total number of Initial Inspections required per Bay Technician as stated in III. A. 3.a.i., above. The remaining number would then be multiplied by 0.5 to determine the total number of Phase 2 Inspections required. For example, the Bay Technician conducts their final 24 Initial Inspections during the fiscal year;  $50 - 24 = 26$  and  $26 \times 0.5 = 13$  Phase 2 Inspections required.

#### b. For each partially funded Bay Technician position:

- i. If the CCD's strategy is to complete only Initial Inspections for the upcoming fiscal year, the number of Initial Inspections required is calculated by multiplying the number of partial positions by 50. For example,  $1.75 \text{ positions} \times 50 \text{ inspections} = 88 \text{ inspections}$  and  $0.5 \text{ position} \times 50 \text{ inspections} = 25 \text{ inspections}$ .
- ii. If there are no Initial Inspections remaining, the number of Phase 2 Inspections required is calculated by multiplying the number of partial positions by 25. For example,  $1.75 \text{ positions} \times 25 \text{ inspections} = 43.75$  (rounded to 44) Phase 2 Inspections and  $0.5 \text{ position} \times 25 \text{ inspections} = 12.5$  (rounded to 13) Phase 2 Inspections.
- iii. If there are both Initial Inspections and Phase 2 Inspections to be conducted, the number of total inspections is calculated by multiplying the number of partial positions by 50. For example,  $1.75 \text{ positions} \times 50 \text{ inspections} = 88 \text{ total inspections}$  and  $0.5 \text{ position} \times 25 \text{ inspections} = 25 \text{ total inspections}$ . The number of Initial Inspections conducted would be subtracted from this figure, and the remaining number would be multiplied by 0.5 to determine the total number of Phase 2 Inspections required.

### B. DEP Regional Offices.

Annual inspection strategies should be developed for each region that include the following minimum number of required inspections per fiscal year:

A total of 75 different agricultural operations for each inspector should be inspected; this includes Initial Inspections, Phase 2 Inspections, and Follow-Up Inspections. At least 15 of these inspections should be Phase 2 Inspections.

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### C. DEP CBO.

DEP CBO may request that priority areas are inspected by the CCDs or DEP regional offices.

## IV. Pre-Inspection Procedures.

The following should be completed prior to an inspector conducting any inspection, as applicable.

### A. Pre-Inspection Notices.

CCDs and DEP regional offices are encouraged to send pre-inspection letters to operations scheduled for an inspection and may use the sample template in Attachment C. The letter will notify operations that DEP or CCD staff will be contacting the operation to schedule an inspection. For Initial Inspections, the letters will also afford an opportunity for the agricultural operation to contact the appropriate CCD or DEP regional office by phone to request assistance for plan development or to schedule an appointment with the CCD or DEP regional office to review existing plans. Alternatively, CCDs may request that DEP CBO issue the pre-inspection letter by providing DEP CBO with the names, addresses, and anticipated inspection type(s) scheduled for inspection.

Additionally, the following situations apply for Initial Inspections:

1. If the owner and/or operator contacts the CCD to make an appointment (at the CCD office or at the operation) to review plan(s), the appointment will be considered an Initial Inspection if a) the Inspection Report is completed; and b) the results of the inspection are recorded in accordance with paragraph VI.L.
2. If the owner and/or operator contacts the CCD to request assistance in developing the plan(s), a list of resources for plan development will be provided. CCDs will request the submission of the plan(s) within a period of time consistent with paragraph VII.B.2.a., and follow-up measures will be taken as necessary in accordance with paragraph VII.B.2.a.ii. if submission is not made by the deadline. The receipt of the plan(s) in this manner will be considered an Initial Inspection if 1) the Inspection Report is completed and 2) the results of the inspection are recorded in accordance with paragraph VI.L.
3. An agricultural operation that does not contact the CCD to make an appointment to review its plan(s) or request assistance in developing the plan(s) will be retained as a candidate for an Initial Inspection.

**NOTE:** Agricultural operations may contact CCDs to schedule an appointment or for assistance in developing plans at any time during the year. CCDs will need to coordinate closely with the DEP regional office to ensure that DEP does not schedule an unnecessary inspection of an operation. CCDs will notify the appropriate DEP regional office each time an agricultural operation DEP plans to inspect contacts the CCD for an appointment or otherwise agrees to develop and submit plans.

### B. Pre-Inspection Activities.

1. In general, where a phone number is available for the owner and/or operator of an agricultural operation, the inspector should attempt to contact the owner and/or operator in advance of the inspection to: 1) explain the purpose of the forthcoming inspection; 2) arrange for an appropriate date and time for the inspection; and 3) determine any operation-specific biosecurity protocols. If no contact is made via telephone, mailing pre-inspection notices is recommended; a sample template, provided by DEP, may be used (Sample Letters 1a. – Notice to Inspect: Initial Inspection and 1b. – Notice to Inspect: Phase 2 Inspection, found in Attachment C). The agricultural operation should be given ten (10) business days from the date a voice message was left for the owner and/or operator or a letter was sent to respond to the initial communication attempt. If no response is received, a second contact may be initiated at the inspector's discretion. If no response is received following the attempted contact(s), then the inspector should prepare for an on-site visit and conducting an inspection.

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- a. Advanced notice is not necessary where 1) a phone number is not available; 2) the Initial Inspection or Phase 2 Inspection is done as part of a complaint investigation; or 3) the operation has a history of non-compliance with DEP and/or a CCD.
  - b. For Initial Inspections: If the owner and/or operator informs the inspector by phone that required plan(s) has not been developed, the inspector may advise that the Initial Inspection may not be necessary if the owner and/or operator will commit to develop and submit the plan(s) within a period of time consistent with paragraph VII.B.2.a. If the owner and/or operator agrees, an on-site Initial Inspection is not necessary (but may be conducted at the inspector's discretion). The receipt of plans in this manner will be considered an Initial Inspection if: 1) the Inspection Report is completed and 2) the results of the inspection are recorded in accordance with paragraph VI.L.
2. The inspector should spend some time prior to each inspection to gain familiarity with the agricultural operation, to the extent possible. For example, aerial maps should be consulted, the Ag E&S Plan and/or MMP should be reviewed (for Phase 2 Inspections), and any previous Inspection Reports should be reviewed. Aerial maps may assist the inspector in the determination of Ag E&S Plan consistency with the current agricultural operation.

**NOTE:** United States Department of Agriculture (USDA)-Natural Resources Conservation Services (NRCS) customers, which include USDA program participants, are allowed to share their information directly with third parties or entities outside of USDA. Pennsylvania USDA-NRCS customers who wish to share their customer records with third parties or outside entities can use the USDA-NRCS "Customer Request Form" to request copies of records contained in their official customer file. If the owner and/or operator requires documents that are filed with NRCS to be shared with the party(ies) that are providing assistance to them, verifying BMPs, etc., the Customer Request Form is to be completed and submitted to NRCS for validation and the documents will be provided by NRCS to the owner and/or operator for them to decide what they would like to share with those providing assistance.

3. The inspector should prepare all necessary supplies for the inspection.
  - a. The CCD inspector's list of supplies includes protective clothing, sanitation supplies, copies of Inspection Report for Agricultural Operations (3800-FM-BCW0524), copies of previous Inspection Reports (as applicable), copies of Ag E&S Plan and/or MMP (as applicable), camera, a charged mobile phone (if available), USDA-NRCS Customer Request Form, and lists of appropriate DEP and CCD contacts.
  - b. The DEP inspector's list includes those in paragraph IV.B.3.a., above, as well as sample containers, sample coolers, labels, and water quality test kits.
4. The inspector should plan on inspecting no more than one operation of the same animal type per day when inspection of production areas, manure storage facilities, and related site features will be conducted. When the inspection consists only of an interview with the owner and/or operator in a producer-designated "clean area", this paragraph is not applicable.
5. If notified by the owner and/or operator that the facility is experiencing an animal disease outbreak, the inspector should defer and reschedule the inspection until after the outbreak is under control.
6. Inspectors will plan for the following biosecurity practices, in order of priority:
  - a. Inspectors should inquire about operation-specific biosecurity protocols for an agricultural operation in advance or at the beginning of an unscheduled inspection and those protocols should be followed.
  - b. At a minimum, inspectors will adhere to DEP's Standard Procedure for Biosecurity at Agricultural Sites (OPI 2013-01).

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**NOTE:** If DEP’s Standard Procedure referenced above is followed, the checklist included in that procedure should be reviewed, but completion and retention for each agricultural operation is not necessary.

### V. Inspection Procedures.

The following procedures should be followed during inspections, as applicable.

#### A. Virtual Inspections.

1. There may be conditions or concerns on an agricultural operation where a virtual inspection is an appropriate alternative to an on-site Initial Inspection or Phase 2 Inspection, such as concerns surrounding COVID-19, biosecurity issues, etc. The inspector should use professional discretion to determine if a virtual inspection is appropriate for a specific agricultural operation. For example, the inspector, after evaluating aerial imagery taken within the last three years and with those conditions visible from the road, and other available documentation of the operation, does not identify potential erosion and sedimentation and/or manure management related resource concerns, a virtual inspection of that operation may be applicable.
2. Virtual inspections should not be performed when the owner and/or operator does not have access to either a telephone or video conferencing. The inspector should contact their regional office for further guidance if this should occur.
3. Prior to performing a virtual inspection, the inspector should:
  - a. Follow the procedures stated in paragraphs IV.B.1. and IV.B.2., above.
  - b. Determine if the owner and/or operator has video conference capability. Video conferencing should be utilized, if possible; otherwise, the virtual inspection should be conducted via telephone.
  - c. Ask the owner and/or operator to take photos of the agricultural operation, including all BMPs, if possible. If the owner and/or operator is capable of submitting photos, the inspector should also ask the owner and/or operator to submit a map that shows the location and orientation of each photo.
  - d. Ask the owner and/or operator to gather, review, and submit to the inspector any documentation that will be discussed during the inspection, including the Ag E&S Plan, MMP, and any manure application records, as applicable.
  - e. Provide a deadline to the owner and/or operator prior to the inspection for submission of any requested pictures and/or documents.
  - f. Provide an agenda to the owner and/or operator prior to the inspection so they are prepared and understand the expectations.
4. During a virtual inspection, the inspector should:
  - a. Contact the owner and/or operator at the scheduled time, either via telephone or video conferencing.
    - i. If the inspection is performed via video conferencing, it is recommended that the inspection is recorded. If the inspector intends on recording the inspection, the inspector should provide explicit notification to the owner and/or operator and follow all applicable IT policies, including the use of work-issued electronic devices.
    - ii. If the owner and/or operator declines to have their voice recorded during the virtual inspection, then do not record the owner and/or operator’s voice and consult with your manager and counsel about next steps.

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- b. Follow the agenda previously provided to the owner and/or operator.
  - c. Discuss and ask questions about the photos or documents previously provided by the owner and/or operator, if applicable. If photos were not previously provided, ask the owner and/or operator to take photos of any pertinent areas of the agricultural operation and send them via email or text either during the inspection or by the close of business that day, if possible.
  - d. As applicable, ask the owner and/or operator to substantiate answers to questions provided over the phone or in the video conference with pictures or video of the site.
  - e. Follow the procedures stated in paragraph V.C., below.
5. The inspector should document the inspection according to the procedures stated in Section VI., below, and mail or email a copy of the report to the owner and/or operator within ten (10) business days following the inspection. Files that are emailed to operations should be in PDF format.

### B. Arrival On-Site.

1. Upon arrival at an agricultural operation, the inspector will check for posted notices of agricultural biosecurity areas. The inspector will read the requirements on the posted notice, if present, and determine if the protective measures can be implemented. If not, the inspector will note the biosecurity requirements and prepare to return on a different day.
2. The inspector will park in a clean area (if possible) away from animals, animal handling areas, and feed storage where traffic flow will not be impeded and will not drive through manure, runoff, or animal concentration areas (ACAs)/animal heavy use areas (AHUAs) to the maximum extent possible.
3. The inspector will report to the location agreed upon during the telephone conversation with the owner and/or operator or, if advanced contact was not made, report to the office (if it exists) or house and ask for the owner and/or operator. Upon meeting the owner and/or operator (or other individual at the operation), the inspector will explain the purpose of the visit, show DEP/CCD identification, provide the owner and/or operator with a business card, and request the owner and/or operator's participation in the inspection.

**NOTE:** If a pollution event or the threat of a pollution event at the operation is known in advance, the inspector may report directly to the location of the current or potential incident.

### C. Inspection Activities When Owner/Operator/Responsible Party is Present and Participates in Inspection.

1. For all inspection types: CCDs and DEP regional offices should review all items listed on the Inspection Report (3800-FM-BCW0524), as applicable.
2. For Phase 2 Inspections: The following should also be conducted by the inspector, as applicable:
  - a. Discuss the operation with any individuals present and review any changes.
  - b. Check that the Ag E&S Plan and/or MMP on file are the most recent versions. If there is an updated Ag E&S Plan and/or MMP in place at the operation, review the updated plan.
  - c. Compare the current Ag E&S Plan and/or MMP with the current conditions on the operation. If either plan is not consistent with the current conditions on the operation, note this on the Inspection Report as a violation and recommend the appropriate corrective action(s) on the Inspection Report (see paragraph VII.B.2.b.).
  - d. Review the manure application records, as applicable. If the application records are not available, note this on the Inspection Report as a violation and recommend the appropriate corrective

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action(s) on the Inspection Report (see paragraph VII.B.2.b.).

- e. Review the BMP implementation schedules in the Ag E&S Plan and/or MMP. Any BMPs listed in the Ag E&S Plan and/or MMP that were scheduled to be implemented prior to the date of inspection should be verified for proper implementation (i.e. that the BMP(s) are functioning as intended to minimize the potential for pollution).
  - i. If one or more BMPs are present and properly implemented, note this on the Inspection Report.
  - ii. If one or more BMPs are present but not properly implemented, note this as a violation on the Inspection Report and recommend the appropriate corrective actions on the Inspection Report (see paragraph VII.B.2.c.).
  - iii. If one or more BMPs that are past the scheduled implementation date are not present, note this as a violation on the Inspection Report and recommend the appropriate corrective actions on the Inspection Report (see paragraph VII.B.2.c.).
  - iv. If there are observed resource concerns not being addressed by a BMP or in the Ag E&S Plan and/or MMP, note this as a violation on the Inspection Report and recommend the appropriate corrective actions on the Inspection Report (see paragraph VII.B.2.d).

**NOTE:** When any BMPs are found to be improperly implemented, not implemented by the scheduled date, or any resource concern is not addressed by a BMP(s), an additional inspection is necessary for verification purposes once the owner and/or operator has indicated that the BMP(s) is properly implemented. This would include verifying any temporary BMPs, when applicable.

- f. Note any water quality issues/problems observed on the Inspection Report and recommend the appropriate corrective actions on the Inspection Report (see paragraph VII.C.).

### D. Inspection Activities When No One is Present/Available to Participate in Inspection.

1. For all inspection types: If no one is present or available on-site, the inspector should leave a follow-up letter. If individuals are present but cannot assist the inspector during a Phase 2 Inspection for the inspector to determine whether scheduled BMPs were properly implemented, the inspector should ask for a telephone number to reschedule the inspection and leave a follow-up letter. The follow-up letter should describe the reason for their visit and direct the owner and/or operator to contact the inspector within ten (10) business days (the inspector should insert the date at the time of the site visit). The inspector may use Sample Letter 1c. – Inspection Follow-Up: No One Present in Attachment C or create their own letter. The inspector should complete as much of the Inspection Report as possible.
  - a. If there is no response by the requested date, or the inspector has not been able to reach the appropriate individual via telephone to reschedule the inspection, the inspector should follow-up by mailing a copy of the Inspection Report to the owner and/or operator with a cover letter.
    - i. Initial Inspections: The cover letter should state that the owner and/or operator must provide the required plan(s) to the inspector within ninety (90) days from the date of the letter and failure to provide the required plan(s) will be considered documentation that no plan(s) exist for the agricultural operation. The date the Inspection Report is sent to the operation should be entered in the report prior to mailing (See paragraph VI.A.15.). Once the Inspection Report has been mailed to the agricultural operation, it will count as an inspection.
    - ii. Phase 2 Inspections: The cover letter should explain that the inspector is required to verify the proper implementation of the BMPs as scheduled in their Ag E&S Plan and/or MMP within thirty (30) days from the date of the letter. The date the Inspection Report is sent to the owner and/or operator should be entered in the report prior to mailing. Once the Inspection

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Report has been mailed, it will count as an inspection.

- b. If the owner and/or operator still does not respond following the deadline given in the Inspection Report, the inspector should send a “Final Notice” letter. This letter should request a response from the owner and/or operator within seven (7) business days and state that failure to respond by this date will result in the operation being referred to DEP CBO for further action. The inspector may use Sample Letter 1h. – Inspection Follow-Up: Non-Compliance Final Notice in Attachment C for this purpose.
  - c. If the owner and/or operator does not respond to the “Final Notice” letter by the requested response date, this should be considered a refusal by the owner and/or operator to participate in the inspection. If the inspection was performed by a DEP regional office, the inspector should proceed with the compliance and enforcement process in accordance with existing policies and procedures. If the inspection was performed by a CCD, the inspector should complete an Agricultural Operation Referral Form (3860-FM-BCW0526) and send this form and associated attachments (including a chronology of actions taken, a copy of letters provided to the owner and/or operator, and a copy of the Inspection Report) to DEP within ten (10) business days of the date of the inspection. The DEP email address for referral submission is: [RA-EPAGINSPECTION@pa.gov](mailto:RA-EPAGINSPECTION@pa.gov). (See Attachment D for more information on the Agricultural Operation Referral Form). DEP should start the compliance and enforcement process for this agricultural operation (see Section VIII).
2. For Phase 2 Inspections: If no one is present or available on-site or individual(s) met by the inspector cannot assist, but the inspector is able to adequately evaluate all of the BMPs that are scheduled to be implemented without the assistance of the operator and/or owner (these situations may include those operations with plans that contain a limited number of scheduled BMPs that are easily accessible and may be visually evaluated in their entirety), a copy of the Inspection Report should be mailed to the owner and/or operator with a cover letter explaining one or more of the following determinations made by the inspector:
- a. One or more BMPs on the operation have been found to be properly implemented according to the implementation schedule(s) in the Ag E&S Plan and/or MMP, as of the date of the site visit.
  - b. The plan is not consistent with the current conditions on the operation. The Ag E&S Plan and/or MMP must be revised to reflect the current conditions on the operation to achieve compliance (see paragraph VII.B.2.b.).
  - c. One or more BMPs on the operation have been found to be inadequately implemented and are not functioning as intended to minimize potential pollution. These BMPs must be addressed to achieve compliance (see paragraph VII.B.2.c.).
  - d. One or more BMPs on the operation were scheduled to be implemented by the date of the site visit but were not present. The Ag E&S Plan and/or MMP implementation schedule(s) must be revised with new and appropriate implementation dates for these BMPs. These BMPs should be properly implemented by these revised dates to achieve compliance (see paragraph VII.B.2.c.).
  - e. The plan is inadequate due to an observed resource concern(s) not being addressed by a BMP. The resource concern(s) must be addressed in the Ag E&S Plan and/or MMP to achieve compliance (see paragraph VII.B.2.d.).

**NOTE:** When any BMPs are found to be improperly implemented, not implemented by the scheduled date, or any resource concern is not addressed by a BMP(s), an additional inspection is necessary for verification purposes once the owner and/or operator has indicated that the BMP(s) is properly implemented. This would include verifying any temporary BMPs, when applicable.

### E. Inspection Activities When Owner/Operator Refuses to Participate in Inspection.

1. If the owner and/or operator is available but refuses to participate in an inspection and/or refuses

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permission for the inspector to enter the site, the inspector should leave the operation immediately, document the refusal on the Inspection Report off-site, and notify the inspector's supervisor. This includes any refusals of the owner and/or operator to participate in a virtual inspection. If the refusal is fully documented on an Inspection Report, this may be counted as an inspection. Within ten (10) business days of the attempted inspection, the inspector should:

- a. Mail a copy of the Inspection Report with a cover letter that provides the date of the attempted inspection, explains that the owner and/or operator refused to participate in the inspection, and informs the owner and/or operator that the operation is being referred to DEP CBO for further action.
- b. Submit an Agricultural Operation Referral Form (3860-FM-BCW0526) and associated attachments, including the Inspection Report) to DEP. The DEP email address for referrals is: [RA- EPAGINSPECTION@pa.gov](mailto:RA-EPAGINSPECTION@pa.gov) (see Attachment D for more information on the Agricultural Operation Referral Form). DEP may start the compliance and enforcement process for this operation upon referral (see Section VIII.).

### VI. Documentation.

The Inspection Report for Agricultural Operations (3800-FM-BCW0524) should be used to document all inspections. PracticeKeeper should be used to complete the Inspection Report using a mobile device for efficiency. When there is no access to internet during an inspection, the offline Inspection Report template should be used.

Additionally, the Agricultural Operation Supplemental Information form (3830-FM-BCW0524a) is used to document any Non-Cost Share BMPs present on an operation and may be used to document the estimated AEUs, if applicable. When this form is completed, the BMPs and AEUs listed on the form should be entered into PracticeKeeper.

#### A. Inspection Report – Completing Header and General Information.

At a minimum, the information listed below is required for all inspections and to document instances where the owner and/or operator is unavailable or refuses to participate in the inspection, except as noted.

**NOTE:** All information in the report that can be determined during the site visit should be completed.

1. Inspection Type (required) – Indicate if the inspection is an Initial Inspection, a Follow-Up Inspection, or a Phase 2 Inspection.
2. Operation Name (required) – List the name of the operation. This may be the name identified on a sign at the entrance of the property or the name of the owner and/or operator (e.g., “Tom Smith Farm”). Inspectors will ask the owner and/or operator for the preferred name of the operation.
3. Farm ID (required) – The ID as noted in paragraph III.A.2., above.
4. Inspection Date (required).
5. Entry Time (required).
6. Agency (required) – The agency (DEP or CCD) that is conducting the inspection.
7. Municipality and County (required).
8. Latitude and Longitude (required) – These coordinates can be determined in the field using GPS or through other means at the office. Identify the location of the operation's office or headquarters, for operations housing or maintaining animals. For operations producing crops only, identify the location of the central point of the parcel(s).

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9. Mailing Address (street address) and City, State and Zip (required) – Provide the mailing address for the owner (if different than the owner, the operator’s mailing address may also be provided).
10. Location Address (street address or name of nearest street for crop fields without street numbers) and City, State and Zip (required).
11. Total Acres of Operation (required only if an inspection is completed) – List the total contiguous acres of common ownership or operation that are defined as part of the single inspection (i.e., that meet the definition of an agricultural operation). Contiguous parcels have at least one common or connecting point, recognizing that a road running through or between properties does not disconnect these parcels. Do not include satellite farms that are not contiguous with the agricultural operation under inspection. In general, do not include contiguous parcels that are rented out or leased to others.

### Examples:

- a. The operation consists of two parcels, one owned and the other one rented and operated by the operation being inspected, across the street from each other. These two parcels are considered contiguous and would be counted as one inspection.
  - b. The owner has two parcels that share a boundary, one that the owner operates, and the other the owner rents to someone else to operate. These two parcels would count as two operations and therefore two inspections.
  - c. The operation consists of two parcels, one owned and the other one rented and operated by the operation being inspected, diagonally across the street from each other. These two parcels are considered contiguous and would be counted as one inspection.
  - d. The operation consists of two parcels, one that is the home farm and another that is a satellite farm located 5 miles down the road, and the two parcels do not share a common boundary at any point. These two parcels are not contiguous and would be counted as two inspections (i.e., two different agricultural operations).
  - e. One parcel is being inspected. On this parcel, there is an animal lot that is operated by the owner, and two crop fields that the owner rents to the neighbor, who grows crops on them and does not own or operate any additional parcels contiguous to these two fields. This parcel would be administered and counted as two inspections (i.e., two different agricultural operations).
  - f. A parcel selected for inspection has contiguous parcels operated by the same owner/operator. These parcels are all considered one operation (i.e., one agricultural operation as defined in this SOP) and should be included in the inspection.
12. Farm Type (required only if an inspection is completed) – Indicate whether the operation under inspection is considered to be the home farm, a satellite farm, and/or rented fields (in use by the operation being inspected), and whether the operation is crops only or includes animals housed on-site. Multiple items may apply to an operation being inspected. For example, an owner/operator may have a home farm, but the inspection occurs at a location consisting of crop fields that are rented and are not contiguous to the home farm; therefore, the operation being inspected is considered a satellite farm with rented fields and is a crop-only operation.
  13. AEU estimate – If possible, estimate the Animal Equivalent Units (AEUs) associated with the operation.

If this calculation is done and the estimated AEUs/acre available for manure application is greater than 2 and the total AEUs is greater than or equal to 8, the operation may be a CAO. Discuss with the operator and determine if an NMP is available. If an NMP is not available, note this on the Inspection Report and follow existing procedures to determine if the operation is a CAO (per the Nutrient Management Delegation Agreement if a delegated CCD is completing the inspection) and obtain compliance with Chapter 83 requirements. Note this in the Comments section of the Inspection Report.

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- a. Only a commercially certified Nutrient Management planner can perform an official CAO calculation, which is outside the scope of this inspection program; therefore, this will not be noted as a violation on the Inspection Report. Suspected CAOs must have additional follow-up to make the official determination. The CCD may provide a list of certified commercial Nutrient Management planners that are known to provide planning services in the operation's county, or the owner/operator may go to the PA Plants website at: [www.paplants.pa.gov](http://www.paplants.pa.gov) and search under the "Nutrient Management" tab by choosing "NM Certified Specialist Search", then choosing "Nutrient Management Commercial" under the Program Type for a statewide list.
  - b. [Agronomy Facts 54](#) should be used by any inspector planning to estimate AEU's. A spreadsheet or other document that incorporates the weights and calculations in Agronomy Facts 54 is acceptable. DEP has an AEU calculation Excel template available for download, which is based on Agronomy Facts 54, on the Chesapeake Bay Office Agricultural Compliance website: [https://files.dep.state.pa.us/Water/BPNPSM/AgriculturalOperations/AgriculturalCompliance/\(FINAL\)AEUCalculationandManureProduction6.7.21\(1\).xlsx](https://files.dep.state.pa.us/Water/BPNPSM/AgriculturalOperations/AgriculturalCompliance/(FINAL)AEUCalculationandManureProduction6.7.21(1).xlsx). If a calculation sheet is used and is attached to the report, select the appropriate box ("Calc. Attached"). Additionally, the Agricultural Operation Supplemental Information Form has a section where the AEU's can be estimated.
14. Animal Types/Subtypes (required only if an inspection is completed) – In the spaces provided, list the type of animals on the operation under inspection (i.e., do not include animals on satellite farms that would be covered by a separate report). Ask the interviewee the approximate number of each animal type that is maintained at the operation. Since the spaces are limited on the paper inspection form, the general animal type may be used, and subtypes described in comments or an AEU calculation sheet. The electronic inspection form found in PracticeKeeper will allow an indefinite number of animals to be input, and general animal types should only be used in PracticeKeeper when the subtype is not known or available.
15. Inspection Status – Indicate whether the inspection was scheduled with the owner and/or operator in advance or the inspection was not scheduled, the owner and/or operator was not available, the inspection was in response to a complaint, and/or no inspection was completed due to site-specific biosecurity protocols. If the owner and/or operator was not available, the Inspection Report should be mailed to them as discussed in paragraph V.D.1.a.; enter the date the Inspection Report is mailed. If an owner and/or operator refused to permit access to the operation or otherwise refused to participate in the inspection, record this in the Comments section below the Header and General Information section.
16. Comments – Identify with whom the inspector met during the inspection, if applicable.
- B. Inspection Report – Completing MMP Section.
- The following data elements are required for all inspections, to the extent the owner and/or operator provides the information, regardless of the availability of an MMP, except as noted.
1. Is Manure Generated or Applied On-Site – This includes process wastewater, like milkhouse waste. On-site in this context means the agricultural operation being inspected as defined in Attachment A.
  2. Does the Operation Have a Written MMP – The inspector will request to review a written copy of the MMP and indicate if the operation provided an MMP on the Inspection Report once the plan is produced. The inspector will also indicate whether the plan is administratively complete.
    - a. If the owner and/or operator indicates that a requested plan exists but cannot be produced, the inspector will leave this section blank but will request that the plan be mailed or presented to the inspector at the DEP or CCD office within then (10) business days so that the Inspection Report can be completed. If the owner and/or operator states that the plan was developed in whole or in part by NRCS and it is not available on-site, the inspector will request that the owner and/or operator complete the USDA-NRCS Customer Request Form. The Inspection Report may be completed at the office following NRCS' release of the plan to the owner and/or operator and the owner and/or operator supplies the plan to the inspector for review.

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- b. The inspector will briefly review the plan with the owner and/or operator to ensure the plan is administratively complete. An MMP is considered administratively complete if it includes or identifies the following:
  - i. General information, including owner/operator contact information, MMP preparer information, date of the plan, acres available for manure application (owned and rented), and, if applicable, the type and number of animals on the operation and days on the operation.
  - ii. Maps illustrating operation boundaries; all individual field boundaries in the plan; field identifiers and acreage for each field; setbacks and slopes of any fields that are used for winter manure application (if applicable); environmentally sensitive areas (e.g., drinking water wells, streams, sinkholes, etc.) and setbacks; location(s) of proposed or existing manure storage facilities; location(s) of all manure stockpiling or stacking areas; location(s) of all pastures and ACAs/AHUAs (if applicable); locations and names of roads adjacent or within the operation; and existing and planned BMPs.
  - iii. Acceptable manure and wastewater application rates considering the planned crops on the operation, fertilizer rates, and crop groups and yields.
  - iv. A description of the methods used to manage the manure prior to land application (storage and/or stacking, if applicable).
  - v. All manure groups on the operation (including imported manure).
  - vi. A description of pasture management practices (if applicable).
  - vii. A description of ACAs/AHUAs and BMPs used to treat runoff (if applicable). If there are ACAs/AHUAs in the MMP there must also be an Ag E&S Plan if the total disturbed area is greater than or equal to 5,000 square feet.
  - viii. Appropriate winter spreading fields (if applicable), including the manure application rate, percent crop residue, type of cover crop (if applicable) and individual field slopes.

The technical adequacy of the MMP will not generally be evaluated as part of an Initial Inspection.

**NOTE:** An MMP that is considered by the inspector to be significantly deficient with respect to the items above will be treated as a violation of the regulatory requirement to have a written MMP. Where an MMP is incomplete but is not considered by the inspector to be significantly deficient, the inspector may use the Comments section of the Inspection Report to provide suggestions for improvement. The inspector is documenting if the MMP is complete in order to prioritize Follow-Up Inspections and/or technical assistance.

3. MMP Developed By – Indicate whether the MMP was developed by a certified planner, the owner and/or operator, or a public agency (e.g., CCD or NRCS). If the owner and/or operator developed the MMP, indicate whether assistance from a certified planner or agency was provided (e.g., participated in a workshop run by a certified planner). Enter the name (individual, company, or agency name) of the plan developer in the space provided. In addition, record the date of the MMP as recorded in the plan.
4. Inspected Acres Available for Manure – The acreage available for manure should only be the acreage on the inspected portion of the operation (e.g., if there is a satellite farm that is not contiguous to the inspected portion but is included in the MMP, the acreage of the satellite farm should not be included).
5. Inspected Cropland Acres Covered by MMP – Identify the cropland/row crop acres that are covered by the MMP. It may be less than or equal to the total acres available for manure. This information is collected for reporting for credit in the Chesapeake Bay modeling tools.

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6. Total Acreage Covered by MMP – The total acreage covered by the MMP if it covers more than the inspected acreage. Indicate whether the acres available for manure includes acres farmed on the home farm, satellite farm(s), and/or rented fields.
7. Import/Export Status – Indicate whether manure is exported from the agricultural operation or imported to the operation, or whether sewage sludge (“biosolids”) is imported. If other material is imported, e.g., food processing wastes, record this information in the comments section.
8. Liquid Manure Storage Facilities – The inspector will ask the owner and/or operator if there are any liquid manure storage facilities on-site. If yes, the inspector will ask the owner and/or operator the type of manure storage (e.g., earthen impoundment, lined impoundment, aboveground concrete, in-ground concrete, aboveground steel, underbarn concrete, etc.); the approximate storage capacity (if known), in million gallons (MG); and the year the storage was constructed (if known by the owner and/or operator), and record this information on the Inspection Report. Note that PracticeKeeper reports the capacity in thousand gallons.
9. Manure Stacking, Outdoor Feed Storage, Process Wastewater (e.g., egg washwater, milkhouse wastewater, etc.), and AHUAs/ACAs – The inspector will ask the owner and/or operator if any of these activities are done, wastewaters are produced, or features are present on the operation and indicate this information on the Inspection Report. If there is process wastewater, please enter the type in the space provided.

Paragraphs VI.B.10., VI.B.11., VI.B.12., VI.B.13., and VI.B.14., below, are also required to be completed for Phase 2 Inspections.

10. Are All BMPs in the MMP Implemented According to Schedule – The inspector should determine if the implementation schedule in the MMP is being followed (if the plan is available) and record the answer on the Inspection Report. The inspector should discuss the importance of implementing the plan with the owner and/or operator.
11. Are All BMPs Functioning as Intended – When possible, the inspector should determine if the BMPs currently in place are functioning properly and as intended to address the specific resource concern.
12. Are All Resource Concerns Addressed by Appropriate BMPs – The inspector should determine if all resource concerns found on the operation are addressed appropriately.
13. Are Spreading Rates Less Than or Equal to Planned Rates – The inspector should review the spreading records and determine if the spreading rates were less than or equal to the planned application rates. Per the EPA Chesapeake Bay Program requirements for reporting, as found in the Chesapeake Bay Phase 6 Nutrient Management BMP Expert Panel Report, in order to obtain credit for MMP implementation, the land application records need to be reviewed by the inspector.
14. Manure Application Setbacks and Manure Application Records – The inspector will interview the owner and/or operator to determine the following and record the information on the Inspection Report:
  - a. Manure setbacks are being followed.
  - b. Manure application records are being kept.

### C. Inspection Report – Completing Ag E&S Plan Section.

The following data elements are required for all inspections, to the extent the owner and/or operator provides the information, regardless of the availability of an Ag E&S Plan, except as noted.

1. Plowing/Tilling or AHUA(s) of at Least 5,000 square feet (SF) On-Site – Indicate the owner and/or operator’s response to this question.

**NOTE:** In accordance with 25 Pa. Code § 102.1, no-till is considered an agricultural plowing or tilling activity.

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2. Does the Operation Have a Written Ag E&S Plan – The inspector will request to review a written copy of the Ag E&S Plan and indicate if the operation provided an Ag E&S Plan on the Inspection Report once the plan is produced. The inspector will also indicate whether the plan is administratively complete.
  - a. If the owner and/or operator indicates that a requested plan exists but cannot be produced, the inspector will leave this section blank but will request that the plan be mailed or presented to the inspector at the DEP or CCD office within then (10) business days to the inspector so that the Inspection Report can be completed. If the owner and/or operator states that the plan was developed in whole or in part by NRCS and it is not available on-site, the inspector will request that the owner and/or operator complete an USDA-NRCS Customer Request Form. The Inspection Report may be completed at the office following NRCS' release of the plan to the owner and/or operator and the owner and/or operator supplies the plan to the inspector for review.

**NOTE:** A conservation plan may or may not fulfill all requirements for an Ag E&S Plan.

- b. The inspector will briefly review the Ag E&S Plan with the owner and/or operator to ensure the plan is administratively complete. An Ag E&S Plan is considered administratively complete if it includes or identifies the following:
  - i. Maps showing all fields (including satellite farms, if applicable) where plowing or tilling activities occur, surface waters, drainage patterns, field and property boundaries, buildings and farm structures, ACAs/AHUAs (if applicable), roads, existing and planned BMPs, and soil types.
  - ii. Calculations to demonstrate that erosion will be limited to the soil loss tolerance (T) over the planned crop rotation on those fields.
  - iii. For tilling on fields with less than 25% cover and within 100 feet of surface waters, additional BMPs to minimize accelerated erosion (if applicable).
  - iv. ACAs/AHUAs and BMPs to reduce accelerated erosion (if applicable).
  - v. Existing and proposed BMP descriptions, including ACA/AHUA practices and procedures, tillage systems, schedules, and crop rotations.
  - vi. Provisions for operation and maintenance of BMPs.
  - vii. Implementation schedule (if not fully implemented at the time of inspection).
  - viii. Near stream cropland BMPs.

The technical adequacy of the Ag E&S Plan will not generally be evaluated as part of an Initial Inspection.

**NOTE:** An Ag E&S Plan that is considered by the inspector to be significantly deficient with respect to the items above will be treated as a violation of the regulatory requirement to have a written Ag E&S Plan. Where an Ag E&S Plan is incomplete but is not considered by the inspector to be significantly deficient, the inspector may use the Comments section of the Inspection Report to provide suggestions for improvement and revision. The inspector is documenting if the Ag E&S Plan is complete to prioritize Follow-Up Inspections and/or technical assistance.

3. Ag E&S Plan Developed By – Indicate whether the plan was developed by a consultant, the owner and/or operator, or a public agency (e.g., CCD or NRCS). If the owner and/or operator developed the plan, indicate if assistance from a consultant or agency was provided. Enter the name (individual, company, or agency name) of the plan developer in the space provided. In addition, record the date of the Ag E&S Plan as recorded in the plan.
4. Inspected Acres Covered by Ag E&S Plan – Note the inspected acreage covered by the Ag E&S Plan. This information should be listed in the plan; if no Ag E&S Plan has been developed for the

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operation, ask the owner and/or operator for the approximate number of acres that are disturbed by plowing, tilling, and/or ACAs/AHUAs.

5. Total Acreage Covered by Ag E&S Plan – The total acreage covered by the Ag E&S Plan if it covers more than the inspected acreage. In addition, indicate whether the total acres covered by the Ag E&S Plan include the home farm, satellite farm(s), or rented fields.

Paragraphs VI.C.6., VI.C.7., and VI.C.8., below, are also required to be completed for Phase 2 Inspections.

6. Are All BMPs in the Ag E&S Plan Implemented According to Schedule – The inspector should determine if the implementation schedule in the Ag E&S Plan is being followed (if the plan is available) and record the answer on the Inspection Report. The inspector should discuss the importance of implementing the plan with the owner and/or operator.
7. Are All BMPs Functioning as Intended – When possible, the inspector should determine if the BMPs currently in place are functioning properly and as intended to address the specific resource concern.
8. Are All Resource Concerns Addressed by Appropriate BMPs – The inspector should determine if all E&S resource concerns found on the operation are addressed appropriately.

### D. Inspection Report – Completing Water Quality Section.

Initial Inspections do not include inspection of waste management systems, production areas, barnyards and other animal housing areas, or BMPs. While on-site, the inspector may observe pollution incidents or other water quality issues. The inspector will indicate whether there was an issue with manure storage freeboard, manure storage integrity, stacking of manure near a stream, animals in a stream, silage leachate or agricultural process wastewater flowing into waters of the Commonwealth, barnyard runoff, setbacks not being observed, or any other water quality issues were observed at the time of the inspection.

1. If a CCD inspector observes a pollution event during an Initial Inspection, the CCD inspector will, in order of priority:
  - a. Call the DEP regional office point of contact or the DEP emergency response line if the owner and/or operator has not already notified DEP of the incident.
  - b. Recommend to the owner and/or operator immediate solutions to stop the continued release of pollutants to the affected water body.
  - c. Suggest to the owner and/or operator temporary and/or permanent corrective actions to clean up the area relevant to the pollution incident.
  - d. Document the event in the comments section of the Inspection Report (water quality section). Attach photographs of the incident to the Inspection Report.
  - e. Coordinate with DEP to identify any follow up actions applicable to the CCD and to determine if DEP needs additional information to support their efforts to take enforcement action relating to the pollution event.
2. If a DEP inspector observes a pollution event during an Initial Inspection, the DEP inspector will act in accordance with existing pollution response procedures, including Follow-Up Inspection(s).
3. Other water quality issues generally involve the potential for pollution and may include, but are not limited to:
  - a. Animal heavy use areas adjacent to surface waters.
  - b. Uncontrolled or excessive erosion and sedimentation.

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Such concerns will be documented in the comments section of the Inspection Report.

**NOTE:** CCDs may provide technical support and assistance to operations to resolve water quality concerns; CCDs will communicate their assistance efforts with DEP regional offices, which will allow DEP regional offices to evaluate the necessity of Follow-Up Inspections.

### E. Inspection Report – Completing Violations Section.

1. The inspector will indicate there was a violation of 25 Pa. Code § 91.36(b) if an MMP is not produced and the owner and/or operator does not claim that it has been completed, the MMP is significantly deficient, the MMP is not implemented according to schedule, there are manure management BMPs that are not functioning as intended, or there are manure management concerns that are not addressed. The inspector will also indicate the requested corrective action(s). The inspector will enter the number of days given for the corrective action(s) to be completed in accordance with paragraphs VII.B.2.a, VII.B.2.b., VII.B.2.c., and VII.B.2.d.
2. The inspector will indicate there was a violation of 25 Pa. Code § 102.4(a) if an Ag E&S Plan is not produced and the owner and/or operator does not claim that it has been completed, the Ag E&S Plan is considered to be significantly deficient, the Ag E&S Plan is not implemented according to schedule, there are Ag E&S BMPs that are not functioning as intended, or there are manure management concerns that are not addressed. The inspector will also indicate the requested corrective action(s). The inspector will enter the number of days given for the corrective action(s) to be completed in accordance with paragraphs VII.B.2.a. and VII.B.2.b.
3. If a pollution event is observed by a DEP inspector, the DEP inspector will indicate this in the “other” field and enter an appropriate citation of the Pennsylvania Clean Streams Law or an applicable regulation, along with the recommended corrective action(s).

### F. Inspection Report – Additional Comments Sections.

Use the spaces provided to record information that would be beneficial to the inspector or other inspectors for future inspections and to document any observed water quality concerns and corrective actions taken or recommended during the inspection.

### G. Inspection Report – NRCS Authorization Form.

Indicate whether the owner and/or operator has completed an USDA-NRCS Customer Request Form if the owner and/or operator has indicated that the required plan(s) is on file at NRCS and not available at the operation. Upon returning to the office, the inspector will make a copy of the form and keep it on file (hard copy or electronic). The original form will be transmitted to the appropriate NRCS office to request that a copy of the plan(s) is delivered to the owner and/or operator for subsequent submittal to the inspector for review.

### H. Inspection Report – Completing Interviewer and Interviewee Section.

1. Person Interviewed – Enter the name of the person interviewed, the person’s cell phone number and other (e.g., business) phone number (if applicable), the name of the organization that the person is employed with (if applicable), the person’s title (e.g., owner, operator, or other title held in organization), and the person’s email address (if applicable).
2. Inspector – Enter the name of the (lead) inspector of the operation, the inspector’s cell phone number and other (e.g., business) phone number (if applicable), the name of the organization that the inspector is employed with, the inspector’s title with the organization, and the date the Inspection Report is provided to the person interviewed (see paragraphs VII.A., VII.B.1., and VII.B.3., below). This section will be completed even when an inspection is not conducted due to owner and/or operator’s refusal to participate.

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**NOTE:** A signature is not required from the person interviewed; however, the inspector may request a signature on the Inspection Report if the inspector is completing the report on paper and would like to confirm that the person interviewed is aware of a violation and the recommended corrective action(s). In such cases, the inspector will explain to the person that the signature attests to the person's receipt of the report.

### I. Agricultural Operation Supplemental Information Form – Completing the Non-Cost Share BMP Section.

**NOTE:** One Agricultural Operation Supplemental Information form may be used for multiple operations under the same owner and/or operator, i.e., multiple inspections.

1. The inspector should ask the owner and/or operator if the operation has implemented any BMPs without funding from a government agency. This allows for documentation of BMPs installed on the operation for possible inclusion in the Bay Model with verification during inspection, or for follow-up verification when it is not feasible to verify at the time of inspection.
2. The appropriate box(es) should be checked for any Non-Cost Share BMPs reported by the owner and/or operator and additional information provided on these BMPs, if available. Verification of BMPs reported by the owner and/or operator will not generally be done as part of Initial Inspections; however, if the inspector and the owner and/or operator are willing, the BMPs can be verified via the method noted on the supplemental report form, and the box checked that the BMP was verified. The data collected in this effort will be used to support Pennsylvania's reporting of BMPs to EPA.
3. For purposes of reporting Manure Management implementation to the EPA Chesapeake Bay Program, there are Core and Supplemental BMPs. More information regarding those BMPs can be found here: [https://www.chesapeakebay.net/documents/BMP-Guide\\_Full.pdf](https://www.chesapeakebay.net/documents/BMP-Guide_Full.pdf). The implementation of the Manure Management requirements would meet Core Nitrogen and, in most cases, Core Phosphorus.
4. Criteria for EPA Chesapeake Bay Program reporting requirements for Manure Management implementation (Core Nitrogen) credit include the following:
  - a. Yield estimates and cropping plan at the field level. This is included in the MMP administrative completeness review part of the Initial Inspection. If the plan is not complete, no credit will be provided.
  - b. Manure analysis and volume, using either test or book values. This is included in the MMP administrative completeness review part of the Initial Inspection. If the plan is not complete, no credit will be provided.
  - c. The operation is applying to the Land Grant University recommendations for nitrogen at the field level.
  - d. Cropping and manure application history at the field level is being recorded.
  - e. Calibration of spreader/applicator. The inspector should discuss spreader calibration with the owner and/or operator. If the manure is not being applied using a custom/commercial hauler, or if the spreader is not known to have been calibrated to determine the actual application rates appropriate to the equipment, no credit will be provided.
5. Additional criteria for EPA Chesapeake Bay Program reporting requirements for Manure Management implementation (Core Phosphorus) credit includes the following:

Soil tests for phosphorus levels at the field level. If the inspector views records of soil tests within three years of the date of inspection with soil test values less than or equal to 200 ppm (Mehlich 3) or manure application rates were at or less than the crop phosphorous removal rates, and the criteria

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listed above for Core Nitrogen credit are also met for Phosphorus, Core Phosphorus credit will also be provided.

6. For items 1.a. through 1.c., the inspector may ask the owner and/or operator about other related practices (i.e., the plan is written and implemented to annual crop phosphorus removal, application rates are adjusted due to use of nitrogen tests such as the PSNT- Pre-sidedress Nitrate Test or CSNT- CornStalk Nitrogen Testing, etc.) and document the acres that are implemented.
  - a. If the plan is written, the nutrients are applied to annual crop phosphorus removal at the field level, and Core Phosphorus criteria requirements are met, Supplemental Phosphorus Rate credit will be provided. This is included in the MMP administrative completeness review part of the Initial Inspection as well as 1.b. of the Agricultural Operation Supplemental Information Form.
  - b. The spreading rates must be equal to or less than the planned application rates to receive credit for items 1.a. through 1.c.
7. For item 2., if the owner and/or operator is cooperative and has time to discuss the operation's cover cropping, this acreage is useful in documenting Pennsylvania's progress towards improving nutrient and sediment reduction.

**NOTE:** More detailed information regarding the collection of BMP data for the purposes of EPA Chesapeake Bay Program reporting is described in the BMP Verification Training Series and Agriculture Conservation Level 1 – New Staff Training on the DEP Clean Water Academy and related data management SOPs.

### J. Agricultural Operation Supplemental Information Form – Completing the AEU Calculation.

An area to perform an estimated AEU/CAO calculation is available for the inspector's use in completing the AEU estimate on the inspection form, if applicable. DEP also has an AEU calculation Excel template available for download, which is based on Agronomy Facts 54, on the Chesapeake Bay Office Agricultural Compliance website:

[https://files.dep.state.pa.us/Water/BNPNSM/AgriculturalOperations/AgriculturalCompliance/\(FINAL\)\\_AEU\\_Calculation\\_and\\_Manure\\_Production\\_6.7.21\\_\(1\).xlsx](https://files.dep.state.pa.us/Water/BNPNSM/AgriculturalOperations/AgriculturalCompliance/(FINAL)_AEU_Calculation_and_Manure_Production_6.7.21_(1).xlsx)

### K. Photographs.

In general, photographs will not be taken of the operation unless water quality concerns are observed or there is a pollution incident. If photographs are taken, they will be attached to the Inspection Report to document site conditions.

### L. PracticeKeeper.

PracticeKeeper will be utilized to document inspections, including the Inspection Report and plan data, as stated in paragraph IX.D., below.

## VII. Concluding an Inspection and Post-Inspection Procedures.

### A. No Violations Noted.

If no violations are noted during an inspection, the inspector should provide a copy of the Inspection Report to the person interviewed. If providing a physical copy of the report is not possible upon conclusion of the inspection, the inspector should mail or email a copy of the report to the owner and/or operator within ten (10) business days following the inspection. Files that are emailed to operations should be in PDF format. A follow-up letter documenting the results of the inspection may be provided to the owner and/or operator as a cover letter to the Inspection Report (if the Inspection Report is mailed) or as a stand-alone letter. A

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sample template is provided in Attachment C (Sample Letter 1e. – Inspection Follow-Up: Compliance at Inspection).

### B. Violations Noted.

If violations are noted during the inspection (this does not include water quality issues/concerns), the inspector should complete the following, as applicable:

1. Upon conclusion of the inspection, provide a copy of the Inspection Report to the person interviewed and discuss the results of the inspection, if possible.
2. Provide instruction on the requested corrective action(s) prior to leaving the operation.
  - a. Initial Inspections: For plans that are not available, and the owner and/or operator does not claim that the plans have been completed, ninety (90) calendar days will generally be provided for the owner and/or operator to develop and submit to the inspector the necessary plans. The inspector may, for extenuating circumstances, increase the timeframe for submission to a greater number of days, either during the inspection or through follow-up correspondence, but generally will not authorize more than one-hundred and eighty (180) calendar days.
    - i. When the owner and/or operator submits a written MMP and/or Ag E&S Plan for the agricultural operation by the deadline given in the Inspection Report, the inspector should review the plan(s) to determine if the plan(s) is administratively complete.
      - 1) If the plan(s) is administratively complete, the inspector should send a letter to the owner and/or operator documenting the operation's administratively complete plan(s) and stating that this is the first step toward compliance with the agricultural planning requirements. The letter should remind the owner and/or operator that DEP or the CCD may further evaluate the plan(s) for technical completeness and implementation at a later time; therefore, it is important that the owner and/or operator also comply with all technical requirements in 25 Pa. Code 91.36(b) and 25 Pa. Code 102.4(a) and implement the plans accordingly. Template letter 1f. – Inspection Follow-Up: Compliance upon Corrective Action(s) in Attachment C may be used for this purpose.
      - 2) If the plan(s) is not administratively complete, the inspector should send a deficiency letter to the owner and/or operator documenting the deficient items and requesting the resubmission of the updated plan(s), with the deficient items appropriately addressed, within no more than ninety (90) calendar days from the date of the letter, unless extenuating circumstances exist.
    - ii. When the owner and/or operator fails to submit a copy of the written MMP and/or Ag E&S Plan for the agricultural operation by the deadline given in the Inspection Report, the inspector should complete one or more of the following activities to inquire about the status of plan development, as deemed appropriate: 1) revisit the operation (for DEP inspectors, this would count as a Follow-Up Inspection if documented on the appropriate Inspection Report), 2) call the owner and/or operator, and/or 3) transmit a letter or email to the owner and/or operator.
    - iii. The inspector may extend the deadline by up to an additional ninety (90) calendar days if the inspector believes that the plan(s) is under development but there are delays outside the control of the owner and/or operator. The inspector should send a letter to the owner and/or operator that documents the results of the follow-up activities and provides the extended due date for the plan(s). Template letter 1g. – Inspection Follow-Up: Non-Compliance Extension in Attachment C may be used for this purpose.
  - b. Phase 2 Inspections: For violations found that require inaccurate information contained in the Ag E&S Plan and/or MMP to be updated, or when the manure application records were not available at the time of the inspection, the corrective action(s) should include submission of the updated plan(s) or outstanding manure application records within thirty (30) days from the date the

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Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist.

- i. When the owner and/or operator submits an updated written MMP and/or Ag E&S Plan for the agricultural operation by the deadline given in the Inspection Report, the inspector should review the plan(s) and/or manure application records to determine if the plan(s) has been updated to address the inaccuracies and/or the manure application records submitted are valid.
  - 1) If the plan(s) inaccuracies are corrected and/or the manure application records are valid, the inspector should send a letter to the owner and/or operator documenting the operation's technically complete plan(s) and/or records. The letter should remind the owner and/or operator that DEP or the CCD may further evaluate the plan(s) and required records for technical completeness and implementation at a later time; therefore, it is important that the owner and/or operator also comply with all technical requirements in 25 Pa. Code 91.36(b) and 25 Pa. Code 102.4(a) and implement the plans accordingly. Template letter 1f. – Inspection Follow-Up: Compliance upon Corrective Action(s) in Attachment C may be used for this purpose.
  - 2) If the plan(s) inaccuracies are not corrected and/or the manure application records are not valid, the inspector should send a deficiency letter to the owner and/or operator documenting the deficient items and requesting the resubmission of the updated plan(s) or records, with the deficient items appropriately addressed, within no more than thirty (30) calendar days from the date of the letter, unless extenuating circumstances exist.
- c. Phase 2 Inspections: For violations found that require either the installation of a BMP(s) that is past the scheduled implementation date(s) and/or the correction of a BMP(s) that is not functioning as intended to minimize potential pollution, the corrective actions should include the following:
  - i. Submission of an updated Ag E&S Plan and/or MMP, reflecting an updated implementation schedule(s) and any other associated changes (including any temporary practices to address resource concerns until the appropriate permanent BMPs can be implemented, if applicable), within thirty (30) days from the date of the Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist.
  - ii. If applicable, proper implementation of any temporary practices deemed necessary to address resource concerns until the permanent BMP(s) can be implemented. This should be completed as soon as possible but no more than ninety (90) days from the date the Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist.
  - iii. Proper implementation of the BMP(s) as soon as possible, but no more than two-hundred and seventy (270) days from the date the Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist, or a shorter implementation timeframe is found to be reasonable for the specific BMP(s).
  - iv. The owner and/or operator should contact the inspector within the specified BMP implementation timeframe provided to schedule a Follow-Up Inspection for verification purposes. This should be performed following the scheduled implementation dates of any temporary BMP(s), if applicable, and the permanent BMP(s).

Consideration should be given to circumstances that may affect the realistic timeframe needed to complete the proper implementation of the BMP(s). Examples of these circumstances include, but are not limited to, weather conditions, obtaining any permits required to complete the work, availability of contractors, and necessary coordination with agencies such as NRCS.

Additionally, the type of BMP(s) requiring implementation should determine the appropriate timeframe to complete the installation. For example, most management BMPs can only be

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implemented during the growing season. Some structural BMP(s) may require more time to implement; examples include waterways, terraces, and diversions. Depending on the size of the area where the BMP(s) will be implemented, less labor-intensive structural BMP(s) may not require the full two-hundred and seventy (270) days for implementation; examples include fencing and roof runoff structures.

- d. **Phase 2 Inspections:** For violations found that require a noted resource concern(s) be addressed in the Ag E&S Plan and/or MMP, the corrective action(s) should include the following:
  - i. Submission of an updated Ag E&S Plan and/or MMP, addressing the resource concern(s), within thirty (30) days from the date the Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist.
  - ii. If applicable, proper implementation of any temporary practices deemed necessary to address resource concerns until the permanent BMP(s) can be implemented. This should be completed as soon as possible but no more than ninety (90) days from the date the Inspection Report was sent or otherwise provided to the owner and/or operator, unless extenuating circumstances exist.
  - iii. The owner or operator should contact the inspector within the specified BMP implementation timeframe provided to schedule a Follow-Up Inspection for verification purposes. This should be performed following the scheduled implementation dates of any temporary BMP(s), if applicable, and the permanent BMP(s).
3. Mail or email a copy of the report to the owner and/or operator within ten (10) business days following the inspection, along with a cover letter documenting the results of the inspection and the steps requested to come into compliance. Files emailed to operations should be in PDF format. A sample template is provided in Attachment C (Sample Letter 1d. – Inspection Follow-Up: Non-Compliance). This sample letter is geared toward plan and BMP violations, not water quality violations.
4. If the inspector determines that reasonable efforts have not been made to develop the necessary plan(s), the owner and/or operator does not respond by the deadline given in the Inspection Report or deficiency letter(s), or the owner and/or operator fails to respond to any extended deadlines given, a “Final Notice” letter should be sent. This letter should request a response from the owner and/or operator within seven (7) business days and state that failure to respond by this date will result in their operation being referred to DEP for further action.
5. If the owner and/or operator does not respond to the “Final Notice” letter by the requested response date, an Agricultural Operation Referral Form (3860-FM-BCW0526) and attachments (including a chronology of actions taken, a copy of letters provided to the owner and/or operator, and a copy of the Inspection Report) should be sent to DEP within ten (10) business days. The DEP email address for referral submission is: [RA-EPAGINSPECTION@pa.gov](mailto:RA-EPAGINSPECTION@pa.gov) (see Attachment D for more information on the Agricultural Operation Referral Form). DEP may start the compliance and enforcement process for this operation upon referral (see Section VIII.).

**NOTE:** The referring agency should notify DEP if they receive any communication from the owner and/or operator after submitting a referral to DEP. This includes, but is not limited to, documentation that the corrective actions listed on the inspection report have been resolved.

### C. Water Quality Issues/Concerns

If water quality issues/concerns are noted during an inspection, the inspector should complete the following, as applicable:

1. Upon conclusion of the inspection, provide a copy of the Inspection Report to the person interviewed and discuss the results of the inspection, if possible.

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2. Provide instruction on the suggested corrective action(s) prior to leaving the operation. The corrective action(s) should include reasonable measures to address the issues/concerns.
3. Mail or email a copy of the report to the owner and/or operator within ten (10) business days following the inspection, along with a cover letter documenting the results of the inspection and the steps requested to come into compliance. Files emailed to operations should be in PDF format.
4. If the inspection was performed by a DEP regional office, the inspector should proceed with the compliance and enforcement process in accordance with existing policies and procedures. This may include conducting a Follow-Up Inspection if DEP deems necessary.
5. If the inspection was performed by a CCD, the inspector should complete an Agricultural Operation Referral Form (3860-FM-BCW0526) and send this form and associated attachments (including a chronology of actions taken, a copy of letters provided to the owner and/or operator, and a copy of the Inspection Report) to the appropriate DEP regional office within ten (10) business days of the date of the inspection.
6. CCDs may provide technical support and assistance to operations to resolve water quality issues; CCDs should communicate their assistance efforts with DEP regional offices, which will allow DEP regional offices to evaluate the necessity of Follow-Up Inspections.
7. If the inspector observed a pollution event, the DEP regional office should conduct a Follow-Up Inspection within thirty (30) business days following the date of the observed event/date of inspection.

**NOTE:** All referrals should contain adequate information to properly address the violations that were noted. Any observations made that the inspector deems pertinent to the referral, e.g., significant ACAs/AHUAs that should be addressed, contiguous land rented by the operator, pastures that are lacking adequate vegetation, etc., should be included in the referral.

### VIII. Enforcement Procedures.

#### A. Enforcement for Water Quality Violations.

DEP regional offices should pursue enforcement of water quality violations at agricultural operations in a manner consistent with existing policies and procedures. All enforcement actions should be based upon CCD and/or DEP observations.

**NOTE:** DEP may initiate its own independent investigation on any property in accordance with Pennsylvania law.

#### B. Enforcement for Refusal to Participate.

DEP regional offices should pursue enforcement of those agricultural operations that refused to participate in a Phase 2 Inspection in a manner consistent with existing policies and procedures. If the Phase 2 Inspection was initially attempted by a CCD, the DEP regional office should attempt to complete the Phase 2 Inspection. As stated in paragraph V.E., above, if an agricultural operation refuses to participate in a Phase 2 Inspection attempted by either a CCD or DEP regional office, this may be counted as an inspection if the refusal is fully documented on an Inspection Report.

#### C. Enforcement and Compliance for Other Violations.

For all violations not related to water quality issues/concerns or refusal to participate, the following activities should be performed, as applicable:

1. DEP CBO may issue Notices of Violation (NOVs), via Certified Mail, to all owners and/or operators referred by DEP regional offices and CCDs for the following reasons:

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- a. The owner and/or operator's refusal to participate in the inspection (paragraph V.E.).
- b. The owner and/or operator's failure to submit required plan(s) (paragraph VII.B.5.).
- c. The current conditions on the operation are not consistent with what is contained in the Ag E&S Plan and/or MMP (paragraph VII.B.5.).

NOVs should be issued within fourteen (14) calendar days of the receipt of the referral. A copy of each NOV should be transmitted to the referring inspector and DEP regional office point of contact, as applicable. The owner and/or operator should be given ninety (90) days to respond to the NOV.

2. DEP regional offices should pursue enforcement of agricultural operations that were referred by the CCD for the following reasons in a manner consistent with existing policies and procedures:
  - a. BMPs are implemented but not functioning properly (paragraphs V.C.2.e.ii. and V.D.2.c.).
  - b. BMPs that are due to be implemented are not present (paragraphs V.C.2.e.iii. and V.D.2.d.).
  - c. Plan is inadequate due to an observed resource concern not being addressed by a BMP (paragraphs V.C.2.e.iv. and V.D.2.e.).
3. If the NOV is returned to DEP as unclaimed or unable to forward, DEP should send another NOV via first-class mail. The owner and/or operator should again be given ninety (90) days to respond to the NOV.
4. If the owner and/or operator does not respond by the deadline given in the NOV, DEP may issue a Field Order at its discretion. The owner and/or operator should be given sixty (60) days to respond to the Field Order.
5. If the owner and/or operator does not respond by the deadline given in the Field Order, DEP may draft a letter to be sent to the owner and/or operator by DEP's legal counsel at its discretion. The letter should state that enforcement action, which may include civil penalties, may be pursued by DEP if the owner and/or operator fails to respond within fifteen (15) days from the date of the letter.
6. If the owner and/or operator does not respond by the deadline given in the letter sent by DEP's legal counsel, DEP may pursue additional enforcement action at its discretion.
7. Additional follow-up should be handled by DEP CBO or regional offices in accordance with existing policies and procedures.
8. DEP should enter all enforcement actions and associated inspections into the environment, Facility, Application, Compliance Tracking System (eFACTS), utilizing the procedures in the Data Management for Agricultural Inspections Using the environment, Facility, Application, Compliance Tracking System (eFACTS) SOP (CBO-DATA-001).

Summaries of CCD and DEP inspection and enforcement responsibilities covered in Sections V., VI., and VII. and are presented in Figures 2 and 3, respectively.

### **IX. Data and Record Management.**

#### **A. Inspection Reports.**

The following data/record management activities should be followed, as applicable:

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1. The inspector, or administrative staff, will scan or save all completed Inspection Reports (including those partially completed for access refusal or biosecurity reasons) to PDF format and retain all Inspection Report files on the Attachments tab of the PracticeKeeper database.
2. A physical copy of all Inspection Reports, including attachments such as photographs, as applicable, may be retained by DEP regional offices and CCDs at their respective offices.
3. The PracticeKeeper system will be used to track deadlines and the receipt of required plans. For example, if an operation did not have an Ag E&S Plan and ninety (90) calendar days was provided to submit the plan, the inspector should record the data elements of the inspection within ten (10) business days of the inspection and update the information contained within PracticeKeeper (i.e., under Inspection Module Follow-Up Actions, Attachments, Conservation/NM Modules, etc.).
4. DEP should upload all Inspection Reports that are associated with any enforcement actions listed in Section VIII., above, into eFACTS within ten (10) days of the date of the enforcement action, utilizing the procedures in the Data Management for Agricultural Inspections Using the environment, Facility, Application, Compliance Tracking System (eFACTS) SOP (CBO-DATA-001).

### B. CCD Quarterly Reports.

The following data/record management activities should be followed by participating CCDs, as applicable:

1. The Quarterly Progress Report from PracticeKeeper will be downloaded by DEP CBO on a quarterly basis in lieu of log submission by the CCD. The information is due to be entered into PracticeKeeper by October 15, January 15, April 15, and July 15 (or the first business day thereafter) for reporting periods of July 1 – September 30, October 1 – December 31, January 1 – March 31, and April 1 – June 30, respectively.
2. Each CCD should show reasonable quarterly progress in conducting the required number of inspections, unless the entire quota of inspections has been completed for the year (for example, the CCDs cannot hold off until the final quarter to do the vast majority of their inspections).

### C. DEP Regional Office Quarterly Reports.

The Quarterly Progress Report from PracticeKeeper will be downloaded by DEP CBO on a quarterly basis in lieu of log submission by the DEP regional office. The information is due to be entered into PracticeKeeper by October 15, January 15, April 15, and July 15 (or the first business day thereafter) for reporting periods of July 1 – September 30, October 1 – December 31, January 1 – March 31, and April 1 – June 30, respectively.

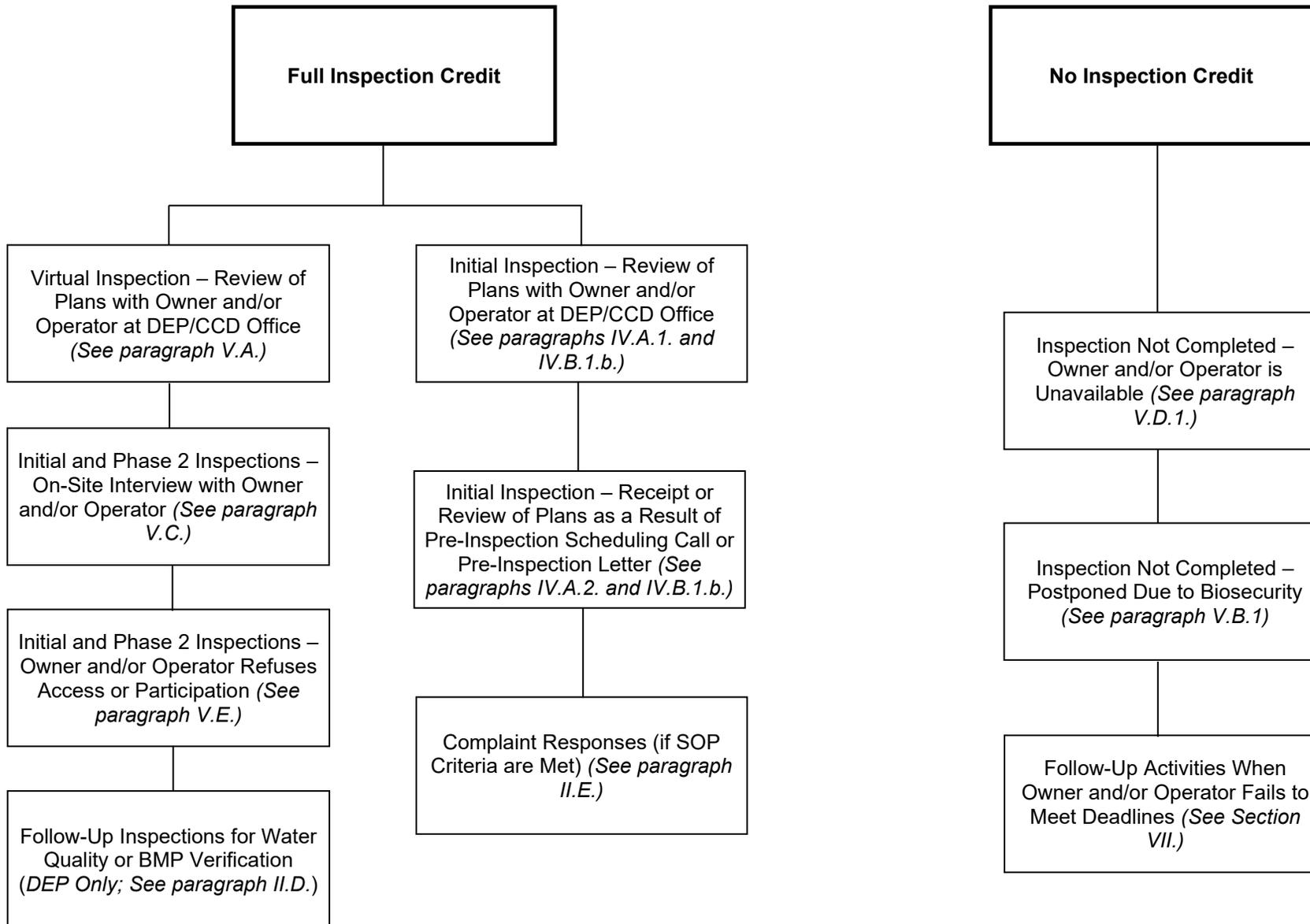
### D. PracticeKeeper.

All inspections, regardless of the outcome, plans that have not previously been entered, and any verified BMPs should be entered into PracticeKeeper by both CCD and DEP inspectors within ten (10) business days of the inspection, utilizing the procedures in PracticeKeeper – Agriculture Inspections Module SOP (CBO-DATA-002), PracticeKeeper – Best Management Practice (BMP) Module SOP (CBO-DATA-003), and relevant DEP Clean Water Academy courses.

Ag E&S Plan data should be entered into the PracticeKeeper Conservation Plan Module; please refer to the PracticeKeeper: Conservation Planning Module course on the PA Clean Water Academy: <https://pacleanwateracademy.remote-learner.net/course/view.php?id=338>. MMP data should be entered into the PracticeKeeper Nutrient Management Plan Module; please refer to Attachment G on the PA Clean Water Academy: <https://pacleanwateracademy.remote-learner.net/course/view.php?id=154>.

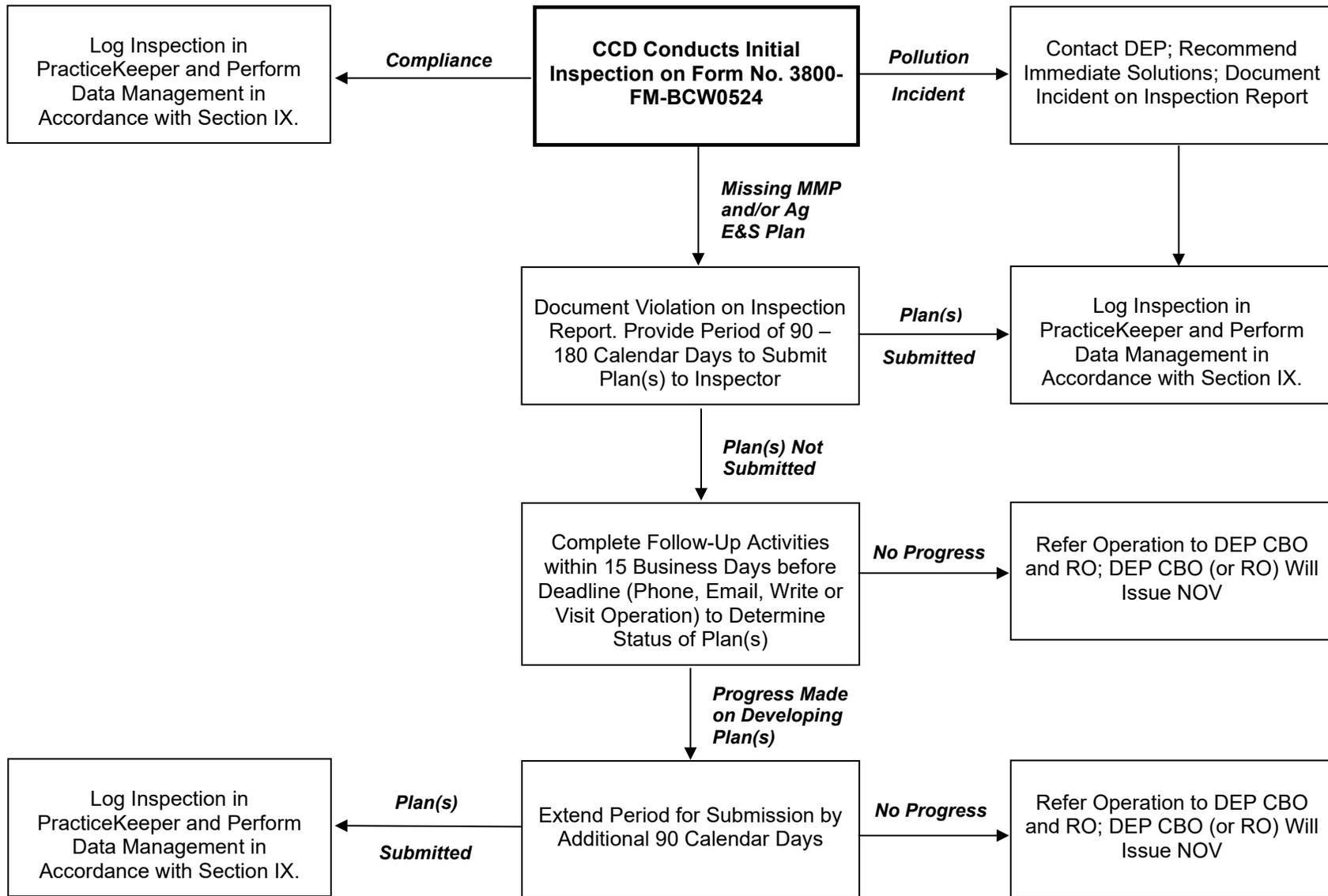
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Figure 1: Inspection Activity Credit



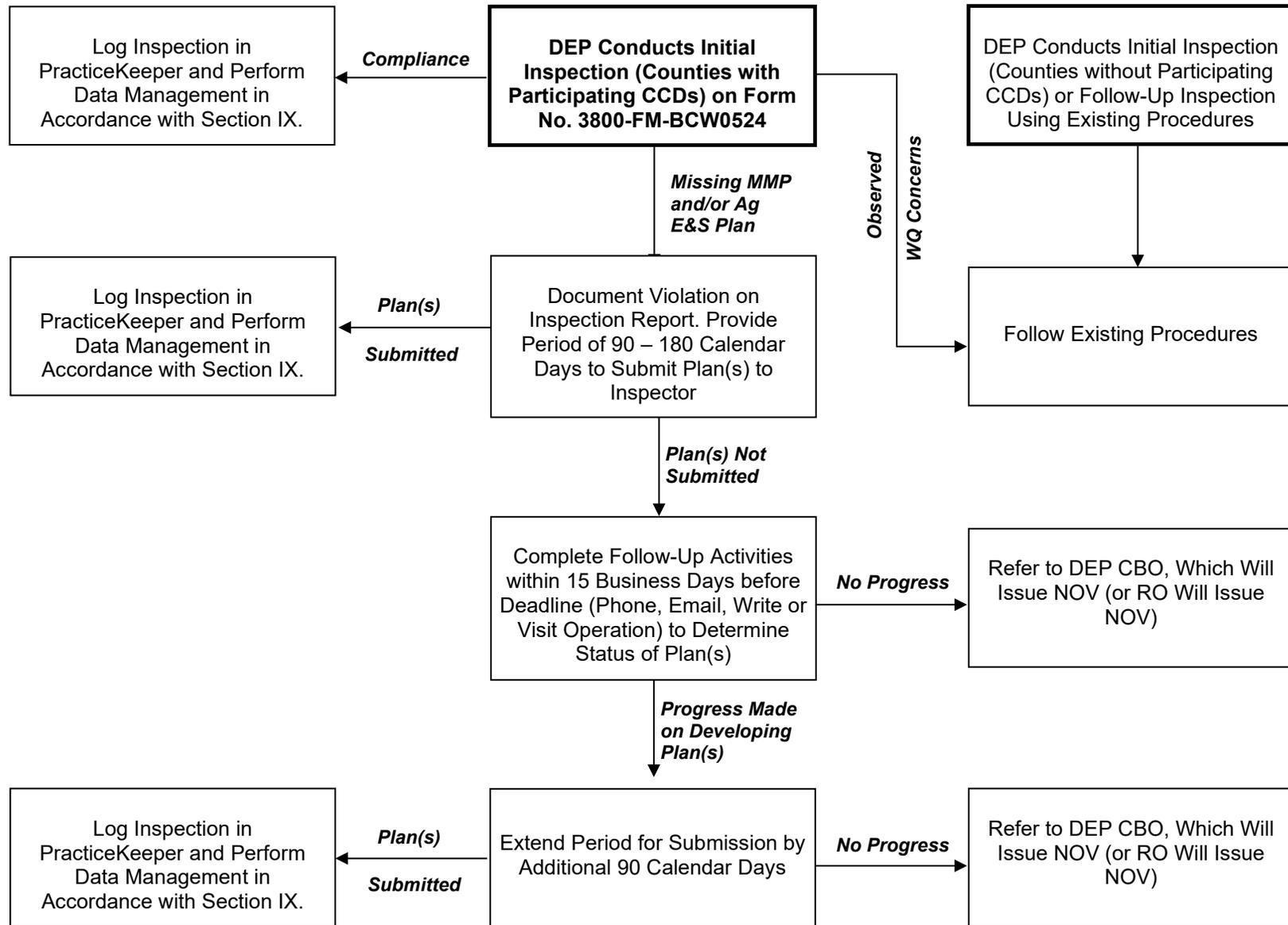
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Figure 2: CCD Decision Flow Chart for Initial Inspections



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Figure 3: DEP Decision Flow Chart for Inspections



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### Attachment A – Definitions of Terms in SOP

**Animal Concentration Areas (ACAs)** – Barnyards, feedlots, loafing areas, exercise lots or other similar animal confinement areas that will not maintain a growing crop, or where deposited manure nitrogen is in excess of crop needs. The term excludes areas managed as pastures or other cropland. The term excludes pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.

**Agricultural Erosion and Sediment Control (Ag E&S) Plan** – A plan for controlling erosion from plowing/tilling activities and AHUAs written in compliance with 25 Pa. Code § 102.4(a).

**Agricultural Operation** – An operation as defined in 3 Pa. C.S. § 503, that is 1) not known to be a Concentrated Animal Feeding Operation (CAFO), as defined in 25 Pa. Code § 92a.2; 2) is not known to be Concentrated Animal Operation (CAO), as defined in 25 Pa. Code § 83.201; and 3) is located within the Chesapeake Bay watershed. An agricultural operation includes all lands (tracts or parcels) that are contiguous and are under the same ownership or management control. An agricultural operation includes contiguous rented acres that are used for the operation.

**Animal Heavy Use Area (AHUA)** – Barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where due to the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods. The term does not include entrances, pathways, and walkways between areas where animals are housed or kept in concentration.

**Best Management Practices (BMPs)** – Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutant loading to surface waters of this Commonwealth. The term includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities.

**Cornstalk Nitrate Test (CSNT)** – Cornstalk samples are done late in the season, normally late August to late October, to assess whether the crop had enough nitrogen during the season, in order to make future decision regarding nitrogen nutrient management.

**Cropland** - Includes row crops and closely sown crops; hay, as part of a rotation, and silage crops; tree fruits, small fruits, berries, and tree nuts; vegetables and melons; and miscellaneous other minor crops. For the purposes of this SOP, permanent hay and pasture are not included in this definition.

**Follow-Up Inspection** – An inspection conducted by DEP that occurs after an Initial Inspection, in which DEP's Agricultural Operation Inspection Report (3800-FM-BCW0523A – E) or the Inspection Report for Agricultural Operations (3800-FM-BCW0524) is completed. This term also includes inspections conducted by DEP at agricultural operations with an existing compliance history, regardless of whether the inspector is aware of the existence of written Ag E&S Plans and/or MMPs.

**Home Farm** – The primary agricultural operation as considered by the owner and/or operator of the operation; the term does not include satellite farm(s). A home farm includes contiguous rented acres that are used for the operation.

**Illinois Soil Nitrogen Testing (ISNT)** – Laboratory soil nitrogen test which estimates the readily mineralizable soil organic nitrogen, which determines the soil nitrogen supply potential for corn availability.

**Initial Inspection** – The first inspection of an agricultural operation on or after July 1, 2016 in which the inspector is not aware of the existence of a written Ag E&S Plan and/or an MMP for an agricultural operation and in which an Inspection Report is completed.

**Inspection Report** – A DEP report template that is completed – by participating CCDs and DEP and is used to document information about an agricultural operation. The Inspection Report for Agricultural Operations (3800-FM-

## **SOP – Chesapeake Bay Agricultural Inspection Program**

BCW0524) is used by CCDs and DEP for documenting initial inspections as described in Section V. of the SOP. DEP may also elect to use the Agricultural Operation Inspection Report (3800-FM-BCW0523A – E) for Initial Inspections when an agricultural operation is in a county whose CCD is not participating.

**Manure Management Plan (MMP)** – A plan written for managing and applying manure in compliance with 25 Pa. Code § 91.36(b).

**Non-Cost Share BMPs** – BMPs that have been implemented at an agricultural operation without the use of government funding.

**NRCS Conservation Plan** – Plans that evaluate all resource concerns and identify conservation practices that treat the resource concerns. These plans may fulfill the requirements for an Ag E&S Plan and are required for participation with United States Department of Agriculture (USDA) programs.

**Nutrient Management Plan (NMP)** – A written plan to meet and be consistent with the Nutrient and Odor Management Act (Act 38) requirements.

**Pre-Sidedress Nitrate Test for Corn (PSNT)** – Laboratory soil nitrogen test that is designed to assist in making agronomically and environmentally sound nitrogen recommendations for corn.

**Satellite Farm** – An agricultural operation that is not contiguous to a home farm but is under the same ownership or management control. A satellite farm includes contiguous rented acres that are used for the operation.

## SOP – Chesapeake Bay Agricultural Inspection Program

### Attachment B – Chesapeake Bay County Codes

<u>County</u>	<u>Code</u>	<u>County</u>	<u>Code</u>	<u>County</u>	<u>Code</u>
Adams	01	Dauphin	22	Northumberland	49
Bedford	05	Franklin	28	Perry	50
Berks	06	Fulton	29	Potter	53
Blair	07	Huntingdon	31	Schuylkill	54
Bradford	08	Juniata	34	Snyder	55
Cambria	11	Lackawanna	35	Somerset	56
Cameron	12	Lancaster	36	Sullivan	57
Centre	14	Lebanon	38	Susquehanna	58
Chester	15	Luzerne	40	Tioga	59
Clearfield	17	Lycoming	41	Union	60
Clinton	18	Mifflin	44	Wyoming	66
Columbia	19	Montour	47	York	67
Cumberland	21				

## SOP – Chesapeake Bay Agricultural Inspection Program

### Attachment C – Template Letters

The following standard letters are provided for the Ag Inspection Strategy:

**Letter 1a. – “Notice to Inspect: Initial Inspection”**

**Letter 1b. – “Notice to Inspect: Phase 2 Inspection”**

**Letter 1c. – “Inspection Follow-Up: No-One Present”**

**Letter 1d. – “Inspection Follow-Up: Non-Compliance”**

**Letter 1e. – “Inspection Follow-Up: Compliance at Inspection”**

**Letter 1f. – “Inspection Follow-Up: Compliance upon Corrective Action(s)”**

**Letter 1g. – “Inspection Follow-Up: Non-Compliance Extension”**

**Letter 1h. – “Inspection Follow-Up: Non-Compliance Final Notice”**

Directions:

For each Template, the portions in brackets and highlighted in yellow [Example] will need to be edited accordingly, and the brackets deleted. For locations in the document that have the highlighted text in brackets followed by a superscript number [Example<sup>1</sup>], they should be replaced according to the notes below the template letter.

Notes for the letter author are also highlighted in yellow and should be deleted before sending the letter.

*Note: Example note to be deleted.*

Once the letter is finished, all highlights remaining should be removed and the notes at the bottom of the letter should be deleted.

## SOP – Chesapeake Bay Agricultural Inspection Program

### Letter 1a. – “Notice to Inspect: Initial Inspection”

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

#### Re: Upcoming Agricultural Inspections

Dear **Choose an item.** [Owner/Operator’s Last Name]:

The Commonwealth of Pennsylvania is committed to protecting local water quality while also meeting specific Chesapeake Bay restoration goals. The agriculture sector may help improve water quality both locally and in the Chesapeake Bay by following existing state regulations relating to erosion and sediment control and manure management. All agricultural operations in Pennsylvania have been required to develop and properly implement Agricultural Erosion and Sediment Control Plans (Ag E&S Plans) since 1972, and where applicable, Manure Management Plans (MMPs) since 1985.

Landowners who rent acres to a farm operator are also responsible for ensuring proper plans are in place. If you rent acreage to a known operator, please contact the conservation district at [Phone Number] to help us determine if your acres have already been inspected and are part of an existing plan, and the learn more details about the plan requirements.

Your efforts to implement these plans on your farm help improve and protect local water quality, provide for improved soil and animal health, and overall farm sustainability. Additionally, these plans will help you get the maximum productivity from your agricultural operation through the efficient use of your soil and nutrient resources.

The [District Name] County Conservation District has been tasked by the Pennsylvania Department of Environmental Protection to assess [Inspection Number<sup>1</sup>] farms from July 1, 20[ ] - June 30, 20[ ] to verify compliance with planning regulations. This letter is to inform you that your farm has been selected for an inspection.

During the visit, our staff will be ensuring compliance with basic regulatory requirements such as:

- A **Manure Management Plan (MMP)** – documents the proper storage and land application of animal manure and agricultural process wastewater.
- An **Agricultural Erosion and Sediment Control Plan (Ag E&S Plan)** – documents current and planned best management practices to reduce the erosion and sediment resulting from plowing/tilling activities and animal barnyard/high traffic areas.

Please call our office within 10 business days from the date of this letter to schedule an appointment that will fit best into your schedule. Otherwise, the Conservation District will attempt to contact you to schedule a farm visit to discuss the status of your plans and, if available, ensure they are complete. If we are unable to contact you in advance, a member of our staff will stop in to visit you in person.

A list of planning organizations that may be available to help you develop these required plans is attached. Please feel free to contact any of these planners to obtain their assistance if you do not already have the required plans. You may also contact the Conservation District for additional information on plan development.

If you have any questions about this inspection process, please call our office at [Phone Number].

## SOP – Chesapeake Bay Agricultural Inspection Program

Sincerely,

[Staff Member Name, Organization]

Enclosed: *Manure Management and Ag E&S Planner List*

*Note: <sup>4</sup>Inspection Number = The total number of inspections that must be completed by the County Conservation District (50 per technician) in a one-year period.*

## SOP – Chesapeake Bay Agricultural Inspection Program

### Letter 1b. – “Notice to Inspect: Phase 2 Inspection”

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

#### Re: Upcoming Agricultural Inspections

Dear **Choose an item.** [Owner/Operator’s Last Name]:

The Commonwealth of Pennsylvania is committed to protecting local water quality while also meeting specific Chesapeake Bay restoration goals. The agriculture sector may help improve water quality both locally and in the Chesapeake Bay by following existing state regulations relating to erosion and sediment control and manure management. All agricultural operations in Pennsylvania have been required to develop and properly implement Agricultural Erosion and Sediment Control Plans (Ag E&S Plans) since 1972, and where applicable, Manure Management Plans (MMPs) since 1985.

Your efforts to implement these plans on your farm help improve and protect local water quality, provide for improved soil and animal health, and overall farm sustainability. Additionally, these plans will help you get the maximum productivity from your agricultural operation through the efficient use of your soil and nutrient resources.

The [District Name or DEP Regional Office] **Choose an item.** previously performed an Initial Inspection of your agricultural operation to verify that you have developed an appropriate Ag E&S Plan and/or an MMP for your agricultural operation. As stated above, state regulations require that these plans, and the Best Management Practices (BMPs) found within them, also need to be properly implemented and updated accordingly when there are significant changes to the operation. This letter is to inform you that your agricultural operation has been selected for a Phase 2 Inspection so that we may verify that the BMPs found in this plan(s) have been properly implemented according to the plan(s).

Please call our office within 10 business days from the date of this letter to schedule an appointment that will best fit your schedule. Otherwise, **Choose an item.** will attempt to contact you to schedule this Phase 2 Inspection. If we are unable to contact you in advance, a member of our staff may stop in to visit you in person.

If you have any questions about this inspection process, please call our office at [Phone Number].

Sincerely,

[Staff Member Name, Organization]

**SOP – Chesapeake Bay Agricultural Inspection Program**

**Letter 1c. – “Inspection Follow-Up: No-One Present”**

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

**Re: Requirement to Choose an item. Agricultural Erosion and Sediment Control Plan (Ag E&S Plan) and/or Manure Management Plan (MMP)**

[Operation Name]; Farm ID: [YY-XXXXX]

[Municipality], [County], PA

Dear **Choose an item.** [Owner/Operator’s Last Name]:

This letter serves to document the [District Name or DEP Regional Office] **Choose an item.** site visit of your agricultural operation on **Click or tap to enter a date.**, for the purpose of conducting an on-site **Choose an item.** Inspection for agricultural operations. Pennsylvania regulations require that Ag E&S Plans and MMPs be developed and properly implemented, including those Best Management Practices (BMPs) outlined in the plan(s), and the purpose of this **Choose an item.** is to verify compliance with these regulations. During this visit, no one from your agricultural operation was available to discuss the **Choose an item.** *Note: The previous sentence may be adjusted depending upon refusal/denied entry, passive refusal, or unavailability.*

**Use the following for Initial Inspections and delete for Phase 2 Inspections:**

During our visit, it was observed that you appear to [conduct tilling/plowing (including no-till planting)] [and/or] [generate or apply manure on the operation] and are therefore required to have the following plan(s):

1. **Manure Management Plan** – [Provide/Develop] and submit a Manure Management Plan to the Conservation District **within [Number<sup>1</sup>] days** of the date of the inspection.
2. **Ag E&S Plan** – [Provide/Develop] and submit an Ag E&S Plan to the Conservation District **within [Number<sup>1</sup>] days** of the date of the inspection.

The law does not require assistance by a certified specialist; however, plans will be reviewed for completeness by the [District] upon submission. If the plans are not considered to be complete, you will be required to correct any deficiencies. Enclosed you will find a list of planners to assist you in developing the required plans, if desired. Once your plan is complete, it must be submitted to the Conservation District within the time frame identified above.

Please contact our office within 30 days so that we **Choose an item.** of these plans and schedule a time to complete this inspection.

In closing, please be aware that any violation of 25 Pa. Code Chapter 91 or 25 Pa. Code Chapter 102 may subject you to enforcement actions, such as fines and/or orders, as provided by the law. The [District or DEP] wants to help you understand and meet the legal requirements and we hope that our direction provided in this letter will assist you in complying so that you will not be subject to enforcement actions. If you have any questions relating to these obligations, please contact me at [Phone Number]. I look forward to working with you as you proceed to meet your regulatory obligations.

Sincerely,

## SOP – Chesapeake Bay Agricultural Inspection Program

[Staff Member Name, Organization]

Enclosure:      Inspection Report *Note: if not provided at time of inspection, delete otherwise.*  
                     Manure Management and Ag E&S Planner List *Note: only for Initial Inspections, delete otherwise.*

*Note: Number<sup>1</sup> = number of days provided to achieve compliance, as per the SOP*

SOP – Chesapeake Bay Agricultural Inspection Program

Letter 1d. – “Inspection Follow-Up: Non-Compliance”

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

Re: Requirement to Choose an item. Agricultural Erosion and Sediment Control Plan (Ag E&S Plan) and/or Manure Management Plan (MMP)

[Operation Name]; Farm ID: [YY-XXXXX]

[Municipality], [County], PA

Dear Choose an item. [Owner/Operator’s s Last Name]:

This letter serves to document the [District Name or DEP Regional Office] Choose an item. site visit of your agricultural operation on Click or tap to enter a date., for the purpose of conducting an on-site Choose an item. inspection for agricultural operations. Upon inspection of your [agricultural operation and Best Management Practices (BMPs) or records], the following corrective actions were determined to be required to bring your agricultural operation into compliance with Pennsylvania regulations: *(This statement may be adjusted depending upon refusal/denied entry, passive refusal, or unavailability)*

1. **Manure Management Plan** – [Add violations here; delete if not applicable]
2. **Ag E&S Plan** – [Add violations here; delete if not applicable]

You are required to correct any deficiencies and contact our office within the time frame(s) identified above.

Use the following for Initial Inspections and delete for Phase 2 Inspections:

The law does not require assistance by a certified specialist; however, plans will be reviewed for completeness by the [District] upon submission. If the plans are not considered to be complete, you will be required to correct any deficiencies. Enclosed you will find a list of planners to assist you in developing the required plans, if desired. Once your plan is complete, it must be submitted to the Conservation District within the time frame identified above.

In closing, please be aware that any violation of 25 Pa. Code Chapter 91 or 25 Pa. Code Chapter 102 subjects you to possible enforcement actions, such as fines and/or orders, as provided by the law. The [District or DEP] wants to help you understand and meet the legal requirements under this law and we hope that our direction provided in this letter will assist you in complying so that you will not be subject to enforcement actions. If you have any questions relating to this obligation, please contact me at [Phone Number]. I look forward to working with you as you proceed to meet your regulatory obligations.

Sincerely,

[Staff Member Name, Organization]

Enclosure: Inspection Report *Note: if not provided at time of inspection, delete otherwise.*  
Manure Management and Ag E&S Planner List *Note: only for Initial Inspections, delete otherwise.*

**SOP – Chesapeake Bay Agricultural Inspection Program**

**Letter 1e. – “Inspection Follow-Up: Compliance at Inspection”**

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

**Re: Inspection Follow-up**

[Operation Name]; Farm ID: [YY-XXXXX]

[Municipality], [County], PA

Dear **Choose an item.** [Owner/Operator’s Last Name]:

This letter serves to document the [District Name or DEP Regional Office] **Choose an item.** site visit of your agricultural operation on **Click or tap to enter a date.**, for the purpose of conducting an on-site **Choose an item.** inspection for agricultural operations. Upon inspection of your **Choose an item.**, it was determined that your **Choose an item. Choose an item..**

Please be aware that it is your responsibility to **Choose an item.** this plan(s), including the installation and maintenance of constructed conservation practices, identified field management practices, manure application rates, and adherence to the implementation schedule(s) included within your plan(s). Additionally, the manure management regulations require that you keep records of how much, where, and when manure and nutrients are applied, if applicable. The [District or the Department of Environmental Protection] may inquire at any time to determine if you are following your required plan(s) and keeping manure and/or nutrient application records.

Thank you for your willing cooperation. If you have any questions, please feel free to contact me at [Phone Number]

Sincerely,

[Staff Member Name, Organization]

Enclosure: Inspection Report (*if not provided at time of inspection*)

cc: file

**SOP – Chesapeake Bay Agricultural Inspection Program**

**Letter 1f. – “Inspection Follow-Up: Compliance upon Corrective Action(s)”**

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

**Re: Inspection Follow-up**

[Operation Name]; Farm ID: [YY-XXXXX]

[Municipality], [County], PA

Dear **Choose an item.** [Owner/Operator’s Last Name]:

This letter serves to document the result of the [District Name or DEP Regional Office] review of your submitted **Choose an item.** Plan(s) provided in response to our request to submit the plan(s) to demonstrate compliance with Pennsylvania’s agricultural regulation(s).

As of the date of this letter, the [District or DEP] has verified that the **Choose an item.** Plan(s) we received for your operation have been determined to be **Choose an item.** , and the corrective actions requested at the time of the inspection have been satisfied.

Please be aware that it is your responsibility to fully implement these plan(s) including the installation and maintenance of constructed conservation practices, identified field management practices, manure application rates, and adherence to the implementation schedule(s) included within your plan(s). Additionally, the Manure Management regulations require that you keep records of how much, where, and when manure and nutrients are applied. The [District or DEP] may inquire at any time to determine if you are following your required plans and keeping manure and nutrient application records.

Thank you for your willing cooperation. If you have any questions, please feel free to contact me at [Phone Number].

Sincerely,

[Staff Member Name, Organization]

cc: file

## SOP – Chesapeake Bay Agricultural Inspection Program

### Letter 1g. – “Inspection Follow-Up: Non-Compliance Extension”

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

**Re: Requirement to Obtain/Provide Agricultural Erosion and Sediment Control Plan (Ag E&S Plan) and/or Manure Management Plan (MMP)**

[Operation Name]; Farm ID: [YY-XXXXX]

[Municipality], [County], PA

Dear **Choose an item.** [Owner/Operator’s Last Name]:

This letter is being sent as a follow up to my previous letter dated [Date<sup>1</sup>], and the inspection that was held on [Date<sup>2</sup>], where I informed you of your obligation to obtain and submit [Manure Management and Agriculture Erosion and Sediment Control (Ag E&S) Plans] to [District<sup>3</sup>]. The following corrective [actions are/action is] required: *(This statement may be adjusted depending upon refusal/denied entry, passive refusal, or unavailability)*

1. **Manure Management Plan** - Develop and submit a Manure Management Plan to the Conservation District **within [Number<sup>4</sup>] days of the date of this letter.**
2. **Ag E&S Plan** - Develop and submit an Ag E&S Plan to the Conservation District **within [Number<sup>4</sup>] days of the date of this letter.**

The [District<sup>3</sup>] did not receive a copy of your plans within the timeframe provided in our previous letter but contacted you on [Date] to check on your progress. You indicated that progress has been made on development of your plan(s) and you were given an extension of [# Days]. This serves as your second notice to comply. To gain compliance, you need to develop and submit [Manure Management and Ag E&S Plans] by [Extended Due Date].

The law does not require assistance by a certified specialist; however, plans will be reviewed for completeness by [District<sup>3</sup>] upon submission. If the plans are not considered to be complete, continued actions will be required to correct the deficiencies. I am again including a list of planners to assist you in developing the required plans. Once your plan(s) is/are completed, it/they must be submitted to the Conservation District within the time frame identified above. I strongly encourage you to follow through with developing and submitting these required plan(s) to avoid any possible enforcement action by the Department of Environmental Protection.

Please have your planner contact our office within [Number<sup>5</sup>] days so that we can verify the progress you are making toward achieving compliance.

In closing, please be aware that any violation of 25 Pa. Code Chapter 91 or 25 Pa. Code Chapter 102 may subject you to enforcement actions, such as fines and/or orders, as provided by the law. The [District<sup>3</sup>] wants to help you understand and meet the legal requirements and we hope that our direction provided in this letter will assist you in complying to help you avoid being subject to enforcement actions. If you have any questions relating to these obligations, please contact me at the conservation district office at [Phone

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**Number<sup>6</sup>**] so that I can provide whatever additional direction you may need. I look forward to working with you as you proceed to meet your regulatory obligations.

Sincerely,

*Conservation District Staff Person*

Enclosure: Manure Management and Ag E&S Planner List

cc: File

**Date<sup>1</sup>** = the date of previous letter

**Date<sup>2</sup>** = the date of inspection

**District<sup>3</sup>** = the name of your conservation district such as "Lebanon County Conservation District"

**Number<sup>4</sup>** = number of days provided to achieve compliance, consistent with the current Initial Ag Inspection SOP

**Number<sup>5</sup>** = number of days provided by the District for communication with consultant/planner

**Phone Number<sup>4</sup>** = your office phone number

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Letter 1h. – “Inspection Follow-Up: Non-Compliance Final Notice”

[Date]

[Owner/Operator’s Name]

[Address]

[Town], PA [ZIP]

Re: **FINAL NOTICE** - Requirement to **Choose an item**. Agricultural Erosion and Sediment Control Plan (Ag E&S Plan) and/or Manure Management Plan (MMP)

Dear **Choose an item**. [Owner/Operator’s Last Name]:

This letter is a follow-up to my two previous letters dated **Click or tap to enter a date**. and **Click or tap to enter a date**.. This letter serves as our final notice to inform you of your legal obligation to **Choose an item**. your **Choose an item**. for your agricultural operation.

The [District Name or DEP Regional Office] **Choose an item**. previously performed an inspection to verify that **Choose an item**.. You have not responded to our previous requests to **Choose an item**.

**This letter represents your final opportunity to comply with the regulations and have the matter resolved through the [District or DEP]. If we are not able to document your compliance with these regulations, **Choose an item**., and may subject you to enforcement actions, including the imposition of penalties.**

If the [District or DEP] does not receive a response from you by **Click or tap to enter a date**., your case will, by necessity, be referred for enforcement.

If you have any questions relating to these obligations, please contact [Staff Name] at [Phone Number] so that they may provide additional direction.

Sincerely,

[District or DEP] Manager/Supervisor

cc: File



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**Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
5/27/2016	1.0	Original
6/1/2017	1.1	Update for FY 2017-18
7/1/2018	1.2	Update for FY 2018-2019
5/1/2020	1.3	Update for FY 2020-2021
5/18/2021	1.4	Update for FY 2021-2022
5/18/2022	1.5	Update for FY 2022-2023