

April 4, 2018

RE: Reissuance of PAG-12 General Permit
Concentrated Animal Feeding Operations (CAFOs)

Dear Permittee:

Please read this letter carefully as it describes changes to your NPDES permit coverage, effective April 1, 2018, and contact DEP if you have any questions. DEP contact information is listed at the end of this letter.

On March 31, 2018, the Department of Environmental Protection (DEP) published a final, reissued NPDES PAG-12 General Permit for Operation of CAFOs in the *Pennsylvania Bulletin*. You are receiving this letter because, according to our records, you currently have coverage under the PAG-12 General Permit, and DEP would like to explain how the reissuance of the PAG-12 General Permit affects you.

The PAG-12 General Permit and supporting documents are available through DEP's website, www.depgreenport.state.pa.us/elibrary (select Permit and Authorization Packages, Clean Water, and PAG-12 General Permit). **Please visit this site and download and print the Sample Permit document (3800-PM-BCW0032d). As of April 1, 2018, the terms and conditions of your NPDES permit coverage have changed. The Sample Permit document contains the new terms and conditions of your NPDES permit coverage.** If you do not have access to a computer or the internet, contact DEP to have a copy of the General Permit and other important forms mailed to you.

General Permit Changes

The following highlights the significant differences between the reissued PAG-12 General Permit ("2018 General Permit") that you are operating under now and became effective on April 1, 2018, and the previous PAG-12 General Permit that was effective from April 1, 2013 to March 31, 2018 ("2013 General Permit"), which has been replaced by the 2018 General Permit.

- **Renewal of Coverage** – Unless specifically required by DEP, the submission of a Notice of Intent (NOI) to renew your coverage is no longer necessary under the 2018 General Permit. The submission of CAFO Annual Reports ("annual reports") will serve as your notice of intent that you wish to remain covered under the PAG-12 General Permit. If you have already submitted your renewal NOI to DEP, DEP may return the NOI to you without taking an action if it is determined that processing your NOI is not necessary for you to maintain PAG-12 coverage.
- **Annual Reports** – A CAFO Annual Report must be submitted to the appropriate DEP regional office by January 1 of each year to document the activities that have been undertaken by the permittee during the previous year. **The first annual report under the**

2018 General Permit is due on January 1, 2019 to report on activities that have occurred during the period of January 1, 2018 through September 30, 2018.

The due date for annual reports was February 15 under the 2013 General Permit and the reporting period was the calendar year. The 2013 General Permit provided approximately 45 days from the end of the reporting period to prepare and submit annual reports. The reporting period under the 2018 General Permit is (following the first report) October 1 to September 30, coinciding with the Nutrient Management Plan (NMP) period, and provides approximately 90 days to prepare and submit annual reports.

You must use DEP's annual report template, 3800-PM-BCW0032f, which is available through DEP's website noted above. If you do not have access to a computer or the internet, contact DEP and the template will be mailed to you. The annual report must be submitted to the DEP regional office that has jurisdiction over the county where your operation is located. **It is very important that you submit annual reports on time. Failure to do so will result in a lapse in your permit coverage and potential enforcement action.**

- **Electronic Reporting** – The U.S. Environmental Protection Agency requires that CAFOs must begin submitting annual reports electronically by 2020. DEP is in the process of developing an electronic annual reporting system, and will provide written notification in the future when the registration period will begin. When this system is available, it must be used for submitting annual reports. If you do not have access to a computer or the internet, a third party may be authorized to submit reports on your behalf. Until DEP notifies you that the electronic reporting system is available, you must continue submitting annual reports on paper or by other methods accepted by DEP's regional offices, utilizing DEP's annual report template.
- **Annual NOI Installment Payment** – An annual NOI installment payment is due by January 1 of each year in the amount of \$500. **The first payment (check or money order) must be submitted by January 1, 2020** if you intend to continue operating under the PAG-12 General Permit during the following year. This payment must be sent to DEP's Bureau of Clean Water (BCW) at the address identified in the 2018 General Permit. DEP intends to send an invoice to you approximately three months prior to each due date. In the event that an invoice is not received, you are nonetheless responsible for payment. If an electronic system is developed for these payments, DEP will notify you, and you will be authorized to make online payments rather than by check or money order. **Failure to make timely fee payments will result in a lapse in your permit coverage and potential enforcement action.**
- **DEP NOI Reviews and Inspections** – Regardless of your location in Pennsylvania, if you are required to amend or renew your permit coverage, you must submit your NOI to DEP's Southcentral Regional Office (SCRO), Clean Water Program, at 909 Elmerton Avenue, Harrisburg, PA 17110. SCRO will process all NOIs for CAFOs in Pennsylvania. The DEP regional office that has jurisdiction over the county where your operation is located will continue to be the recipient of your reports and other notifications and will continue to inspect your operation. For example, if your operation is located in a county under the

jurisdiction of DEP's Northcentral Regional Office (NCRO), NCRO will continue to be the recipient of your reports and will continue to conduct inspections of your operation. However, if you propose changes that trigger the need for an amendment to your permit coverage, your NOI must be sent to SCRO.

- **Amending Coverage** – Clarification has been added to the 2018 General Permit on the circumstances that require an amendment to your permit coverage. If you propose to expand your animal population, in terms of Animal Equivalent Units (AEUs), by more than 10% in comparison to the number of AEUs identified in your latest approval of coverage under PAG-12, an amendment to your permit coverage is required. If you propose to expand your animal population or you lose land for manure application, which will result in an increase in the value of AEUs/acre by more than 10% in comparison to your latest approved nutrient management plan (NMP), an amendment to your permit coverage and NMP is required (unless the increase is solely due to a change in standard animal weights used to calculate AEUs). Other planned changes to your operation may require written notification to DEP or an amendment to your permit coverage, as described in the General Permit.
- **Manure Storage Capacity for Winter** – The 2013 General Permit required notification to DEP by January 15 of the available manure storage capacity observed on or about December 15 and the amount of manure that is expected to be generated over the winter. This notification has been incorporated into the CAFO Annual Report template. CAFOs are expected to report the actual freeboard within liquid and semi-solid manure storage facilities as of December 15 each year as part of the annual report that must be submitted to DEP by January 1. Separate notification of manure storage capacity is no longer required. **However, the 2018 General Permit continues to require written notification to DEP at least seven (7) days prior to land application of manure during the winter period, using DEP's Winter Period Application of Manure Notification form (3830-FM-BCW0532).**
- **Earthen Manure Storage Facilities** – If earthen manure storage facilities are present on your operation, the 2018 General Permit requires you to complete an annual inspection using DEP's Existing Earthen Manure Storage Facility Inspection Report form (3800-FM-BCW0537). **If you have earthen manure storage facilities, you must submit the completed inspection report, including photographs, as an attachment to the CAFO Annual Report by January 1 each year.** An earthen manure storage facility is defined in the General Permit as an in-ground facility constructed with or without a compacted soil or clay liner used to contain manure, precipitation and runoff. The term does not include manure storage facilities constructed with a synthetic liner system to contain manure. If you do not have earthen manure storage facilities on your operation, this requirement does not apply.
- **Leak Detection System Monitoring** – The 2018 General Permit requires that you collect a sample of drainage from leak detection systems installed beneath manure storage facilities that are ponds or impoundments at least once per year, and have the sample analyzed for Ammonia-Nitrogen. Weekly self-inspections of the leak detection system are required under the General Permit; if no drainage is observed at any time from leak detection systems during an annual reporting period, then a sample cannot be collected and this requirement is

satisfied. If a sample is collected, the Ammonia-Nitrogen results must be submitted as part of the annual report. If an analysis of Ammonia-Nitrogen produces a resulting concentration of 3 mg/L or greater, you must develop and submit a plan to DEP to investigate and correct the possible source(s) of pollutants within 15 days of the receipt of the analysis results. If you are unsure as to whether you have a leak detection system at your operation, please review the design drawings for the manure storage facility or consult an engineer or other resource to help you with this determination.

- **Self-Inspection Requirements** – Similar self-inspection requirements are contained in the 2018 General Permit as were present in the 2013 General Permit. One exception is that if you do not operate a CAFO containing at least 700 mature dairy cows and/or 1,000 cattle other than mature dairy cows or veal calves, you are no longer required to inspect water lines daily. If you do maintain these animal populations, you must continue to inspect water lines daily, including drinking water or cooling water lines, for the presence of leaks, which is an EPA regulatory requirement. The 2018 General Permit contains a list of the self-inspection forms that you must complete and maintain on your operation. If you do not have one or more of these forms, please download them from DEP's website or contact DEP. If you have already received self-inspection forms as an attachment to the latest approval of coverage under PAG-12, you should continue to use those forms unless notified otherwise by DEP or authorized by PAG-12.

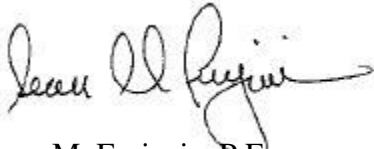
These are the significant changes in the 2018 General Permit, but there are other changes that may affect you. You are encouraged to visit DEP's website, download and print all relevant PAG-12 documents, and contact DEP if you have any questions.

If you determine that you are no longer eligible for PAG-12 General Permit coverage, or if you determine that you will be unable to comply with the 2018 General Permit, or if you no longer desire coverage under PAG-12, you must submit an application for an individual NPDES permit by June 30, 2018 (90 days following publication of the 2018 General Permit). In addition, DEP may, at any time during the term of your coverage under the PAG-12 General Permit, determine that you are ineligible for continued coverage, and require the submission of an individual permit application.

For questions concerning interpretation of the 2018 General Permit or related documents, contact DEP's Bureau of Clean Water at 717-787-8184. For questions relating to the permitting process, contact DEP SCRO, Clean Water Program, at 717-705-4707. For questions concerning permit compliance and to request printed copies of documents, contact the DEP office that has jurisdiction over the county where your operation is located:

DEP Regional Office	Phone No.	Counties Served
SERO	484-250-5160	Bucks, Chester, Delaware, Montgomery, and Philadelphia
NERO	570-826-2511	Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming
SCRO	717-705-4802	Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York
NCRO	570-327-3574	Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union
SWRO	412-442-4032	Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, and Westmoreland
NWRO	814-332-6942	Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren

Sincerely,



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Environmental Program Manager
Division of NPDES Permitting