**INSERT COUNTY LETTERHEAD**

***Letter 4.A.VAO out of compliance***

*Date*

*Animal Operator Name (husband and wife)*

*Address*

**Re: Reminder to Implement Your Current Nutrient Management Plan**

Dear Mr. and Mrs. *Animal Operator Name,*

This letter is sent as a follow up to my *[Date1]* site visit where I assessed the status of the implementation of your Act 38 (commonly referred to as Pennsylvania’s Nutrient and Odor Management Act) Nutrient Management Plan (NMP). Attached to this letter is a copy of the on-site inspection report which outlines the various findings from my visit.

As is indicated on the attached report, you were found to be deficient in your implementation of the following practices called for in your approved plan:

|  |  |  |
| --- | --- | --- |
| **Implementation deficiency finding** | **Corrective action needed** | **Timeframe to complete corrective action** |
| *[Finding2]* | *[Actions Needed3]* | *[Date4]* |
|  |  |  |
|  |  |  |
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|  |  |  |

The State Conservation Commission’s (SCC) volunteer program policies oblige you to implement the above listed corrective actions within the timeframe provided in the above schedule in order to maintain your volunteer status under the Act 38 program. I am directed to revisit your operation in order to confirm that you have implemented the above listed corrective action*(s)*. I plan to visit your animal operation on *[Date and Time5]* in order to reassess your operation. Please make yourself available on that date so we can discuss the corrective actions you have taken to address this *(these)* plan implementation deficiency (ies). If you cannot meet on this date and time, please call me at least 5 days prior to this date so that we can reschedule to a date that meets your schedule.

I encourage you to take these necessary actions in order to maintain your Act 38 volunteer status as this program supports both farm productivity and environmental protection. Your involvement demonstrates your interest in ensuring that your operation is properly handling the manure generated on site. I would encourage you to maintain your volunteer status under this program as participation provides you some added protections under the law relating to public concerns that may be directed to your manure and fertilizer use activities, ensures compliance with state and federal manure management laws, allows the conservation district to actively support the nutrient management activities you are implementing on your operation, and provides you access to various funding programs offered by state and federal agencies as well as private organizations.

If you have decided not to continue your involvement in the Nutrient Management Act program, please fill out and return the attached Nutrient Management Act Program Withdrawal letter (attach draft letter).

If you choose to no longer participate as a volunteer under Pennsylvania’s Nutrient and Odor Management program, please be aware of your obligations under Pennsylvania’s Clean Streams Law and Chapter 91. These obligations require that if you generate and/or utilize manure you must develop and implement a written ***Manure Management Plan (MMP)***.

A copy of DEP’s Manure Management Manual, outlining your requirements and providing a workbook to help you in developing your manure management plan may be requested if you no longer wish to participate under Act 38.

If you have any questions relating to this letter, please contact me at the conservation district office so that I can provide whatever additional information or direction you may need.

Sincerely,

*NM Staff Person*

Enclosure: Inspection report

Withdrawal letter

cc: File

*Date1 =* date of site visit

*Finding2 = Individually list the deficiencies you noted during your inspection*

*Actions Needed3 = List individually the correction actions required to come back into compliance*

*Date4 =* establish a date you can realistically expect the compliance measure to be completed, use your professional judgment on establishing this date. The SCC Regional Coordinator can also assist in establishing this compliance date. This date should not go past 6 months unless it is an unusual circumstance.

*Date and Time5 = Set a date and time which should be about* 3-7 days following the farmer’s required date to fix the non-compliant issues