**INSERT COUNTY LETTERHEAD**

**Attachment 7**

**Example 2nd 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. and Mrs. *Operator’s Name / Landowner’s Name,*

This letter is being sent as a follow up to my previous letter dated *[Date1]* (If the district chose this option) and the Pa Agricultural Investigation Form dated [add dates from 1st investigation report and 2nd investigation report] informing you that your farming operation is not meeting Pennsylvania Regulatory Requirements defined under [Chose] (25 Pa Code 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).

Or

This letter is being sent because according to a site visit on \_(add the dates of the 1st investigation and 2nd investigation), your farming operation is not meeting Pennsylvania Regulatory Requirements defined under [Chose] (Chapter 102 (Erosion and Sediment Pollution Control)) and /or (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 of 1st and 2nd visits].

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.

The *[District]* has not received notice that you have had the [Choose] (required plans written) and/or (started Best Management Plan (BMP) implementation)), within the 90 day timeframe provided in our [Choose](previous letter (if applicable)) and/or (as noted on the [date] Pa Agricultural Investigation Form).

[For missing plans]: 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). To gain compliance you are requested to work with a technical service provider. 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 BMPs). Please contact multiple technical service providers to find the assistance that will best 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 *[Date2]*.**

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.

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

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 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 as you proceed to meet your obligations under these regulations.

Sincerely,

*Staff Person*

cc: File

Enclosure: Commercial Nutrient Management Specialist and Certified Conservation Planner list

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

*Date = Date of first step letter*

*District = Your conservation district name, such as Lebanon County Conservation District*

*Date2 = This date should be about 45 days from the date the letter is expected to reach the farmer*

*Phone Number = Your office phone number*