**INSERT COUNTY LETTERHEAD**

**Attachment 6**

**Example 1st Step Letter**

This attachment provides an example/template for conservation districts to use. Use of these model letters is not mandatory, but they have been developed for this effort based on comments received. Communication with the landowner/operator is important and conservation districts are encouraged to follow-up with the landowner/ operator, and the complainant

*Date*

*Operator’s Name*

*Address*

*Landowner’s Name (if different than Operator)*

*Address*

**Re: (DATE) Complaint Investigation Follow-Up**

Dear Mr. / Mrs. *Operator’s Name/ Landowner’s Name,*

As observed during our site visit on \_(DATE)\_\_\_\_, your farming operation is not meeting Pennsylvania Regulatory Requirements defined under 25 Pa Code [Choose] Chapter 102 (Erosion and Sediment Pollution Control) and /or 25 Pa Code Chapter 91.36 (Manure Management) which are administered by the Department of Environmental Protection (Department).

The [District] wants to help you understand and meet the requirements under these regulations and we hope that our direction provided in this letter and the completed Pa Agricultural Investigation Form will assist you in complying with these regulations so you will not be subject to enforcement actions by the Department.

All farming operations in Pennsylvania are required to meet the Chapter 102 requirements through the use and implementation of Agricultural Erosion and Sedimentation Control Plans (E&S or conservation plan). Additionally, if the agricultural operation produces or uses manure, the operation must be in compliance with Chapter 91 through the use and implementation of a Manure Management Plan (MMP) or higher-level Nutrient Management Plan (NMP).

Specifically, your operation is not in compliance with [List the regulatory deficiencies that were found such as the need for an E&S plan, manure management plan, or the installation of certain BMPs] as detailed on the Pa Agricultural Investigation Form that was completed on [Date].

Both Chapter 102 and Chapter 91 hold the landowner and operator jointly responsible.

Through an agreement with the Department, the conservation district provides educational outreach to help landowner(s) / operator(s) understand and comply with their legal obligations under these regulatory requirements.

[For missing plan(s)]:You may develop your own Manure Management and Agricultural E&S Plans; however, it is recommended that you contact a qualified person to assist in the development of your plan(s). Attached you will find a list of technical service providers to assist you in [Choose)] (developing and implementing the required plans) and/or (Implementation of Best Management Practice (BMPs)). It is best to contact multiple technical service providers to find the assistance that will meet your needs in the timeframe provided. The Conservation District or Natural Resources Conservation Service (NRCS) field office may also be able to assist.

**In order to meet the Department’s compliance timeline, you will need to have [Choose]: (the required plans developed) and/or (start implementation of BMPs) by *[Date1]*.** We recommend that you contact a planner as soon as possible in order to start the process recognizing the time it can take to [Choose] (develop a plan) and/or (implement BMPs).

If you are currently working with a technical service provider, or yourself are developing your plan(s) and/or starting BMP implementation, please contact me so that I can document your efforts to meet your legal obligations.

In closing, be aware that any violation of [Choose] (25 Pa Code Chapter 102) and/or (25 Pa Code Chapter 91) subjects you to possible enforcement actions by the Department, such as fines and/or orders, as provided by the law.

If you have any questions relating to this obligation, please contact me at the conservation district office at *[Phone Number].*  I will provide whatever additional direction you may need. I look forward to working with you and assisting as needed, so you may meet your obligations under these regulations.

Sincerely,

*Staff Person*

Enclosure: Commercial Nutrient Management Specialist and Certified Conservation Planner list

cc: File

*Choose* – Choose the planning or BMP implementation that is needed

*Date1 = This date should be about 90 days from the date the letter is expected to reach the farmer*