

**Standard Operating Procedure (SOP)<sup>1</sup>**  
**Chesapeake Bay Agricultural Inspection Program**  
**SOP No. BCW-INSP-018**  
**Draft, April 22, 2016**  
**Version 1.0**

This SOP describes the procedures by which the Department of Environmental Protection (DEP) and cooperating County Conservation Districts (CCDs) will conduct initial and follow-up inspections of agricultural operations within the Chesapeake Bay watershed to ensure compliance with the Pennsylvania Clean Streams Law and regulations promulgated thereunder.

The term *initial inspection* means the first inspection of an “agricultural operation” on or after July 1, 2016, regardless of whether past inspection(s) of the operation have been conducted. The term *follow-up inspection* means an inspection of an agricultural operation (as defined below) that occurs after an initial inspection of an operation has taken place.

For the purpose of this SOP, the term *agricultural operation* means an operation that 1) is not a Concentrated Animal Feeding Operation (CAFO), as defined in 25 Pa. Code § 92a.2; 2) is not a Concentrated Animal Operation (CAO), as defined in 25 Pa. Code § 83.201; and 3) includes property utilized for housing or maintaining animals and/or producing crops.

This SOP was specifically developed to implement [DEP’s 2016 Chesapeake Bay Strategy](#). For initial inspections, the objective is to annually verify at 10% or more of the agricultural operations within the Chesapeake Bay watershed the existence of written agricultural erosion and sediment (Ag E&S) plans under 25 Pa. Code § 102.4(a)(2) and written manure management plans (MMPs) under 25 Pa. Code § 91.36(b)(1)(i).

This SOP does not address:

- Compliance inspections of CAFOs. DEP will continue to inspect CAFOs in accordance with its NPDES Compliance Monitoring Strategy (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 will be developed.
- Annual NMP Status Reviews for CAOs or other operations that develop 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.
- Procedures for agricultural-related complaints. Existing DEP and CCD procedures will continue to be followed for responses to complaints.

In addition, this SOP applies only to the counties listed in **Attachment A**. The counties in Attachment A have historically received funding from DEP for Chesapeake Bay Technicians. In the event that the CCD for one or more of the counties identified in Attachment A no longer receive funding from DEP, implementation will be the responsibility of DEP in those counties.

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<sup>1</sup> **DISCLAIMER:** 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 and interpretations herein are not an adjudication or 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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**I. Roles and Responsibilities.**

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

A. DEP Bureau of Clean Water (BCW).

DEP BCW will have oversight responsibilities for implementation of this SOP. Specifically, DEP BCW 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 cooperating CCDs on the implementation of this SOP.
2. Receive feedback from DEP regional staff and partnering organizations on the SOP and associated documents and make modifications to these documents as deemed necessary.
3. Receive and provide feedback on annual inspection strategies and inspection lists or maps.
4. Monitor implementation progress.
5. Issue pre-inspection letters to agricultural operations.
6. Provide follow-up enforcement support.

B. DEP Regional Offices.

The Waterways and Wetlands and/or Clean Water Program within DEP regional offices will:

1. Provide training and technical assistance to cooperating CCDs 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. At least 100 inspections will be completed per filled Water Quality Specialist (WQS) position within the Waterways and Wetlands Program per fiscal year.
4. Assemble and submit annual reports to DEP BCW.

C. CCDs.

Each CCD will notify DEP prior to July 1, 2016 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. If a CCD elects to enter into a Chesapeake Bay Technician contract (i.e., is a “cooperating 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. At least 50 initial inspections will be completed per filled Chesapeake Bay Technician position per fiscal year, or as otherwise specified in the Bay Technician contract.
4. Submit quarterly reports to DEP regional offices.

## **II. Training and Technical Assistance.**

### **A. Initial Training.**

1. DEP BCW will conduct a detailed training on the execution of activities under this SOP for DEP regional office staff.
2. Each DEP regional office program will be responsible for training their respective, cooperating CCDs on this SOP with the assistance of DEP BCW.

### **B. Future Training.**

1. DEP BCW will schedule in-person and/or webinar training following each significant change to the SOP and/or as requested by DEP regional offices or CCDs.
2. DEP BCW and DEP regional offices may elect to conduct ongoing training at annual events.
3. DEP Conservation District Field Representatives may elect to provide training and outreach to CCDs and their boards of directors.

### **C. Technical Assistance.**

1. The DEP BCW points of contact for interpretation issues and requests for modification to this SOP are the Environmental Program Manager of the Division of Operations, Monitoring and Compliance, the Environmental Group Manager of the Nutrient Management Section, and/or a delegated representative thereof.
2. The DEP regional office point of contact for SOP implementation by CCDs is the Environmental Group Manager of the Conservation, Restoration and Inspection Section in the Waterways and Wetlands Program and/or a delegated representative thereof.

## **III. Planning and Pre-Inspection Notices.**

### **A. Selection of Agricultural Operations for Inspection.**

Prior to the start of each state fiscal year, for planning purposes DEP regional offices and cooperating CCDs will develop two-year inspection strategies. These strategies will be accompanied by preliminary lists of agricultural operations that are intended for inspection during the next two fiscal years. A map showing the locations of operations that are intended for inspection may also be developed and submitted with the strategies. CCD strategies will address operations that will receive initial inspections. DEP strategies will address operations that will receive both initial and follow-up inspections.

It is recommended that DEP regional offices and cooperating CCDs meet to plan two-year inspection strategies each year. DEP regional offices and CCDs may, for example, decide to focus inspections on 1) operations within watersheds containing surface waters impaired due to agricultural activities; 2) operations within specific municipalities; 3) operations with known compliance histories; or 4) any other rational approach with an objective of initially inspecting all agricultural operations in the Chesapeake Bay watershed. **Figure 1** presents a flow diagram of the planning process and the operation selection criteria for CCDs and DEP.

#### **1. CCDs.**

- a. By February 28th of each year, managers of cooperating CCDs will develop and submit to DEP regional offices its inspection strategies, along with its preliminary list of operations to inspect, for the next two fiscal years. All submissions will be in electronic format.

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**NOTE** – The deadline of February 28th does not apply to the fiscal year starting July 1, 2016, but applies to all subsequent years.

- b. The DEP spreadsheet template named *Preliminary List of Inspections* will be used for preliminary lists of operations to be inspected. The following information should be populated in the spreadsheet to the extent this information is known in advance: 1) Farm ID; 2) name of the operation; 3) name of owner of the operation; 4) name of operator of the operation, if different; 5) mailing address of the operation; 6) location address of the operation; 7) latitude and longitude of the operation (at headquarters for operations housing or maintaining animals and at central point of parcels used for growing crops); 8) municipality and county where the operation is located; 9) type(s) of animals (if applicable); 10) the contact phone number for the operation; and 11) name(s) of nearest surface water(s) to the operation.

**NOTE** – Preliminary lists are for planning purposes; substitutions may be made throughout the fiscal year. In addition, when a complaint is responded to, the complaint response may count toward an inspection if 1) the agricultural operation has not yet received an initial inspection; 2) is not an operation that receives Annual NMP Status Reviews; and 3) the *Initial Inspection Report for Agricultural Operations* (3800-FM-BCW0524) is completed.

- (1) The preliminary list may not contain agricultural operations that are known in advance to have both an MMP (or NMP) and an Ag E&S plan.
- (2) Farm IDs will be assigned to each unique agricultural operation as follows: XX-YYYYY, where XX = two digit County Code (see **Attachment A**) and YYYYY = five digit sequence number, unique to each agricultural operation within a county. An additional identifier may be added by CCDs at the end of this number, if desired.

- c. The preliminary list will include at least 100 unique agricultural operations for each DEP-funded Bay Technician position that are intended for initial inspections in the next two fiscal years (i.e., 50 per fiscal year).

**NOTE** – For partial positions, the minimum number of inspections will be calculated by multiplying the number of partial positions by 100 (e.g., 1.75 positions x 100 inspections = 175 inspections and 0.5 position x 100 inspections = 50 inspections).

**NOTE** – The rationale for requesting lists of operations to be inspected over a two-year period is that pre-inspection notices will be transmitted (see section III.B, below), and it is expected that a percentage will comply with the request to submit required plans or otherwise agree to develop plans, which will eliminate the need for an initial inspection. If the lists were limited to one year, there may be an insufficient number of operations left to inspect that year.

2. DEP Regional Offices.

DEP regional offices will, upon receipt of cooperating CCD strategies:

- a. Verify that at least 100 unique operations are selected by CCDs for each DEP-funded Bay Technician that will receive initial inspections.
- b. Evaluate the strategies and provide comments to CCD managers, as necessary, to strengthen the strategies.
- c. Formulate its own strategy for inspecting agricultural operations and develop a proposed list of agricultural operations for DEP to inspect during the next two fiscal years, in accordance with paragraph III.A.2 above. A minimum of 200 operations will be selected by each regional office per each Water Quality Specialist position that is filled in the Waterways and Wetlands Program for inspection in the next two fiscal years. This quota may be satisfied through both initial

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inspections and follow-up inspections of agricultural operations. Those operations that should not receive a pre-inspection notice in accordance with section III.B (because a follow-up inspection is planned) will be identified in the lists generated by DEP regional offices.

**NOTE** – Preliminary lists are for planning purposes; substitutions may be made throughout the fiscal year. In addition, when a complaint is responded to, the complaint response may count toward an inspection if an inspection report is completed.

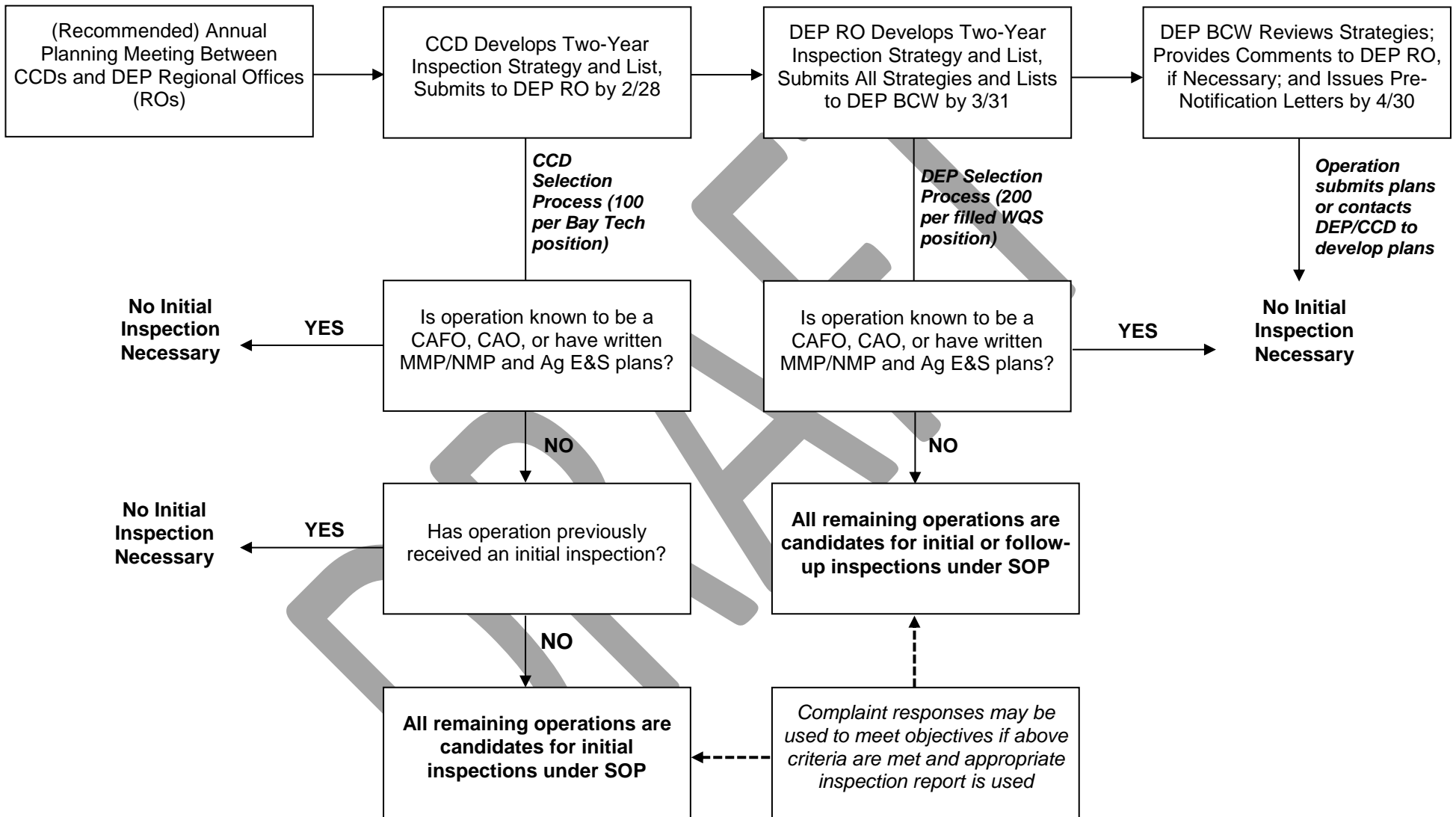
- d. Submit to DEP BCW, by March 31st of each year, its strategy and preliminary list and/or map of agricultural operations to be inspected, along with the strategies of all cooperating CCDs within their territories.
  - e. Provide strategies and lists and/or maps to cooperating CCDs, if inspections are planned in the county served by a cooperating CCD, by March 31st of each year.
3. DEP BCW will review and, as necessary, provide comments to DEP regional offices on the strategies and lists and/or maps.

**B. Pre-Inspection Notices.**

By April 30th of each year, DEP BCW will issue a pre-inspection letter to all agricultural operations identified by DEP regional offices and CCDs in preliminary lists. The letter will request the submission of the MMP and Ag E&S Plan by June 30th each year. The letter will also afford an opportunity to contact DEP regional offices and CCDs by phone to request assistance for plan development.

1. An operation that submits both plans will be eliminated as a candidate for an initial inspection. DEP regional offices and CCDs will, upon receipt (or on-site review) of plans, record the receipt of both plans in a spreadsheet in accordance with paragraph VIII.B.4.
  2. An operation that submits one of the two required plans will be retained as a candidate for an initial inspection, unless the operation agrees to pursue development of the other plan, in accordance with paragraph III.B.3. DEP regional offices and CCDs will, upon receipt (or on-site review) of the plan, record the receipt of the plan in a spreadsheet in accordance with paragraph VIII.B.4.
  3. If the owner or operator of an agricultural operation contacts DEP regional offices and/or CCDs to request assistance in developing plan(s), a list of resources for plan development will be provided (to be developed later). DEP regional offices and CCDs will request the submission of the plan(s) within a period of time consistent with paragraph V.C.10.b.ii, and follow-up actions will be taken as necessary in accordance with paragraph VI.A.2. The operation will be eliminated as a candidate for an initial inspection. DEP regional offices and CCDs will, upon receipt (or on-site review) of plans, record the receipt of the plans in a spreadsheet in accordance with paragraph VIII.B.4. The receipt of plan(s) in this manner may be counted as one-half (0.5) of an inspection.
  4. An operation that does not submit its plans or contact DEP regional offices and/or CCDs or request assistance in developing plan(s) will be retained as a candidate for an initial inspection.
- C. If a DEP regional office or cooperating CCD has documentation (on file or in a data system) confirming the existence of both an Ag E&S plan (or conservation plan) and MMP/NMP for an agricultural operation, this operation will not require an initial inspection, but may be selected by DEP regional offices for a follow-up inspection. All such agricultural operations should be identified and provided to DEP BCW in accordance with paragraph VIII.A, below.

Figure 1: Planning and Selection of Agricultural Operations for Inspection



#### **IV. Inspection Types.**

The following summarizes the inspection types that will be used to implement this SOP.

##### **A. Initial Inspections.**

1. Initial inspections are necessary for agricultural operations where:

- DEP regional offices and CCDs are unaware of whether the operation has both an MMP (or NMP) and an Ag E&S Plan (note – all operations that receive Annual NMP Status Reviews are therefore excluded);
- The operation has not previously received an initial inspection;
- The operation has not otherwise committed to develop required plan(s) verbally or in writing to DEP regional offices and/or CCDs (see paragraphs III.B.3 and V.A.1.b).

2. CCDs will use the *Initial Inspection Report for Agricultural Operations* (3800-FM-BCW0524) for all initial inspections. In addition, DEP regional offices will use this report if an initial inspection is conducted within a county whose CCD is cooperating in implementing this SOP.

##### **B. Follow-Up Inspections.**

Follow-up inspections (see Section VI) may be conducted by DEP regional offices and CCDs when:

1. An initial inspection revealed that an operation was lacking a written MMP or NMP and/or Ag E&S plan, and such plan(s) were not submitted to the inspector by the deadline provided. These follow-up inspections may be conducted by both DEP regional offices and CCDs.
2. A water quality concern was observed during an initial inspection. These follow-up inspections will be conducted only by DEP regional offices.
3. Anytime DEP regional offices decide to evaluate the implementation status of MMPs and Ag E&S plans and/or verify the existence of BMPs.

##### **C. Complaint Response Inspections.**

CCDs and DEP regional offices may count complaint response inspections toward the minimum number of annual inspections (see paragraphs III.A and III.B, respectively) if the appropriate inspection report is completed.

#### **V. Procedures for Initial Inspections.**

All initial inspections will be on-site field inspections with the owner or operator of the operation present, during which requests will be made to produce the operation's written Ag E&S plan and MMP/NMP. Where the term "inspector" is used in this and subsequent sections, it refers to the individual employed by DEP or CCDs who conducts the inspection; in certain cases a distinction is made between "DEP inspector" and "CCD inspector."

##### **A. Pre-Inspection Activities.**

1. In general, where a phone number is available for the owner or operator of an agricultural operation, the inspector will attempt to contact the owner or operator in advance of the inspection to: 1) explain the purpose of the forthcoming inspection; 2) provide notification of the date and approximate time that the inspector is anticipated to arrive at the operation; and 3) determine any operation-specific biosecurity protocols.

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- a. Advanced notice is not necessary where 1) a phone number is not available; 2) the initial inspection is done as part of a complaint investigation; and 3) the operation has a history of non-compliance with DEP and/or a CCD.
  - b. If the owner or operator informs the inspector by phone that required plan(s) have not been developed, the inspector may advise that the initial inspection may not be necessary if the owner or operator will commit to develop and submit the plan(s) within a period of time consistent with paragraph V.C.10.b.ii. If the owner or operator agrees, an on-site initial inspection is not necessary (but may be conducted at the inspector's discretion). DEP regional offices and CCDs will, upon receipt (or on-site review) of plans, record the receipt of the plans in a spreadsheet in accordance with paragraph VIII.B.4. The receipt of plan(s) in this manner may be counted as one-half (0.5) of an inspection.
2. The inspector should spend some time prior to each inspection to gain familiarity with the operation, to the extent possible. For example, aerial maps may be consulted and DEP or CCD files may be reviewed.

**NOTE** – Accessing documents that have been developed for an agricultural operation by the U.S. Department of Agriculture may be allowed only if the operation provides written consent providing such access, in accordance with Section 1619 of the Food, Conservation, and Energy Act of 2008. Submission of such documents to DEP and CCDs by the agricultural operation to demonstrate compliance with regulatory requirements constitutes consent.

3. The inspector will prepare all necessary supplies for the inspection.
  - c. The CCD inspector's list of supplies includes protective clothing, sanitation supplies, inspection report forms, a charged mobile phone (if available), and lists of appropriate DEP and CCD contacts.
  - d. The DEP inspector's list includes those in paragraph 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 if inspection of production areas, manure storage facilities and related site features will be conducted. Where the inspection involves an interview with the owner or operator only in a producer-designated "clean area", this paragraph is not applicable.
5. Inspectors will plan for the following biosecurity practices, in order of priority:
  - a. If the inspector is aware of operation-specific biosecurity protocols for an agricultural operation in advance, those protocols will be followed.
  - b. If the inspector is aware that the operation is designated as an Agricultural Biosecurity Area or that there is an Animal Disease Outbreak Situation, inspectors will adhere to DEP's [Standard Procedure for Biosecurity at Agricultural Sites](#) (Document No. OPI 2013-01).

**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 operation is not necessary.

- c. At a minimum, the biosecurity protocol provided in **Attachment B** will be implemented.

**B. Arrival On-Site.**

1. Upon arrival at an 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.



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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 to the maximum extent possible.
3. The inspector will report to the location agreed to during the telephone conversation with the owner or operator or, if advanced contact was not made, report to the office (if it exists) or house and ask for the owner or operator. Upon meeting the owner or operator (or other individual at the operation), the inspector will explain the purpose of the visit, show DEP/CCD identification, provide the owner or operator with a business card and request the owner or operator's participation in the inspection.

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

- a. If the owner or operator is unavailable (or the individual met by the inspector cannot assist), the inspector will ask for a telephone number so that the inspector can call to reschedule. If the unavailability is documented on an inspection report in accordance with paragraph V.C.1, below (i.e., header and general information completed), this may be counted as one-half (0.5) of an inspection.
- b. If the owner or operator is available but refuses to participate in an inspection and/or refuses permission for the inspector to enter the site, the inspector will leave the operation, document the refusal on the inspection report, and notify the inspector's supervisor. If the refusal is documented on an inspection report in accordance with paragraph V.C.1, below (i.e., header and general information completed), this may be counted as one-half (0.5) of an inspection.

The inspector will, within 10 business days of the attempted inspection, notify the DEP regional office and DEP BCW points of contact through email. The notification should include the name of the owner or operator and the mailing address of the operation. It is recommended that the inspection report documenting the refusal be attached to the email.

**C. Inspection Activities.**

Where CCDs and DEP regional offices use the *Initial Inspection Report for Agricultural Operations* (3800-FM-BCW0524) for initial inspections, CCDs and DEP regional offices will attempt to collect the information contained in the following paragraphs. The report may be completed manually in the field, electronically (via laptop or tablet) in the field, or at the inspector's office.

**1. Inspection Report – Completing Header and General Information.**

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

- a. 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 or operator (e.g., "Tom Smith Farm"). Inspectors will ask the owner or operator for the preferred name of the operation.
- b. Farm ID (required) – The ID as noted in paragraph III.A.2.b, above.
- c. Inspection Date (required).
- d. Entry Time (required).
- e. Agency (required) – The agency (DEP or CCD) that is conducting the inspection.
- f. Municipality and County (required).

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- g. 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).
- h. 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).
- i. Location Address (street address) and City, State and Zip (required).
- j. Scheduled Inspection? (required) – Indicate whether the inspection was scheduled in advance (“Yes”) or was unannounced (“No”).
- k. Reason Inspection Not Completed (required if inspection not completed) – Check the appropriate box if an initial inspection was not completed because either 1) the owner or operator refused access, 2) the owner or operator was not available, or 3) operation-specific biosecurity protocols were not met.
- l. Inspector Met With (required if inspector was met by an individual) – Identify whom the inspector met with during the inspection, if applicable. Check the appropriate box for Owner or Operator or Other if someone else assisted with the inspection (if so, identify this individual by name if possible). If the inspector did not meet with the owner, the inspector should ask for the name of the owner and list the name in the Comments section of the inspection report. Record the name of the owner or operator next to the appropriate box.
- m. Animal Types (required if known in advance or owner or operator shares this information) – Check the appropriate box to indicate the type of animals on the operation (operation being inspected, not satellite farms if such farms exist). Ask the interviewee the approximate number of each animal type that is maintained at the operation. (Detailed inventories of animal types may be added to the Comments section at the inspector’s discretion, e.g., number of mature cows, number of calves, etc.).
- n. AEUs (optional) – If possible, identify the Animal Equivalent Units (AEUs) associated with the operation. This is not a required field.

If this calculation is done and the AEUs/acre available for manure application is greater than 2 and the total AEUs is greater than or equal to 8, the operation is a CAO and an NMP must be completed and available. If an NMP is not available, note this on the inspection report and follow existing procedures to obtain compliance with Chapter 83 requirements.

**NOTE** – [Agronomy Facts 54](#) should be used by any inspector planning to calculate AEUs.

2. Inspection Report – Completing Manure Management Plan Section.

The following data elements are required if an initial inspection is completed, to the extent the owner or operator provides the information.

- a. Is manure applied on-site? Check the appropriate box. On-site in this context means lands under the management control of the owner or operator, including “satellite operations”, if the MMP prescribes use of those lands for manure application.

**NOTE** – For the purpose of this SOP, the term *satellite operation* means property used for housing or maintaining animals or producing crops that is owned or operated by the same individual(s) but is not contiguous to what is represented by the owner or operator as the home or primary agricultural operation.

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- b. Does the operation have a written MMP? The inspector will request to review a written copy of the MMP and check the appropriate box on the inspection report once the plan is produced. The inspector will also check the appropriate box to indicate whether the plan is (administratively) complete (see note below).

**NOTE** – If the owner 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 within 10 business days to the inspector so that the inspection report can be completed.

**NOTE** – The inspector should briefly review the plan with the owner or operator to ensure the plan is administratively complete. An MMP is considered administratively complete if it includes or identifies:

- Maps of all fields (including satellite operations, if applicable) where land application of manure and agricultural process wastewater occur, showing surface waters and drainage patterns; field and property boundaries; buildings and farm structures; animal heavy use areas (if applicable); roads; and existing and planned BMPs.
- Calculations to demonstrate acceptable manure and wastewater application rates considering the planned crop rotation for each field, crop yields, and the nitrogen and phosphorus content of the manure/wastewater and soils, including pastures.
- A description of the methods used to manage the manure prior to land application.
- A description of the sources of manure/wastewater imported to the operation, and the volume or mass imported to and exported from the operation.

The technical adequacy of the plan will not generally be evaluated as part of an initial inspection.

**NOTE** – An MMP that is considered by the inspector to be incomplete should not necessarily be treated as a violation, unless the inspector determines that no meaningful attempt was made to develop the plan. The inspector may use the Comments section of the inspection report to provide suggestions for improvement. The inspector is documenting whether or not the plan is complete in order to prioritize follow-up inspections and/or technical assistance.

- c. MMP developed by – Indicate whether the plan was developed by a consultant, the owner or operator, or a public agency (e.g., CCD or NRCS). Enter the name of the plan developer in the space provided, if available. The developer of the plan may be specified on the cover page.
- d. Does the owner/operator indicate the MMP is being implemented? The inspector should ask the owner or operator whether the MMP is being implemented (if the plan is available), and record the answer on the inspection report. For initial inspections, inspectors will not generally perform an assessment of plan implementation.
- e. MMP Date – List the original plan development date or the date of the latest revision, which should be listed on the plan.
- f. Total Acres of Operation and Acres Available for Manure – This information should be listed in the plan, if it exists, but if not then request this information from the owner or operator. In addition, check the appropriate box to indicate whether the Acres Available for Manure includes the operation being inspected alone or includes other acres on satellite operations.
- g. Liquid Manure Storage Facilities – The inspector will ask the owner or operator whether there are any liquid manure storage facilities on-site. If yes, the inspector will ask the owner 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 construction (if known by the owner or operator), and record this information on the inspection report.

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- h. Manure Stacking, Process Wastewater (e.g., egg washwater, milkhouse wastewater, etc.) and Outdoor Feed Storage – The inspector will ask the owner or operator whether any of these activities are done or wastewaters are produced on the operation and check the appropriate box on the inspection report.

3. Inspection Report – Completing Agricultural E&S Plan Section.

- a. (Are there) Plowing/tilling or animal heavy use areas disturbing 5,000 square feet (SF) or more (on the operation)? Check the appropriate box to indicate the owner or operator's response to this question.
- b. Does the operation have a written Ag E&S Plan or conservation plan? The inspector will request to review a written copy of the Ag E&S Plan or conservation plan and check the appropriate box on the inspection report once the plan is produced. The inspector will also check the appropriate box to indicate whether the plan is (administratively) complete (see note below).

**NOTE** – If the owner 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 within 10 business days to the inspector so that the inspection report can be completed.

**NOTE** – The inspector should briefly review the plan with the owner or operator to ensure the plan is administratively complete. An Ag E&S Plan is considered administratively complete if it includes or identifies:

- Maps of all fields (including satellite operations, if applicable) where plowing or tilling activities occur, showing surface waters and drainage patterns; field and property boundaries; buildings and farm structures; animal heavy use areas (if applicable); roads; existing and planned BMPs; and soils.
- Calculations to demonstrate that erosion will be limited to the soil loss tolerance (T) over the planned crop rotation on those fields.
- Animal heavy use areas and BMPs to reduce accelerated erosion, if applicable.
- Provisions for operation and maintenance of BMPs.

The technical adequacy of the 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 incomplete should not necessarily be treated as a violation, unless the inspector determines that no meaningful attempt was made to develop the plan. The inspector may use the Comments section of the inspection report to provide suggestions for improvement. The inspector is documenting whether or not the plan is complete in order to prioritize follow-up inspections and/or technical assistance.

**NOTE** – A conservation plan may or may not fulfill all requirements for an Ag E&S Plan. For the purpose of this SOP, an initial inspection involves only documenting whether a written Ag E&S Plan or conservation plan has been developed and is complete.

- c. Ag E&S Plan developed by – Indicate whether the plan was developed by a consultant, the owner or operator, or a public agency (e.g., CCD or NRCS). Enter the name of the plan developer in the space provided, if available. The developer of the plan may be specified on the cover page.
- d. Does the owner/operator report that the Ag E&S Plan is being implemented? The inspector will ask the owner or operator whether the Ag E&S Plan is being implemented (if the plan is available), and record the answer on the inspection report. For initial inspections, inspectors will not generally perform an assessment of plan implementation.
- e. Ag E&S Plan Date – List the original plan development date or the date of the latest revision, which should be listed on the plan.

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- f. Acres covered by Ag E&S Plan – This information should be listed in the plan, if it exists, but if not then request this information from the owner or operator. In addition, check the appropriate box to indicate whether the acres covered by the Ag E&S Plan include the operation being inspected alone or includes other acres on satellite operations.

4. Inspection Report – Completing Water Quality Section.

- a. Initial inspections do not include inspection of waste management systems, production areas, barnyards and other animal housing areas, or best management practices (BMPs). However, as the inspector arrives at the operation, the inspector may observe water quality concerns, including but not limited to:
  - o Manure, silage leachate or agricultural process wastewater flowing toward or into waters of the Commonwealth;
  - o Manure stacking adjacent to surface waters;
  - o Animal heavy use areas adjacent to surface waters; and
  - o Less than required freeboard in manure storage facilities.

Such concerns will be documented in the Comments section of the inspection report. Check the appropriate box to indicate whether there are Observed Water Quality Issues or No Visible Water Quality Issues Observed. This information may be used to prioritize follow-up inspections by DEP.

- b. If a CCD inspector observes an active pollution incident during an initial inspection, the CCD inspector will, in order of priority:
  - o Call the DEP regional office point of contact or the DEP emergency response line if the owner or operator has not already notified DEP of the incident.
  - o Recommend to the owner or operator immediate solutions to stop the continued release of pollutants to the affected water body.
  - o Suggest to the owner or operator temporary and/or permanent corrective actions to clean up the area relevant to the pollution incident.
  - o Document the incident in the Comments section of the inspection report. Attach photographs of the incident to the inspection report.
  - o 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.

**NOTE** – CCDs may provide technical support and assistance to operations to resolve water quality concerns; CCDs will communicate its assistance efforts with DEP regional offices, which will allow DEP regional offices to evaluate the necessity of follow-up inspections.

- c. If a DEP inspector observes an active pollution incident during an initial inspection, the DEP inspector will take action in accordance with existing emergency response procedures.

5. Inspection Report – Completing Violations Section.

- a. The inspector will check the box for 25 Pa. Code § 91.36(b) if an MMP or NMP is not produced and the owner or operator does not claim that it has been completed. The inspector will also check the box for “Develop and submit MMP to inspector no later than \_\_\_ days from the date of this report” in the Recommended Corrective Action(s) field. The inspector will enter a number of days for report submission in accordance with paragraph V.C.10.b.ii.

The inspector will check the box for 25 Pa. Code § 102.4(a) if an Ag E&S Plan or conservation plan is not produced and the owner or operator does not claim that it has been completed. The inspector will also check the box for “Develop and submit Ag E&S Plan to inspector no later than \_\_\_ days from the date of this report” in the Recommended Corrective Action(s) field. The

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inspector will enter a number of days for report submission in accordance with paragraph V.C.10.b.ii.

If a pollution incident is observed by a DEP inspector, the DEP inspector will check the box for “Other” and enter an appropriate citation of the Pennsylvania Clean Streams Law or an applicable regulation, and enter the recommended corrective action in the appropriate field of the inspection report.

6. Inspection Report – Completing Interviewer and Interviewee Section.

- a. 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).
- b. 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 paragraph V.C.10, below). This section will be completed (except for “Date Report Provided to Operation”) even when an inspection is not conducted due to owner or operator unavailability or biosecurity issues.

**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.

7. Inspection Report – Comments Section.

Use the space 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.

8. Inspection Report – Completing Non-Cost Share BMP Section.

The inspector will ask the owner or operator whether the operation has implemented any BMPs without funding from a government agency. The purpose of this question is to document BMPs installed on the operation for possible follow-up verification and use for credit to the agricultural sector in the Chesapeake Bay Program Model. Check the appropriate box(es) for non-cost share BMPs reported by the owner or operator and provide additional information on these BMPs if available. Verification of BMPs reported by the owner or operator will not generally be done as part of initial inspections.

9. Photographs – In general, photographs will not be taken of the operation unless water quality concerns are observed. If photographs are taken, they will be attached to the inspection report to document site conditions.

10. Violations.

- a. If no violations are noted during the inspection, the inspector will provide a copy of the inspection report to the person interviewed. If providing a physical copy of the report is not possible upon concluding the inspection, the inspector will mail or email a copy of the report to the person interviewed within 10 business days following the inspection. Files that are emailed to operations will be in PDF format.
- b. If violations are noted during the inspection, the inspector will:

- i. Provide a copy of the inspection report to the person interviewed. If providing a physical copy of the report is not possible upon concluding the inspection, the inspector will mail or email a copy of the report to the person interviewed within 10 business days following the inspection. Files that are emailed to operations will be in PDF format.
- ii. Provide instruction on the recommended corrective action(s) prior to leaving the operation. For plans that are not available and the owner or operator does not claim that the plans have been completed, 90 calendar days will generally be provided for the owner 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 calendar 180 days.

## **VI. Procedures for Follow-Up Inspections.**

A. Follow-up inspections are required after an initial inspection of an agricultural operation when:

1. There are observed water quality concerns.

Only DEP inspectors will conduct this type of follow-up inspection. Such follow-up inspections should occur within 30 business days following a DEP or CCD initial inspection that observed water quality concerns, unless the DEP regional office determines that a follow-up inspection is not necessary.

**NOTE** – CCDs may provide technical support and assistance to operations to resolve water quality concerns; CCDs will communicate its assistance efforts with DEP regional offices, which will allow DEP regional offices to evaluate the necessity of follow-up inspections.

2. The owner or operator fails to submit a copy of the written MMP/NMP and/or Ag E&S plan for the agricultural operation by the deadline provided by the inspector.
  - a. Both CCD and DEP inspectors will conduct this type of follow-up inspection, and the agency that performed the initial inspection will conduct the follow-up inspection.
  - b. For this type of follow-up inspection, CCD inspectors will complete one or more of the following activities within 15 business days of the deadline provided for submission of plan(s) to inquire about the status of plan development: 1) revisit the operation; 2) call the owner or operator; and/or 3) transmit a letter or email to the owner or operator.
    - i. If the CCD inspector believes that plan(s) are under development but there are delays outside the control of the owner or operator, the CCD inspector may extend the deadline by up to an additional 90 calendar days. After this time, if the plan(s) are not submitted to the CCD inspector, the CCD inspector will make a referral to the DEP regional office and DEP BCW points of contact for follow-up compliance assurance.
    - ii. If the CCD inspector believes that reasonable efforts have not been made to develop the necessary plan(s), the CCD inspector will make a referral to the DEP regional office and DEP BCW points of contact for follow-up compliance assurance.
    - iii. Completion of an inspection report is optional for this type of follow-up inspection by CCDs; however, data management activities described in section VIII will be completed.
  - c. For this type of follow-up inspection (including those completed upon referral from CCDs), DEP inspectors will perform activities consistent with existing agricultural inspection procedures.

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- B. DEP regional offices may conduct follow-up inspections to verify implementation of MMPs/NMPs and Ag E&S plans and operation-specific BMPs. (This type of follow-up inspection is not considered a priority at this time, although DEP regional offices have discretion to conduct this type of follow-up inspection).

**VII. Procedures for Follow-Up Enforcement.**

A. Enforcement for Water Quality Violations.

DEP regional offices will pursue enforcement of water quality violations at agricultural operations in a manner consistent with existing policies and procedures.

B. Enforcement for Other Violations.

1. DEP BCW will issue Notices of Violation (NOVs), via Certified Mail, to all owners or operators referred by DEP regional offices and CCDs for the reasons identified in paragraphs V.B.3.b. (refusal to participate or permit access) and VI.A.2.b (failure to submit required plans). DEP BCW will issue NOVs within 30 business days of the receipt of the referral. A copy of each NOV will be transmitted to the DEP regional office point of contact and CCD manager. DEP regional offices may elect to perform this function at its discretion.
2. Additional follow-up will be handled by DEP regional offices in accordance with existing policies and procedures.

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

**VIII. Data and Record Management.**

A. Operations with Required Plans.

1. If the DEP regional office or CCD has previously documented the existence of both MMPs/NMPs and Ag E&S Plans (or conservation plans) at an agricultural operations, an initial inspection will not be conducted; DEP may, however, elect to conduct follow-up inspection(s).
2. By July 1, 2017, DEP regional offices and CCDs will submit lists to DEP BCW, if applicable, of agricultural operations that will not receive an initial inspection because of documented compliance with written plan requirements. DEP BCW will assign Farm ID Numbers to these operations.

B. Inspection Reports.

1. Inspectors will transmit copies of inspection reports to owners and operators within 10 business days of the inspection, unless an inspection was not completed due to owner or operator refusal or unavailability or biosecurity issues.
2. Inspectors (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 a secure network that can be accessed on demand and upon request from any of the organizations identified in section I.
3. A physical copy of all inspection reports, including attachments such as photographs, as applicable, will be retained by DEP regional offices and CCDs at their respective offices.
4. The inspector (or administrative staff) will input the data elements of the inspection report into the Excel spreadsheet named *Bay Agricultural Inspection Log* within 10 business days of a complete initial inspection.



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In addition to the data elements of the inspection report, the *Bay Agricultural Inspection Log* will be used to record the receipt of required plans, where violations were noted during initial inspections. For example, if an operation did not have an Ag E&S plan and 90 calendar days was provided to submit the Plan, the inspector will record the data elements of the initial inspection within 10 business days of the inspection, and update that inspection record in the spreadsheet once the plan is received.

**NOTE** – The spreadsheet is a temporary solution for data management until such time that a web-based application is available for the entry of inspection data elements.

C. CCD Quarterly Reports.

1. CCDs will transmit their *Bay Agricultural Inspection Log* file via email to all points of contact for DEP (regional offices and BCW) on a quarterly basis to demonstrate progress in achieving objectives. Each CCD will conduct a minimum of 20% of the required inspections each quarter unless the entire quota of inspections has been completed for the year (e.g., for one position, no less than 10 inspections will be conducted per quarter).
2. A report is due 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.

**NOTE** – This reporting requirement will be unnecessary when a centralized data management solution is in place.

D. DEP Regional Office Annual Reports.

By July 31 of each year (or the first business day thereafter), DEP regional offices will submit to DEP BCW points of contact an annual report consisting of one *Bay Agricultural Inspection Log* file that incorporates all CCD inspections and DEP regional office inspections. DEP BCW will compile the information into one file for the Chesapeake Bay watershed.

**NOTE** – This reporting requirement will be unnecessary when a centralized data management solution is in place.

Figure 2: CCD Decision Flow Chart for Initial Inspections

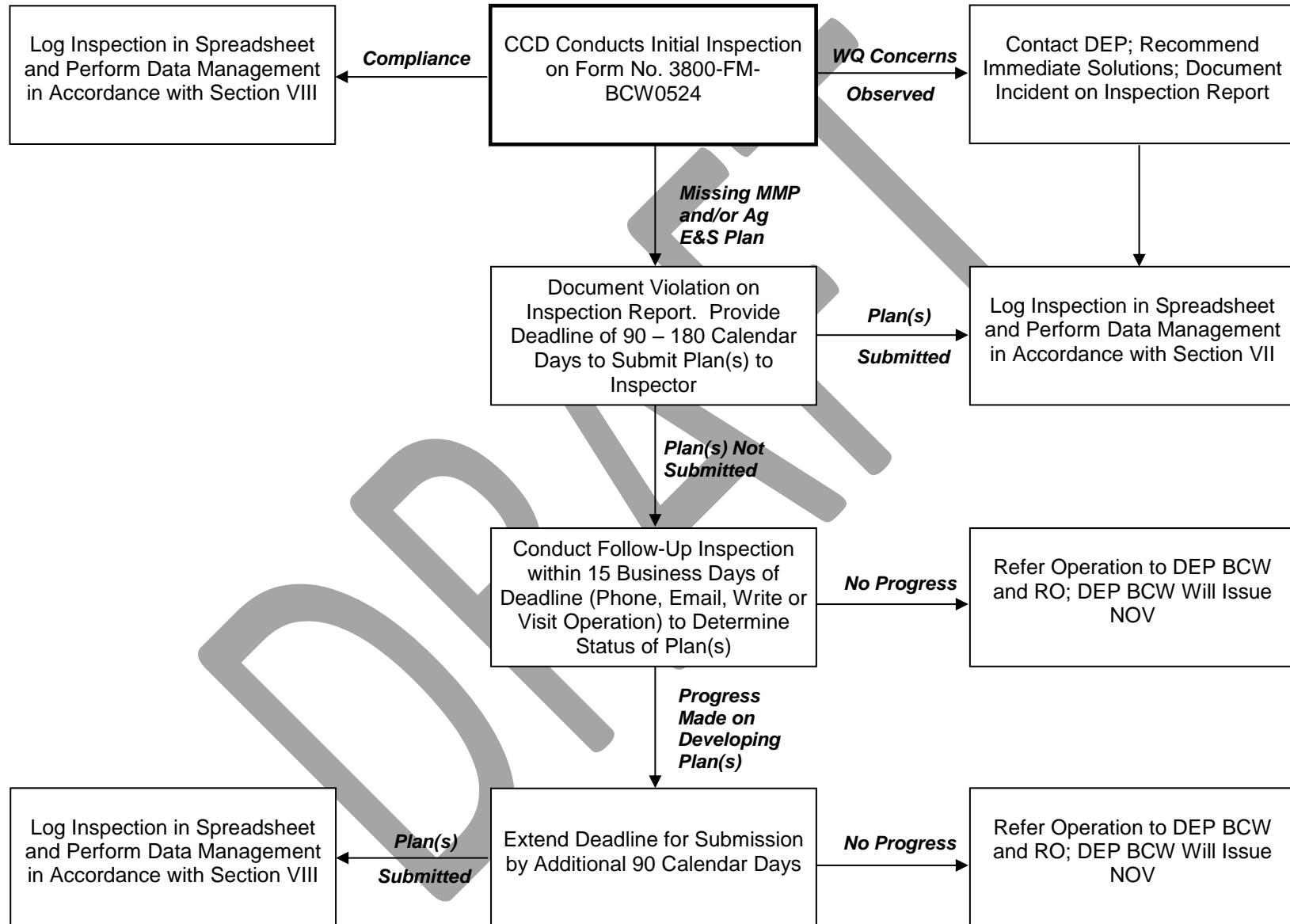
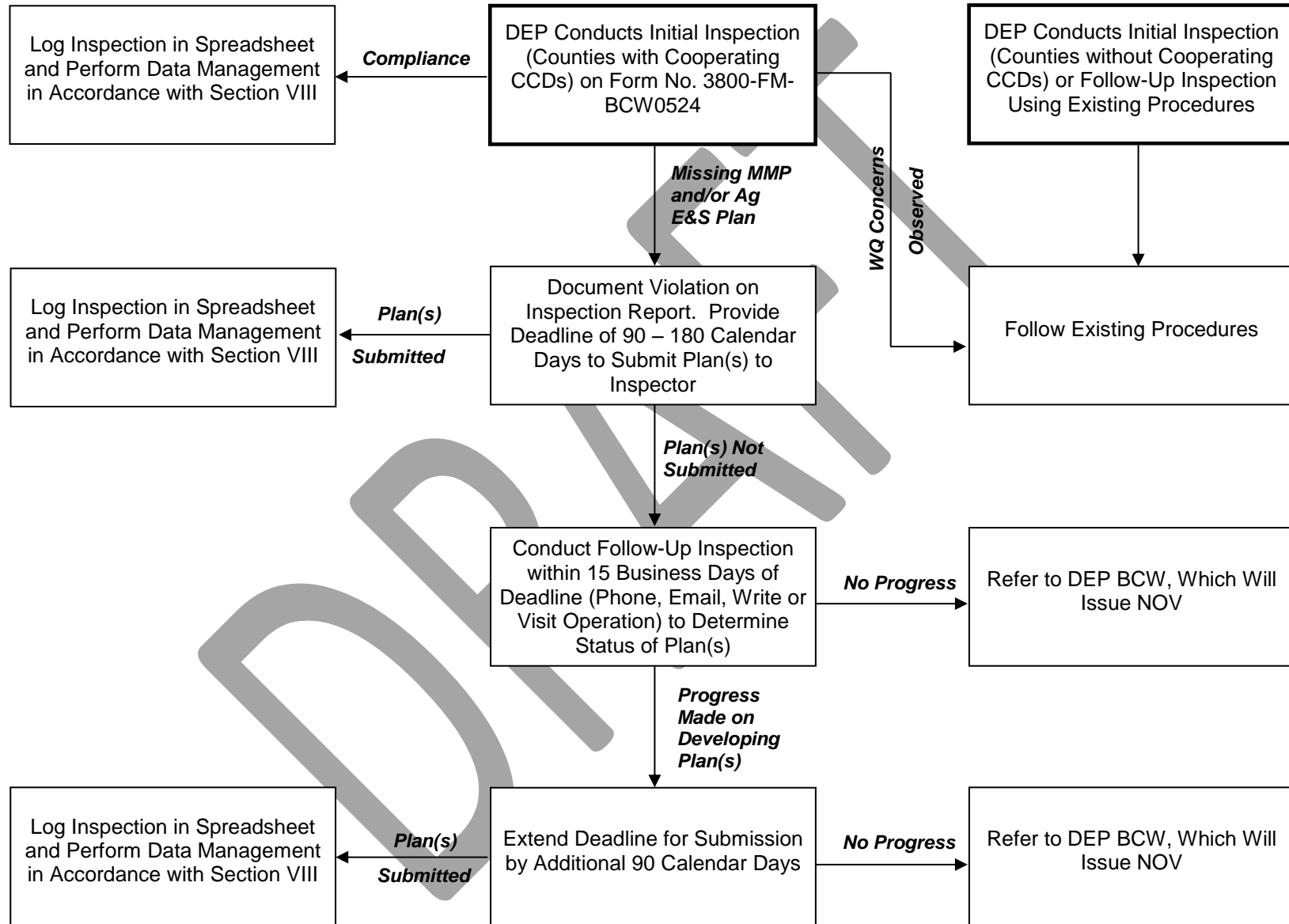


Figure 3: DEP Decision Flow Chart for Inspections



**Attachment A**  
**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				

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**Attachment B**  
**DEP Routine Biosecurity Protocol**

This protocol is established, for the purpose of this SOP, for situations where an agricultural operation does not have a site-specific biosecurity protocol, is not designated as an Agricultural Biosecurity Area, and an Animal Disease Outbreak Situation is not occurring.

1. If possible, contact the operation owner or manager before arriving on site to determine what biosecurity protocol is used at that operation and follow that protocol if it meets or exceeds DEP's. Unannounced inspections are permitted, especially if the inspector knows the biosecurity protocol at the operation, but the inspector should make every effort to contact the operator or person in charge upon arrival.
2. Park in a clean area away from the livestock and poultry, livestock and poultry handling areas, and feed storage and do not drive through manure, run-off, or animal concentration areas. If vehicle travel around the operation is necessary, try to use on-facility vehicles.
3. Wash and sanitize your hands.
4. Put on clean, waterproof, disposable boot covers or rubber boots that can be disinfected. Some facilities may not require this, but it is recommended that the boots or boot covers be worn. Plastic boot covers should only be used for short visits.
5. Clean clothing, coveralls, or disposable coveralls should be worn.
6. Unless absolutely necessary, do not enter the animal housing or feeding areas. If inspecting livestock or poultry areas, start with young stock and move to older animals. Avoid walking through manure or feed. Avoid sick animals.
7. If taking samples, wear disposable gloves and bag after using. Disinfect equipment before and after use. Wash and sanitize your hands.
8. Once back at the vehicle, remove and bag boot covers or clean and disinfect rubber boots with a commercial phenol or peroxygen based disinfectant. Properly dispose of disposable coveralls if used. If reusable coveralls were used, remove and separately bag them. Wash coveralls before using them again.
9. Wash and sanitize your hands.
10. If inspecting livestock or poultry facilities, do not visit more than one operation with the same animal type per day (unless the inspection occurs in a producer identified "clean area" and will not include production areas, manure storage facilities and related site features). If visiting more than one operation, tell the operator that you've been to another farm before you arrive at the operation (via phone if possible) and before you begin the inspection. Farm visits are not limited to one operation a day if the facility does not have livestock or poultry.
11. Dispose of boot covers, paper towels, etc. at the facility if possible, or at the end of the day at your office's refuse disposal.

**Other Guidelines and Considerations**

Staff taking employees or interns, who are not familiar with this biosecurity policy, to a livestock or poultry operation will advise them of all appropriate biosecurity measures needed for the visit and ensure that the protocols are followed.

On a case by case basis, operations with multiple facilities under the same management with the same livestock or poultry type may be visited on the same day with the owner/operator's permission.

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Rubber boots should be cleaned of all debris, especially manure, before disinfecting. Boots with minimal tread are easier to clean.

If the vehicle comes in contact with manure, run-off, other possible animal contaminated fluids, take it to a car wash before visiting another livestock operation.

**Guidelines for Animal Disease Outbreak Situations**

The following is meant to give a sense of heightened biosecurity procedures that may be required in an Outbreak Situation. In these situations, the Pennsylvania Department of Agriculture will develop specific guidance for industry participants and visitors.

**Traffic Flow**

- Vehicles may be required to be parked off-premises.
- Vehicles that enter premises may be required to be cleaned and disinfected before exiting premises.
- Vehicles may be required to be washed after leaving premises.
- Visiting multiple operations the same day may be prohibited (this may apply to both people and vehicles).

**Disinfection**

- Use of specific disinfectants and procedures may be required depending on the nature of the disease outbreak. Certain disease pathogens are time-sensitive and disinfection protocols may include the passage of time.

**Protective Clothing**

- Non-porous disposable coveralls, gloves, hair caps, face shields, respirators, etc. could all be required depending on the nature of the disease outbreak.

**Equipment**

- Equipment may be quarantined and confined to the operation where it was used for a period of time depending on the nature of the disease outbreak.

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