**INSERT COUNTY LETTERHEAD**

**Attachment 8**

**Example 3rd Step (Last Chance) Letter**

This attachment provides an example/template for conservation districts to use. Use of this specific model letters is not mandatory, but a last chance letter is required. Communication with the landowner/operator is important and conservation districts are encouraged to follow-up with the landowner/ operator, and the complainant.

*Date*

Certified Mail #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Operator’s Name*

*Address*

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

*Address*

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

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

This letter is a follow up to staff’s [choose] (one or two) previous letter(s) dated *[Date(s)1]* and the Pa Agricultural Inspection Forms dated (add dates of all 3 investigation reports) and serves as our final notice to inform you of your legal obligations in meeting [Chose] Pennsylvania Regulatory Requirements defined under (25 Pa Code Chapter 102 (Erosion and Sediment Pollution Control)) and/or (25 Pa Code Chapter 91.36 (Manure Management)).

The Pennsylvania Department of Environmental Protection (Department) administers these regulations. 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.

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 (Ag. 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).

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

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 implementation the plan(s) in accordance with the implementation schedule)

You have not complied with the [Choose] (plan writing) and (BMP implementation) requirements and timeframes provided in our previous [Choose] (one or two letters) and/or (previous investigation reports). **This letter represents your last chance to avoid having penalties or other enforcement actions taken against you by the Department due to non-compliance with Pennsylvania Regulatory Requirements.** Failure to heed this final notice will necessitate the referral of your case to the Regional Office of the DEP per the \_\_\_\_\_\_\_ County Conservation District Policy.

**In order to meet the DEP compliance timeline, you will need to develop and/or start implementation of the required plan(s) by *[Date2*]**. If you are currently working with a certified commercial nutrient management specialist, agricultural E&S planner, or you are developing your plan(s) and starting BMP implementation, please contact me so that staff can document your efforts to meet your legal obligations.

If you have any questions relating to this obligation, please contact the conservation district office at *[Phone Number]* so that staff can provide whatever additional direction you may need.

Sincerely,

*[CCD] Chairperson*

cc: [Name], *DEP regional office*

File

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

*Dates1 = Dates (2 dates) of 1st (if applicable) and 2nd step letters*

*Date2 = This* date should be about 15 days from the date the letter is expected to reach the farmer

*Phone Number = Your office phone number*

*CCD = The name of your district, such as Lebanon County Conservation District*