

August 22, 2016

To: Members of Pennsylvania's Agricultural Community in the  
Chesapeake Bay Watershed

In 2010, the U.S. Environmental Protection Agency (EPA) published a Total Maximum Daily Load (TMDL) for the Chesapeake Bay (Bay) watershed. The TMDL established allocations on the amount of nutrients (nitrogen and phosphorus) and sediment that can be delivered from Pennsylvania to the Bay. In Pennsylvania, it is the responsibility of the Department of Environmental Protection (DEP) to ensure these allocations are achieved by 2025. Multiple sectors in Pennsylvania are affected, including but not limited to wastewater treatment facilities, which have generally met their obligations already, urban stormwater, and agriculture.

EPA has determined that Pennsylvania is not making sufficient progress toward achieving the allocations for the urban stormwater and agricultural sectors. For agriculture, DEP's response to EPA's finding is to increase the number of farm inspections across the Bay watershed. This will, we believe, increase Pennsylvania's "credit" for practices conducted by farmers that are currently underreported. DEP plans to use its own staff as well as staff from County Conservation Districts to accomplish this objective.

Specifically, DEP and County Conservation Districts intend to visit farms to ensure compliance with basic requirements to have and implement written plans to:

- Properly handle, store and land apply animal manure and agricultural process wastewater on the farm consistent with the nutrient needs of growing crops (i.e., a "manure management plan" (MMP)); and
- Properly manage risks of erosion and runoff from agricultural plowing or tilling operations and animal heavy use areas (i.e., an "agricultural erosion and sediment control plan" (Ag E&S Plan)).

In addition to the "credit" received by Pennsylvania and its agricultural community for acres covered by these plans, they are important for improving and maintaining local water quality because they guide an operator in selecting best management practices (BMPs) and implementing them effectively to reduce runoff of nutrients and sediment. The requirements to develop these plans and have them at your operation have been in place for over 30 years.

By this letter DEP is providing notice to you that staff from DEP or the County Conservation District will attempt to contact you to schedule an appointment to discuss the status of your plans and, if available, ensure they are complete. If we are unable to contact you in advance, we may stop in to visit you. We will adhere to all appropriate biosecurity practices for this visit. Given the large number of agricultural operations in the Chesapeake Bay watershed, it may take some time to reach out to you or visit your operation.

DEP has also been in contact with EPA, which may assist with conducting inspections as well to help ensure regulatory requirements are met. During these inspections, if EPA identifies farms that do not have the required plans, EPA will refer the farms to DEP for an appropriate compliance assistance response.

Please be advised that information collected by DEP or its partners may become subject to inspection or acquisition by any other person under Pennsylvania's Right-To-Know Law.

Your efforts to develop written plans to control erosion and manage manure on your farm help improve local water quality, protect local water uses such as drinking water and recreation, ensure your farm is meeting its legal requirements, and help demonstrate to EPA that Pennsylvania is doing its part to clean up the Bay. Also, please remember that while having written plans is an important first step in complying with state law, the implementation of those plans is also necessary to address our common responsibility as stewards of Pennsylvania's natural resources, and ultimately provide additional "credit" for Pennsylvania and its farmers.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. McDonnell". The signature is fluid and cursive, with a large initial "L" and "M".

Lee A. McDonnell, P.E.  
Director