

Standard Operating Procedure (SOP)¹
Chesapeake Bay Agricultural Inspection Program
SOP No. CBO-INSP-001
May 2021
Version 1.4

This SOP describes the procedures by which the Department of Environmental Protection (DEP) and participating County Conservation Districts (CCDs) will conduct Initial and Follow-Up Inspections of agricultural operations within the Chesapeake Bay watershed to ensure compliance with agricultural planning requirements found in the Pennsylvania Clean Streams Law and regulations promulgated thereunder. This SOP was specifically developed to implement [Pennsylvania's 2016 Chesapeake Bay Strategy](#) and is consistent with 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) and written Manure Management Plans (MMPs) under 25 Pa. Code § 91.36(b)(1)(i), as well as to discuss implementation of these plans with the agricultural operations' owner(s) and/or operator(s). 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 will be developed.
- Annual Nutrient Management Plan (NMP) Status Reviews for Concentrated Animal Operations (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 B. The counties in Attachment B 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 B no longer receives funding from DEP, then implementation of this SOP in those counties will be the responsibility of DEP.

¹ 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.

Table of Contents

I. Roles and Responsibilities.	2
A. DEP Central Office - Chesapeake Bay Office (CBO).	2
B. DEP Regional Offices	2
C. CCDs	2
II. Inspection Types.	3
A. Initial Inspections	3
B. Follow-Up Inspections	3
C. Complaint Response Inspections	4
III. Annual Planning for Inspections.	4
A. CCDs	4
B. DEP Regional Offices	5
IV. Pre-Inspection Procedures.	5
A. Pre-Inspection Notices	5
B. Pre-Inspection Activities	6
V. Inspection Procedures	7
A. Arrival On-Site	7
B. Inspection Activities When No One is Present/Available to Participate in the Inspection	8
C. Inspection Activities When the Owner/Operator Refuses to Participate in the Inspection	8
D. Inspection Activities and Documentation During an Inspection	9
1. Inspection Report – Completing Header and General Information	9
2. Inspection Report – Completing MMP Section	11
3. Inspection Report – Completing Ag E&S Plan Section	14
4. Inspection Report – Completing Water Quality Section	15
5. Inspection Report – Completing Violations Section	16
6. Inspection Report – Comments Sections	16
7. Inspection Report – NRCS Authorization Form Checkbox	16
8. Inspection Report – Completing Interviewer and Interviewee Section	17
9. Agricultural Operation Supplemental Information Form – Completing the Non-Cost Share BMP Section	17
NOTE: One Agricultural Operation Supplemental Information form may be used for multiple operations under the same owner/operator, i.e., multiple inspections	17
10. Agricultural Operation Supplemental Information Form – Completing the AEU Calculation	18
11. Photographs	18

VI. Post-Inspection Procedures	19
A. Ag E&S Plan and/or MMP is Received by Deadline.	19
VII. Enforcement Procedures	21
A. Enforcement for Water Quality Violations.....	21
B. Enforcement for Other Violations	21
VIII. Data and Record Management.....	22
A. Inspection Reports.....	22
B. CCD Quarterly Reports.....	22
C. DEP Regional Office Annual Reports.....	22

Figures

Figure 1: Planning and Selection of Agricultural Operations for Inspection	24
Figure 2: Inspection Activity Credit.....	25
Figure 3: CCD Decision Flow Chart for Initial Inspections	26
Figure 4: DEP Decision Flow Chart for Inspections	27

Attachments

- Attachment A – Definitions of Terms in SOP
- Attachment B – Chesapeake Bay County Codes
- Attachment C – DEP Routine Biosecurity Protocol
- Attachment D – Template Letters
- Attachment E – 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. DEP Central Office - Chesapeake Bay 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 webinar training as necessary and/or 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. Monitor SOP implementation progress.
5. Receive and provide feedback on annual inspection strategies and inspection lists or maps.
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, DEP CBO will 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.

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. At least 100 inspections will be completed per filled inspector position per fiscal year.
4. Assemble and submit Initial Inspection activity reports to DEP CBO quarterly.

C. 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. 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).

SOP – Chesapeake Bay Agricultural Inspection Program

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 CBO and regional offices using the inspection module of PracticeKeeper.

II. Inspection Types.

The following summarizes the inspection types that will be used to implement this SOP. **Figure 2** 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.

A. Initial Inspections.

Initial Inspections include those on-site field inspections with the owner and/or operator 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. 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 operation as defined in Attachment A.

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 sections IV.A.1.b. and IV.B.1.b.).

CCDs will complete the Initial Inspection Report for all Initial Inspections performed by the CCD. In addition, DEP regional offices will complete the Initial 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. Follow-Up Inspections.

Follow-Up Inspections (see section VI) 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 sections VI.A. and VI.B. 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.

SOP – Chesapeake Bay Agricultural Inspection Program

C. Complaint Response Inspections.

CCDs and DEP regional offices may count inspections conducted in response to a complaint toward the minimum number of annual inspections under this SOP if: a) the agricultural operation has not yet received an Initial Inspection, b) the operation does not receive Annual NMP Status Reviews, and c) the Initial Inspection Report for Agricultural Operations (3800-FM-BCW0524) is completed.

III. Annual Planning for Inspections.

Prior to the start of each state fiscal year, for planning purposes DEP regional offices and participating CCDs will develop annual inspection strategies. These strategies will be accompanied by preliminary lists of agricultural operations that are planned for inspection during the following fiscal year. A map showing the locations of operations that are intended for inspection may also be developed and submitted with the strategies. CCD strategies will identify 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 participating CCDs meet prior to May 1st each year to plan annual inspection strategies. **Figure 1** presents a flow diagram of the planning process and the operation selection criteria for CCDs and DEP.

NOTE: Preliminary lists are for planning purposes; substitutions may be made throughout the fiscal year. In addition, a complaint response may count toward an inspection if: a) the agricultural operation has not yet received an Initial Inspection, b) the operation does not receive Annual NMP Status Reviews, and c) the Initial Inspection Report for Agricultural Operations (3800-FM-BCW0524) is completed.

A. CCDs.

1. By May 1st of each year, managers of participating CCDs will develop and submit their annual inspection strategies to DEP regional offices. The inspection strategies may include a preliminary list of operations to inspect, impaired watersheds, geographic boundaries, or other strategies. All submissions will be in electronic format.
2. The DEP spreadsheet template named *Preliminary List of Inspections* (or an alternative format that provides equivalent information) may be used as a planning tool for determining which operations may 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) owner's name; 4) operator's name, if different; 5) operation's mailing address; 6) operation's location address; 7) operation's latitude and longitude (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) operation's contact phone number; 11) name(s) of nearest surface water(s) to the operation; and 12) the type of inspection that is planned (Initial Inspection or Follow-Up Inspection, where Initial Inspection is always selected by CCDs).
 - a. 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.
 - b. 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 preliminary list will include:

SOP – Chesapeake Bay Agricultural Inspection Program

- a. For each full-time DEP-funded Bay Technician position, at least 50 unique agricultural operations that are intended for Initial Inspections in the forthcoming fiscal year.
- b. For partially funded positions, a minimum number of unique agricultural operations that are intended for Initial Inspections in the forthcoming fiscal year. This is calculated by multiplying the number of partial positions by 50. For example, 1.75 positions x 50 inspections = 88 inspections and 0.5 position x 50 inspections = 25 inspections.

B. DEP Regional Offices.

1. Strategies for each participating CCD within the region will be evaluated and reviewed to ensure the minimum number of total inspections have been selected, and comments will be provided to CCDs, as necessary, to strengthen the submitted strategies.
2. Annual inspection strategies will be developed for each region with a preliminary list of agricultural operations to inspect, in accordance with section III.A.2., above. The preliminary list will include:
 - a. A minimum of 100 agricultural operations for each filled inspector position that are intended for Initial Inspections and Follow-Up Inspections in the forthcoming fiscal year.
3. By June 1st of each year, DEP regional offices will:
 - a. Develop their inspection strategies and preliminary lists of agricultural operations to inspect and submit to DEP CBO.
 - b. Submit the strategies of all participating CCDs within their territories to DEP CBO.
 - c. Provide DEP strategies and preliminary lists to any CCDs where inspections are planned. Updates will be provided to the CCDs if there are any changes in the plan.
4. If a DEP regional office or participating 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, as applicable, 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 CBO.

C. DEP CBO.

1. The strategies and preliminary lists will be reviewed, and comments will be provided when necessary to DEP regional offices. DEP CBO may request that priority areas are inspected by the CCDs or DEP regional offices.

IV. Pre-Inspection Procedures.

A. Pre-Inspection Notices.

1. DEP CBO will issue a pre-inspection letter to each agricultural operation selected for an inspection by a CCD upon request; the CCD will provide names and addresses to CBO. CCDs and regional offices are encouraged to send pre-inspection letters to operations scheduled for an inspection. The CCD may use a sample template, provided by DEP in Attachment D. 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 operation to contact the appropriate CCD by phone to request assistance for plan development or to schedule an appointment with the CCD to review existing plans.

Additionally, the following procedures apply for Initial Inspections:

SOP – Chesapeake Bay Agricultural Inspection Program

- a. If the owner and/or operator contacts the CCD to make an appointment (at the CCD office or at the operation) to review the plan(s), the appointment will be considered an Initial Inspection if: a) the Initial Inspection Report is completed and b) the results of the inspection are recorded in accordance with section VIII.A.3.
- b. 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 specific time period consistent with section V.D.12.b.ii., and take follow-up measures as necessary in accordance with section VI.B. if plan(s) are not submitted by the deadline. The receipt of plans in this manner will be considered an Initial Inspection if: 1) the Initial Inspection Report is completed and 2) the results of the inspection are recorded in accordance with section VIII.A.3.
- c. An agricultural operation that does not contact the CCD to make an appointment to review its plans or request assistance in developing the plan(s) will remain 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. Some of these operations may be on the DEP regional office's preliminary list to inspect. CCDs will need to coordinate closely with the DEP regional office to ensure that DEP does not schedule an unnecessary inspection of an agricultural 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 a plan.

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 will attempt to contact the owner/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 Letter 1a: Notice to Inspect). The agricultural operation should be given ten (10) business days from the date a voice message was left or a letter was sent for the operator 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 inspection.
 - 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, or 3) the agricultural operation has a history of non-compliance with DEP and/or a CCD.
 - b. 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/operator will commit to develop and submit the plan(s) within a period of time consistent with section V.D.12.b.ii. If the owner/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 Initial Inspection Report is completed and 2) the results of the inspection are recorded in accordance with section VIII.A.3.
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 should be consulted, and DEP or CCD files should be reviewed. Aerial maps may assist the inspector in determining Ag E&S Plan consistency with the current agricultural operation.

NOTE: Accessing documents that have been developed for an agricultural operation by the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS) may be allowed only if the

SOP – Chesapeake Bay Agricultural Inspection Program

operation provides written consent to allow such access. In order for DEP and CCDs to access a plan developed in whole or in part by NRCS, the owner and/or operator must submit an NRCS-developed “Voluntary Authorization for Release of Information” form to the inspector. The inspector will provide this form to NRCS in order access the plan(s) from NRCS.

3. The inspector will prepare all necessary supplies for the inspection.
 - a. The CCD inspector’s list of supplies includes protective clothing, sanitation supplies, Inspection Report forms, camera, a charged mobile phone (if available), NRCS Voluntary Authorization for Release of Information forms, and lists of appropriate DEP and CCD contacts.
 - b. The DEP inspector’s list includes those in section 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. When the inspection consists only of an interview with the owner and/or operator in a producer-designated “clean area”, the limitation in this section 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 agricultural 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 of the checklist for each agricultural operation is not necessary.
 - c. At a minimum, the biosecurity protocol provided in Attachment C will be implemented.

V. Inspection Procedures.

A. 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/operator. Upon meeting the owner/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 incident or the threat of a pollution incident at the agricultural operation is known in advance, the inspector may report directly to the location of the current or potential incident.

SOP – Chesapeake Bay Agricultural Inspection Program

B. Inspection Activities When No One is Present/Available to Participate in the Inspection.

1. If no one is present or available on-site or the individual(s) met by the inspector cannot assist, the inspector should ask for a telephone number in order to reschedule the inspection and/or leave a letter or note describing the reason for their visit, as applicable. Sample Letter 1b (Inspection Follow-up – No-one present) in Attachment D may be used for this purpose, or the CCD may use its own letter for this purpose. The letter should direct the owner and/or operator to contact the inspector within ten (10) business days (the inspector will insert the date at the time of the site visit). The inspector will complete as much of the Inspection Report as possible. The unavailability will be documented in accordance with section VIII.A.3., but this will not be counted as an inspection. Once the inspection is rescheduled and conducted, it will count as an inspection.
 - 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 schedule the inspection, the inspector will follow-up with the operation by mailing a copy of the Inspection Report to the owner and/or operator with a cover letter. The cover letter should state that the owner/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 Section V.D.1.j.). Once the Inspection Report has been mailed to the agricultural operation, it will count as an inspection.
 - b. If the owner and/or operator 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/operator within seven (7) business days and state that failure to respond by this date will result in the agricultural operation being referred to DEP CBO for further action. Template letter 1g (Inspection Follow-up – Non-compliance Final Notice) in Attachment D may be used for this purpose.
 - c. If the owner and/or operator does not respond to the “Final Notice” letter by the requested response date, this will be considered a refusal by the owner/operator to participate in the inspection. Within ten (10) business days, the inspector should submit an Agricultural Operation Referral Form (3860-FM-BCW0526) and attachments (including a chronology of actions taken, a copy of letters provided to the owner/operator, and a copy of the Inspection Report) by email to the DEP regional office (if inspected by a CCD) and DEP CBO main points of contact. The CBO email address for referrals is: RA-EPAGINSPECTION@pa.gov. (See Attachment E for more information on the Agricultural Operation Referral Form). DEP will start the compliance and enforcement process for this agricultural operation (See Section VII).

C. Inspection Activities When the Owner/Operator Refuses to Participate in the Inspection.

1. If the owner and/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 immediately, document the refusal on the Inspection Report off-site, and notify the inspector’s supervisor. If the refusal is fully documented on an Inspection Report in accordance with section V.D.1.j, below (i.e., header and general information completed, and document the refusal in the Comments Section below along with any additional information that could be determined by the inspector at the time of the site visit), and is properly recorded in accordance with VIII.A.3., this may be counted as an inspection.
2. 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/operator that the agricultural operation is being referred to DEP CBO for further action.

SOP – Chesapeake Bay Agricultural Inspection Program

- b. Submit an Agricultural Operation Referral Form (3860-FM-BCW0526) and attachments, including the Inspection Report, by email to both the DEP regional office (if inspected by a CCD) and DEP CBO. The CBO email address for referrals is: RA-EPAGINSPECTION@pa.gov. DEP CBO will start the compliance and enforcement process for this operation (See Section VII).

D. Inspection Activities and Documentation During an Inspection.

CCDs and DEP regional offices should use the Inspection Report (3800-FM-BCW0524) to document each inspection. 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 AEU, if applicable. When this form is completed, the BMPs and AEU listed on the form should be entered into PracticeKeeper.

1. 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.

- a. Inspection Type (required) – Check the appropriate box to indicate if the inspection is an Initial Inspection, a Follow-Up Inspection, or a Phase 2 Inspection.
- b. 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.
- c. Farm ID (required) – The ID as noted in section III.A.2.b., above.
- d. Inspection Date (required).
- e. Entry Time (required).
- f. Agency (required) – The agency (DEP or CCD) that is conducting the inspection.
- g. Municipality and County (required).
- h. 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).
- i. 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).
- j. Location Address (street address or name of nearest street for crop fields without street numbers) and City, State, and Zip (required).
- k. Inspection Status – Check the appropriate box(es) to indicate whether the inspection was scheduled with the owner or operator in advance or the inspection was not scheduled, the owner 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/operator was not available, the Inspection Report should be mailed to them as discussed in Section V.B.1.a.; enter the date

SOP – Chesapeake Bay Agricultural Inspection Program

the Inspection Report is mailed. If an owner/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.

- l. Interviewee and Name (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). Record the name of the owner/operator/other individual in the Name column. If the inspector did not meet with the owner and/or operator, the inspector should also ask for the name of the owner and/or operator and record it in the Name column.
- m. 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:

- The operation consists of two parcels, one owned and the other one rented and operated by the farmer being inspected, across the street from each other. These two parcels are considered contiguous and would be counted as one inspection.
 - 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.
 - The operation consists of two parcels, one owned and the other one rented and operated by the farmer being inspected, diagonally across the street from each other. These two parcels are considered contiguous and would be counted as one inspection.
 - 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).
 - 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).
 - 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.
- n. Farm Type (required only if an inspection is completed) – Check the appropriate box(es) to indicate whether the operation under inspection is considered to be the Home Farm, a Satellite Farm, or Rented Fields (in use by the operation being inspected), and whether the operation is Crops Only or includes Animals (are) Housed On-Site. Multiple boxes will generally be checked. For example, the boxes for Satellite Farm, Rented Fields, and Crops Only may all be checked for situations where an owner has 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.

SOP – Chesapeake Bay Agricultural Inspection Program

- o. Animal Types (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. When PracticeKeeper is in use, the electronic inspection form 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.
- p. 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 a NMP is available. If a 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.

- i. 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: <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.
 - ii. [Agronomy Facts 54](#) should be used by any inspector planning to estimate AEUs. 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 Bureau of Clean Water website: <http://www.dep.pa.gov/Business/Water/CleanWater/AgriculturalOperations/Pages/Agricultural-Compliance.aspx>. 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 AEUs can be estimated.
2. Inspection Report – Completing MMP Section.

The following data elements are required if an Initial Inspection is completed, to the extent the owner and/or operator provides the information, regardless of the availability of an MMP.

- a. Is Manure Generated or Applied On-Site – This includes process wastewater, like milkhouse waste. Check the appropriate box. On-site in this context means the agricultural operation being inspected as defined in Attachment A.
- 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.
 - i. If the owner/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 ten (10) business days so that the Inspection

SOP – Chesapeake Bay Agricultural Inspection Program

Report can be completed. If the owner/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/operator complete an NRCS Voluntary Authorization for Release of Information form. The Inspection Report may be completed at the office following NRCS' release of the plan for the inspector's review.

- ii. The inspector will briefly review the plan with the owner/operator to ensure the plan is administratively complete. An MMP is considered administratively complete if it includes or identifies the following:
 - 1) 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 farm.
 - 2) Maps illustrating farm 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 farm; and existing and planned BMPs.
 - 3) Acceptable manure and wastewater application rates considering the planned crops on the farm, fertilizer rates, and crop groups and yields.
 - 4) A description of the methods used to manage the manure prior to land application (storage and/or stacking, if applicable).
 - 5) All manure groups on the operation (including imported manure).
 - 6) A description of pasture management practices (if applicable).
 - 7) 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.
 - 8) 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.

- c. MMP Developed By – Indicate whether the MMP was developed by a certified planner, the owner/operator, or a public agency (e.g., CCD or NRCS). If the owner/operator developed the MMP, check the appropriate box to 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.

SOP – Chesapeake Bay Agricultural Inspection Program

- d. 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 operation that is not contiguous to the inspected portion but is included in the MMP, the acreage of the satellite operation should not be included).
- e. Inspected Cropland Acres Covered by MMP – Identify the cropland/row crop acres that are covered by the Manure Management Plan. 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.
- f. Total Acreage Covered by MMP – The total acreage covered by the MMP, if it covers more than the inspected acreage. In addition, check the appropriate box to indicate whether the Acres Available for Manure includes acres farmed on the Home Farm, Satellite Farm(s), and/or Rented Fields.
- g. Import/Export Status – Check the appropriate box(es) to 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.
- h. Liquid Manure Storage Facilities – The inspector will ask the owner/operator if there are any liquid manure storage facilities on-site. If yes, the inspector will ask the owner/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/operator), and record this information on the Inspection Report. Note that PracticeKeeper reports the capacity in thousand gallons.
- i. Manure Stacking, Outdoor Feed Storage, Process Wastewater (e.g., egg washwater, milkhouse wastewater, etc.), and AHUAs/ACAs – The inspector will ask the owner/operator if any of these activities are done, wastewaters are produced, or features are present on the operation and check the appropriate box(es) on the Inspection Report. If there is process wastewater, please enter the type in the space provided.
- j. 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/operator.
- k. 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.
- l. Are All Resource Concerns Addressed by Appropriate BMPs – The inspector should determine if all resource concerns found on the operation are addressed appropriately.
- m. 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.
- n. Manure Application Setbacks and Manure Application Records – The inspector will interview the owner/operator to determine the following and check the corresponding box if the response is “Yes”:
 - i. Manure application setbacks are being followed.

SOP – Chesapeake Bay Agricultural Inspection Program

- ii. Manure application records are being kept.
3. Inspection Report – Completing Ag E&S Plan Section.
- a. Plowing/Tilling Activities or AHUA(s) of at Least 5,000 square feet (SF) On-Site – Check the appropriate box to indicate the owner 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.
 - b. 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 (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 if the plan is administratively complete.
 - i. If the owner/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 ten (10) business days so that the Inspection Report can be completed. If the owner/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 or operator complete an NRCS developed Voluntary Authorization for Release of Information form. The Inspection Report may be completed at the office following NRCS’ release of the plan for the inspector’s review.

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

- ii. The inspector will briefly review the Ag E&S Plan with the owner/operator to ensure the plan is administratively complete. An Ag E&S Plan is considered administratively complete if it includes or identifies the following:
 - 1) 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.
 - 2) Calculations to demonstrate that erosion will be limited to the soil loss tolerance (T) over the planned crop rotation on those fields.
 - 3) For tilling on fields with less than 25% cover and within 100 feet of surface waters, additional BMPs to minimize accelerated erosion (if applicable).
 - 4) ACAs/AHUAs and BMPs to reduce accelerated erosion (if applicable).
 - 5) Existing and proposed BMP descriptions, including ACA/AHUA practices and procedures, tillage systems, schedules, and crop rotations.
 - 6) Provisions for operation and maintenance of BMPs.
 - 7) Implementation schedule (if not fully implemented at the time of inspection).
 - 8) 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

SOP – Chesapeake Bay Agricultural Inspection Program

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.

- c. Ag E&S Plan Developed By – Indicate whether the plan was developed by a consultant, the owner/operator, or a public agency (e.g., CCD or NRCS). If the owner/operator developed the plan, check the appropriate box to 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.
 - d. 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 operation, ask the owner/operator for the approximate number of acres that are disturbed by plowing, tilling, and/or ACAs/AHUAs.
 - e. 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, check the appropriate box to indicate whether the total acres covered by the Ag E&S Plan include the Home Farm, Satellite Farm(s), or Rented Fields.
 - f. 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/operator.
 - g. 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.
 - h. 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
4. 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 Best Management Practices (BMPs). While on-site, the inspector may observe pollution incidents or other water quality concerns. The inspector will check the appropriate box to indicate whether a Pollution Event (e.g., manure, silage leachate, or agricultural process wastewater is flowing into waters of the Commonwealth) was observed, Water Quality Issues were observed, there was no opportunity available to assess water quality concerns (“Not Determined”), or there were No Issues.

- a. If a CCD inspector observes a pollution event during an Initial Inspection, the CCD inspector will, in order of priority:
 - i. Call the DEP regional office point of contact or the DEP emergency response line if the owner/operator has not already notified DEP of the incident.
 - ii. Recommend to the owner/operator immediate solutions to stop the continued release of pollutants to the affected water body.
 - iii. Suggest to the owner/operator temporary and/or permanent corrective actions to clean up the area relevant to the pollution incident.

SOP – Chesapeake Bay Agricultural Inspection Program

- iv. Document the event in the Comments section of the Inspection Report (Water Quality section). Attach photographs of the incident to the Inspection Report.
 - v. 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.
- b. If a DEP inspector observes a pollution event during an Initial Inspection, the DEP inspector will act in accordance with existing emergency response procedures, including Follow-Up Inspection(s).
 - c. Water quality issues generally involve the potential for pollution and may include, but are not limited to:
 - i. Manure stacking adjacent to surface waters.
 - ii. Animal heavy use areas adjacent to surface waters.
 - iii. Less than required freeboard in manure storage facilities.
 - iv. Uncontrolled or excessive erosion and sedimentation.

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.

5. Inspection Report – Completing Violations Section.

- a. The inspector will check the box for 25 Pa. Code § 91.36(b) if an MMP is not produced and the owner/operator does not claim that it has been completed, if the MMP is significantly deficient, 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 check the appropriate box indicating 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 section V.D.12.b.ii.
- b. The inspector will check the box for 25 Pa. Code § 102.4(a) if an Ag E&S Plan is not produced and the owner/operator does not claim that it has been completed, the Ag E&S Plan is significantly deficient, there are E&S BMPs that are not functioning as intended, or there are E&S concerns that are not addressed. The inspector will also check the appropriate box indicating the Requested Corrective Action(s). The inspector will enter the number of days given for the correction action(s) to be completed in accordance with section V.D.12.b.ii.
- c. If a pollution event is observed by a DEP inspector, the DEP inspector will check the first box labeled Other and enter an appropriate citation of the Pennsylvania Clean Streams Law or an applicable regulation. The second box in this section labeled Other should also be checked and the recommended corrective action(s) stated in the field beside the box.

6. Inspection Report – 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.

7. Inspection Report – NRCS Authorization Form Checkbox.

Check the box to indicate whether the owner/operator has completed an NRCS Voluntary Authorization for Release of Information form if the owner/operator has indicated that the required plan(s) is on file at

SOP – Chesapeake Bay Agricultural Inspection Program

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 a copy of the plan(s).

8. 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 section V.D.12., below). This section will be completed even when an inspection is not conducted due to owner/operator refusal to participate.

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.

9. 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/operator, i.e., multiple inspections.

- a. The inspector should ask the owner/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.
- b. The appropriate box(es) should be checked for any Non-Cost Share BMPs reported by the owner/operator and additional information provided on these BMPs, if available. Verification of BMPs reported by the owner/operator will not generally be done as part of Initial Inspections; however, if the inspector and the owner/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.
- c. 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. The implementation of the Manure Management requirements would meet Core Nitrogen and, in certain cases, Core Phosphorus.
- d. Criteria for EPA Chesapeake Bay Program reporting requirements for Manure Management implementation (Core Nitrogen) credit include the following:
 - i. 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.

SOP – Chesapeake Bay Agricultural Inspection Program

- ii. 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.
 - iii. The operation is applying to the Land Grant University recommendations for nitrogen at the field level.
 - iv. Cropping and manure application history at the field level is being recorded.
 - v. Calibration of spreader/applicator. The inspector should discuss spreader calibration with the owner/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.
- e. Additional criteria for EPA Chesapeake Bay Program reporting requirements for Manure Management implementation (Core Phosphorus) credit includes the following:
- i. 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, and the criteria listed above for Core Nitrogen credit are also met for Phosphorus, Core Phosphorus credit will also be provided.
 - f. For items 1.a. through 1.c., the inspector may ask the owner/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- Corn Stalk Nitrogen Testing, etc.) and document the acres that are implemented.
 - i. 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.
 - ii. The spreading rates must be equal to or less than the planned application rates to receive credit for items 1.a. through 1.c.
 - g. For item 2., if the owner/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 will be included in a separate SOP.

10. 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.

11. 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.

12. Concluding an Inspection.

SOP – Chesapeake Bay Agricultural Inspection Program

- a. If no violations are noted during an 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 conclusion of the inspection, the inspector will mail or email a copy of the report to the person interviewed within ten (10) business days following the inspection. Copies of partially completed Inspection Reports will also be sent to those owners/operators who have refused participation in the inspection or were not available on-site when the agricultural operation was visited by the inspector. Files that are emailed to operations will be in PDF format. A follow-up letter documenting the results of the Initial Inspection may be provided to the person interviewed as a cover letter to the Inspection Report (if the Inspection Report is mailed) or as a stand-alone letter. A sample template is provided in Attachment D (Sample Letter 1d - Inspection Follow-up – Compliance at Initial Inspection).
- b. If violations are noted during an inspection, the inspector will:
 - i. Provide a copy of the Inspection Report to the person interviewed upon conclusion of the inspection, if possible.
 - ii. Provide instruction on the requested corrective action(s) prior to leaving the operation. For plans that are not available, and the owner/operator does not claim that the plans have been completed, ninety (90) calendar days will generally be provided for the owner/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.
 - iii. Mail or email a copy of the report to the person interviewed 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 will be in PDF format. A sample template is provided in Attachment D (Sample Letter 1c. Inspection Follow-up –Non-compliance). This sample letter is geared toward plan violations, not water quality violations.

VI. Post-Inspection Procedures.

A. Ag E&S Plan and/or MMP is Received by Deadline.

1. When the owner/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 administrative completeness.
 - a. If the plan(s) is administratively complete, the inspector should send a letter to the owner/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/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/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 1e (Inspection Follow-up – Compliance upon Corrective Action(s)) in Attachment D may be used for this purpose.
 - b. If the plan(s) is not administratively complete, the inspector should send a deficiency letter to the owner/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.
 - i. If the owner/operator does not respond by the deadline given in the deficiency letter, a "Final Notice" letter should be sent. This letter should request a response from the owner/operator

SOP – Chesapeake Bay Agricultural Inspection Program

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.

- ii. If the owner/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/operator, and a copy of the Inspection Report) should be sent to the DEP regional office (if inspected by a CCD) and DEP CBO within ten (10) business days. The DEP CBO email address that should be used for referral submission is: RA-EPAGINSPECTION@pa.gov (see Attachment E for more information on the Agricultural Operation Referral Form). DEP CBO will start the compliance and enforcement process for this operation upon referral (see Section VII).

B. Ag E&S Plan and/or MMP is Not Received by Deadline.

1. When an owner/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/operator, and/or 3) transmit a letter or email to the owner/operator.
2. 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/operator. The inspector should send a letter to the owner/operator that documents the results of the follow-up activities and provides the extended due date for the plan(s). Template letter 1f (Inspection Follow-up – Non-compliance Extension) in Attachment D may be used for this purpose.
3. If the inspector determines that reasonable efforts have not been made to develop the necessary plan(s), or the owner/operator fails to submit the plan(s) to the inspector by the extended deadline, the following steps should be taken, as applicable:
 - a. The inspector should send a “Final Notice” letter. This letter should request a response from the owner/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. Template letter 1g (Inspection Follow-up – Non-compliance Final Notice) in Attachment D may be used for this purpose.
 - b. If the owner/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/operator, and a copy of the Inspection Report) should be sent to the DEP regional office (if inspected by a CCD) and DEP CBO within ten (10) business days. The DEP CBO email address that should be used for referral submission is: RA-EPAGINSPECTION@pa.gov (see Attachment E for more information on the Agricultural Operation Referral Form). DEP CBO will start the compliance and enforcement process for this operation upon referral (see Section VII).

C. Water Quality Concerns/Problems.

1. When inspections result in water quality concerns/problems found, the following steps should be taken, as applicable:
 - a. 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.

SOP – Chesapeake Bay Agricultural Inspection Program

- b. 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/operator, and a copy of the Inspection Report) to the DEP regional office within ten (10) business days of the date of the inspection.
 - i. 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.
- c. If the inspector observed a pollution incident, the DEP regional office should conduct a Follow-Up Inspection within thirty (30) business days following the date of the observed incident/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.

VII. Enforcement Procedures.

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. All enforcement actions will be based upon CCD and/or DEP observations.

NOTE: DEP may initiate its own independent investigation on any property in accordance with Commonwealth legal authority.

B. Enforcement for Other Violations.

1. DEP CBO will issue Notices of Violation (NOVs), via Certified Mail, to all owners/operators referred by DEP regional offices and CCDs for the reasons identified in sections V.B.1.c. and V.C. (refusal to participate) and VI.B. (failure to submit required plans). DEP CBO will issue NOVs within thirty (30) business days of the receipt of the referral. A copy of each NOV will be transmitted to the referring inspector and DEP regional office point of contact. DEP regional offices may elect to perform this function at their discretion. The owner/operator will be given ninety (90) days from the date of the NOV to respond.
2. If the NOV is returned to DEP CBO as unclaimed or unable to forward, DEP CBO will send another NOV via first-class mail. The owner/operator will again be given ninety (90) days from the date of the NOV to respond.
3. If the owner/operator does not respond by the deadline given in the NOV, DEP CBO will issue a Field Order at its discretion. The owner/operator will be given sixty (60) days from the date the Field Order was issued to respond.
4. If the owner/operator does not respond by the deadline given in the Field Order, DEP CBO will draft a letter to be sent to the owner/operator by DEP's legal counsel at its discretion. The letter will state that enforcement action, which will likely include civil penalties, may be pursued by DEP if the owner/operator fails to respond within fifteen (15) days from the date of the letter.

SOP – Chesapeake Bay Agricultural Inspection Program

5. If the owner/operator does not respond by the deadline given in the letter sent by DEP's legal counsel, DEP CBO will coordinate with DEP's legal counsel to pursue additional enforcement action at its discretion.
6. Additional follow-up will be handled by DEP CBO or regional offices in accordance with existing policies and procedures.
7. DEP CBO will enter all enforcement actions and associated inspections into the environment, Facility, Application, Compliance Tracking System (eFACTS), utilizing the procedures in CBO-DATA-001 when finalized.

Summaries of CCD and DEP inspection and enforcement responsibilities covered in sections V, VI, and VII are presented in **Figures 3 and 4**, respectively.

VIII. Data and Record Management.

A. Inspection Reports.

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 a secure network that can be accessed on demand and upon request from any of the organizations identified in Section I.
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 inspector, or administrative staff, should input the data elements of the Inspection Report, to include geospatial location of the inspection, into the PracticeKeeper Inspection Module within ten (10) business days of a complete inspection, unavailability of an owner/operator to conduct an inspection, non-completion of an inspection due to biosecurity, or refusal to participate in an inspection

In addition to the data elements of the Inspection Report, 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.).

B. CCD Quarterly Reports.

1. The inspection module of PracticeKeeper is in use by participating CCDs. The Inspection 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 will 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 Annual Reports.

1. The inspection module of PracticeKeeper is in use by DEP regional offices. The Inspection 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,

SOP – Chesapeake Bay Agricultural Inspection Program

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.

SOP – Chesapeake Bay Agricultural Inspection Program

Figure 1: Planning and Selection of Agricultural Operations for Inspection

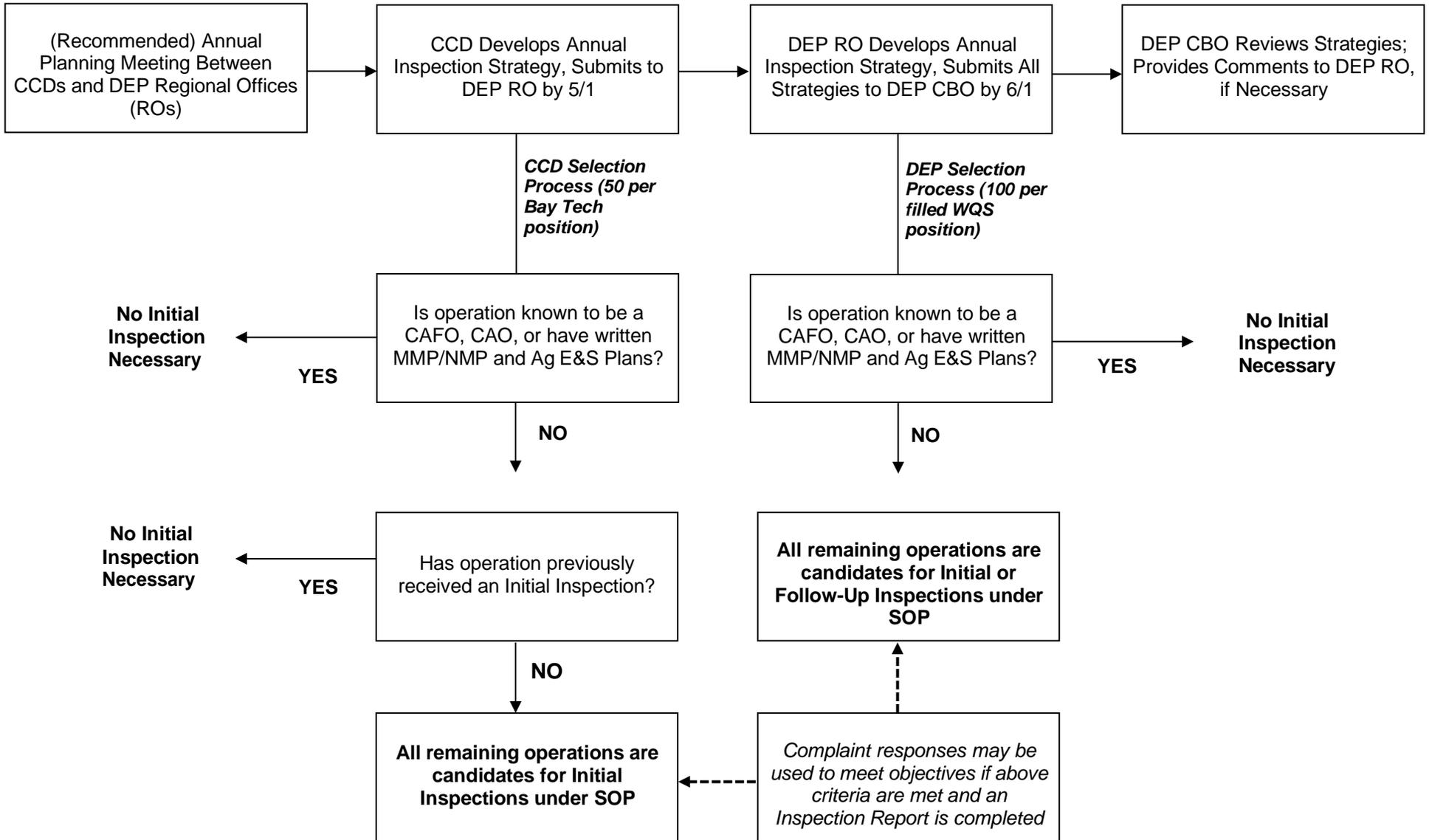
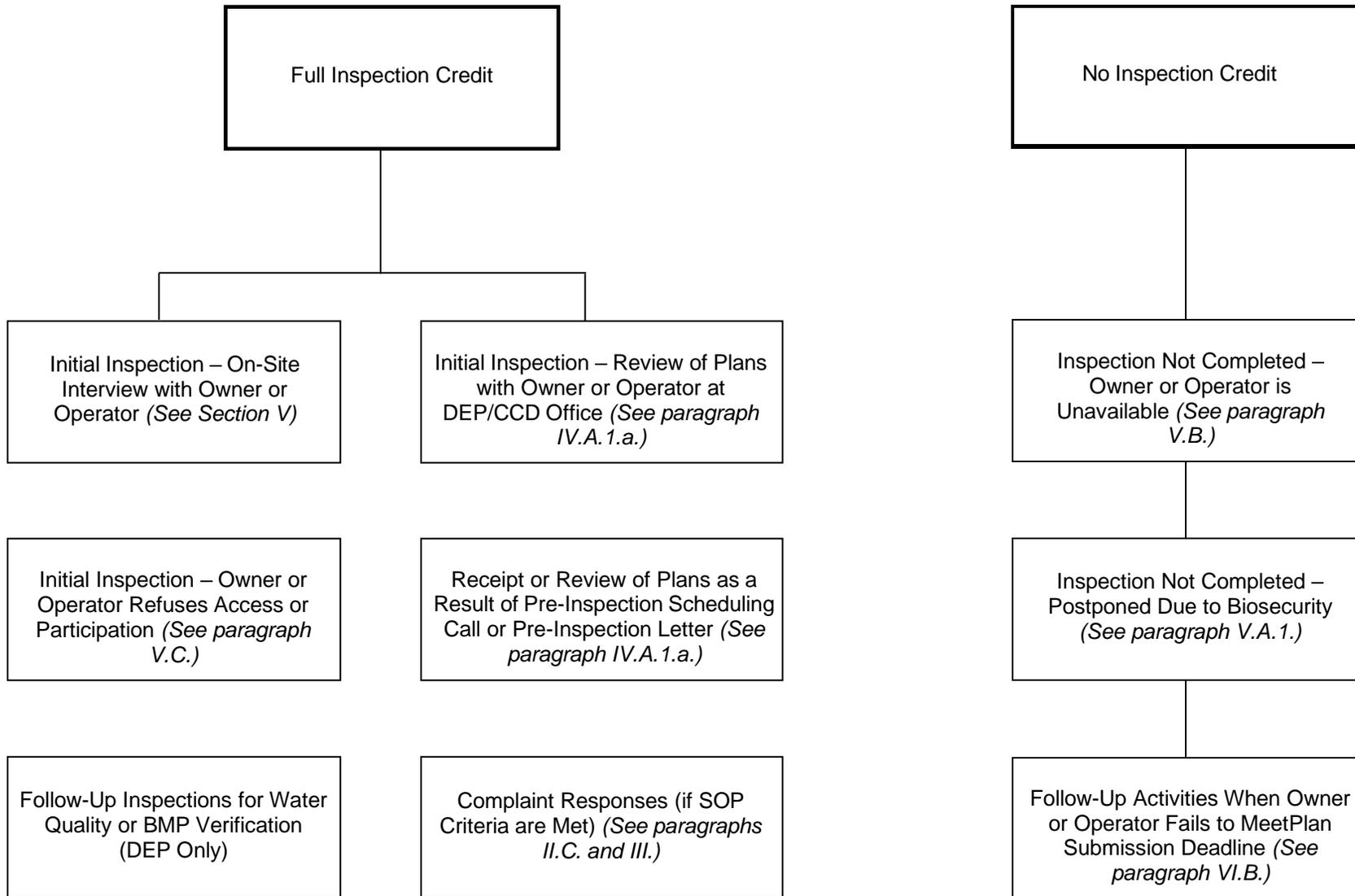
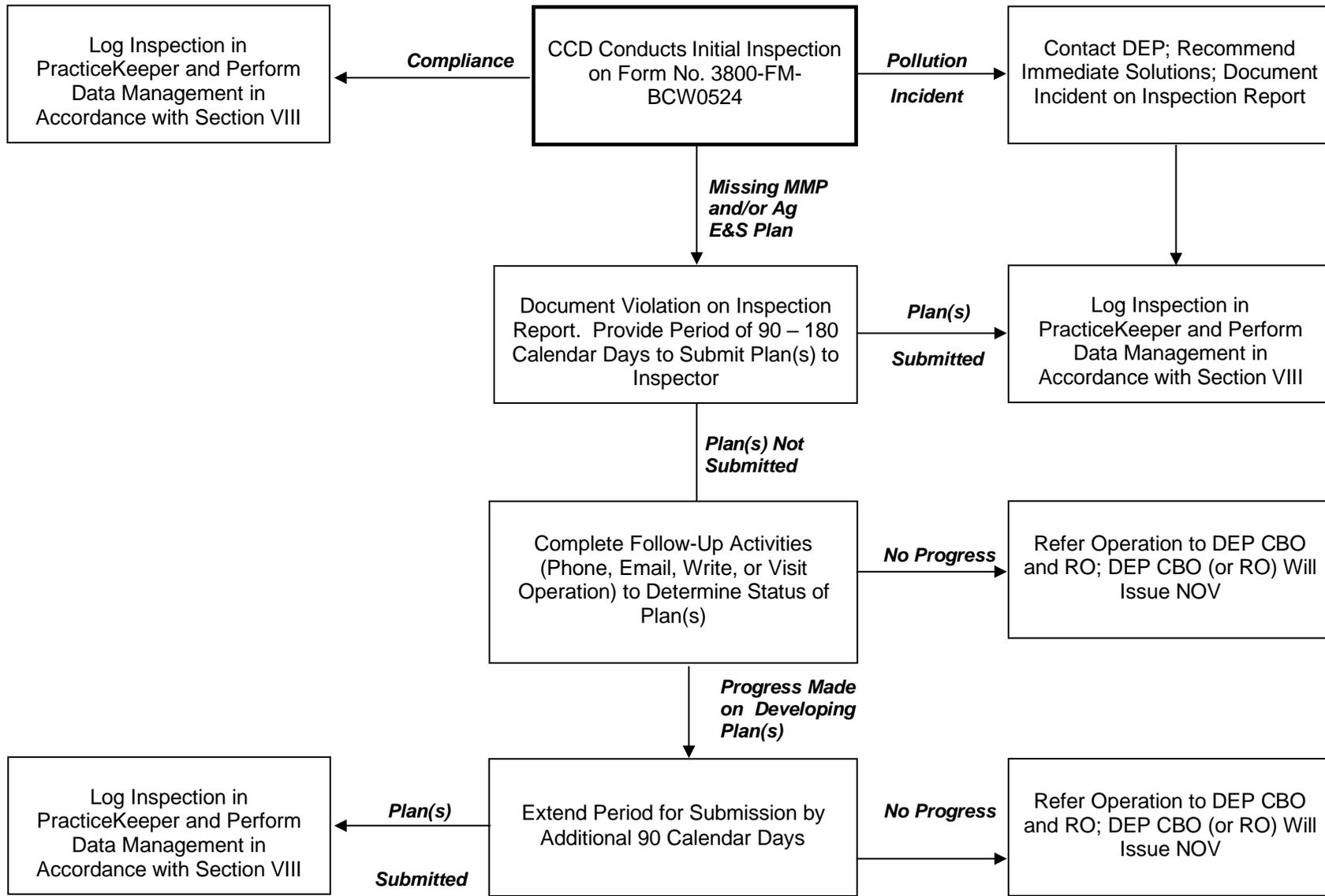


Figure 2: Inspection Activity Credit



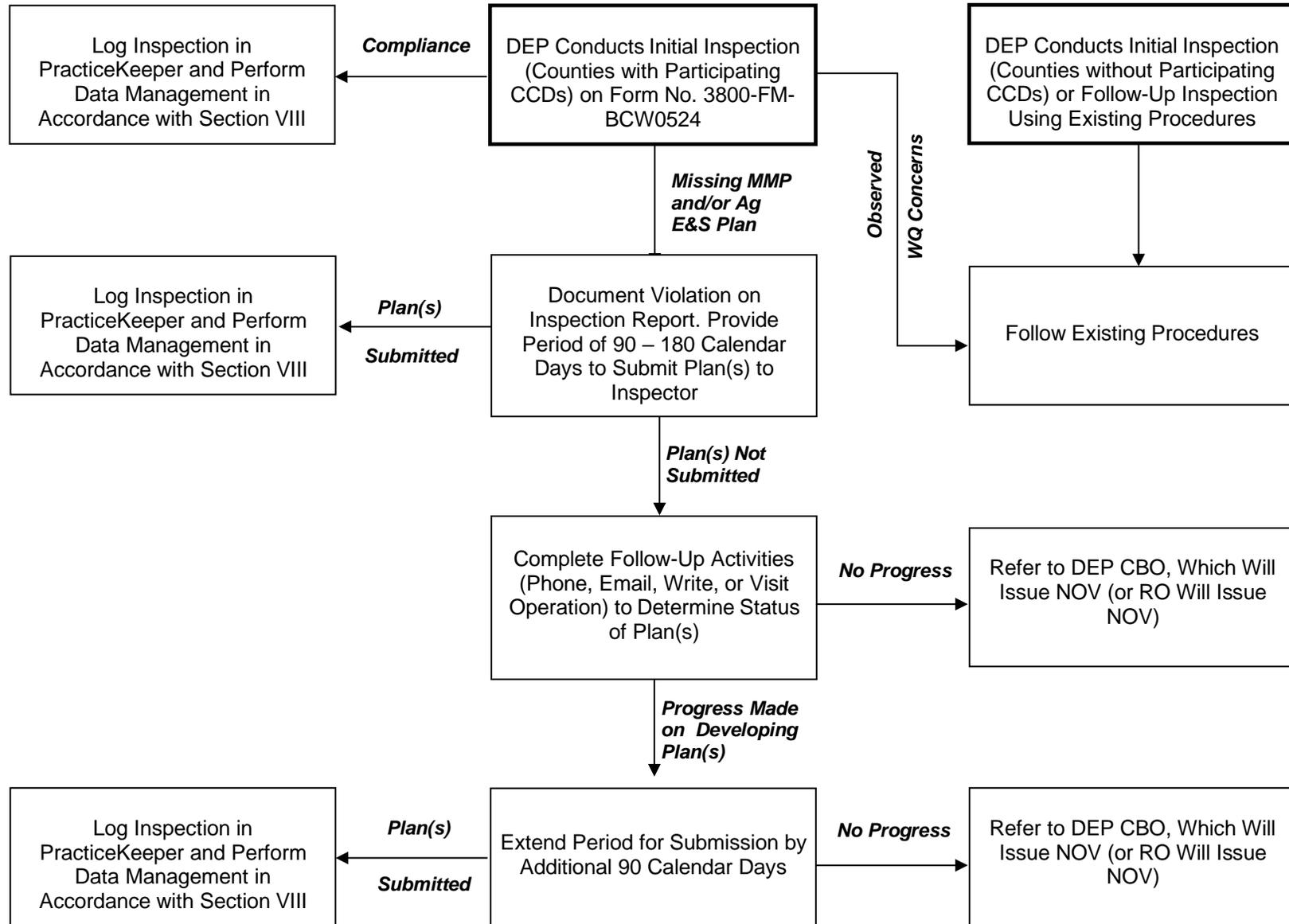
SOP – Chesapeake Bay Agricultural Inspection Program

Figure 3: CCD Decision Flow Chart for Initial Inspections



SOP – Chesapeake Bay Agricultural Inspection Program

Figure 4: DEP Decision Flow Chart for Inspections



SOP – Chesapeake Bay Agricultural Inspection Program

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 ACAs/AHUAs written in compliance with 25 Pa. Code § 102.4(a).

Agricultural Operation (Farm) – 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, in order to assess whether the crop had enough nitrogen during the season to make future decisions 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-BCW0523) 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 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 that 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 an up-to-date, 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 Initial Inspection Report for Agricultural Operations (3800-FM-BCW0524) is used by CCDs and DEP for documenting initial inspections as described in Section V. of

SOP – Chesapeake Bay Agricultural Inspection Program

the SOP. DEP may also elect to use the Agricultural Operation Inspection Report (3800-FM-BCW0523) 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.

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				

Attachment C – 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.

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, or 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.

Attachment D – Template Letters

Attachment E – Agricultural Operation Referral Form

Version History

Date	Version	Revision Reason
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