INSERT COUNTY LETTERHEAD

**Attachment 11**

**Example MMP SR 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*

Re: (Date) Manure Management Program On-Site Status Review Follow-Up

Dear Mr. / Mrs. *Operator’s Name,*

As observed during our site visit on \_(DATE) , your farming operation is not meeting Pennsylvania Regulatory Requirements defined under 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 Manure Management Program On-Site Status Review 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 that land apply manure or agricultural process wastewater, including manure that is directly applied by pastured animals, are required to meet the Chapter 91 requirements 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 a MMP, or the installation of certain BMPs] as detailed on the Manure Management Program On-Site Status Review Form that was completed on [Date].

Chapter 91 holds the operator responsible for the implementation of the MMP.

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

[For missing plan]:You may develop your own MMP; however, it is recommended that you contact a qualified person to assist in the development of your plan. Attached you will find a list of technical service providers to assist you in [Choose)] (developing and implementing the required plan) 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.

 **I n order t o 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 youare 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 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*

Enclosures:

1. Commercial Nutrient Management Specialist and Certified Conservation Planner list
2. Manure Management Program On-Site Status Review Form

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

INSERT COUNTY LETTERHEAD

**Attachment 12**

**Example MMP SR 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*

Re: (Date) Manure Management Program On-Site Status Review Follow-Up

Dear Mr. and Mrs. *Operator’s Name,*

This letter is being sent as a follow up to my previous letter dated [Date]and the Manure Management Program On-Site Status Review Form dated [Date2] and the PA Agricultural Investigation Form dated [Date3] informing you that your farming operation is not meeting Pennsylvania Regulatory Requirements defined under 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, the Manure Management Program On-Site Status Review Form, 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 that land apply manure or agricultural process wastewater, including manure that is directly applied by pastured animals, are required to meet the Chapter 91 requirements 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 a MMP, or the installation of certain BMPs] as detailed on the Manure Management Program On-Site Status Review Form and PA Agricultural Investigation Form that was completed on [date of 1st and 2nd visits].

Chapter 91 holds the operator responsible for the implementation of the MMP.

Through an agreement with the Department, the conservation district provides educational outreach to help 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 plan 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] Manure management Program On-Site Status Review Form.

[For missing plan]: You may develop your own MMP; however, it is recommended that you contact a qualified person to assist in the development of your plan. 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 plan) 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 *[Date4].*

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 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 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:

1. Commercial Nutrient Management Specialist and Certified Conservation Planner list
2. Manure Management Program On-Site Status Review Form (first visit)
3. PA Agricultural Investigation Form (second visit)

*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 = Date of Manure Management Program On-Site Status Review Form*

*Date3 = Date of PA Agriculture Investigation Form*

*Date4 = This date should be about 45 days from the date the letter is expected to reach the farmer*

*Phone Number = Your office phone number*

INSERT COUNTY LETTERHEAD

**Attachment 13**

**Example MMP SR 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*

USPS Regular Mail and

Certified Mail #:

*Operator’s Name*

*Address*

Re: FINAL NOTICE – (Date) Manure Management Program On-Site Status Review Follow-Up

Dear Mr. and Mrs. *Operator’s Name,*

This letter is a follow up to staff’s previous letters dated *[Dates1],* the Manure Management Program On-Site Status Review Form, the PA Agricultural Inspection Forms dated (add dates of all 3 forms) and serves as our final notice to inform you of your legal obligations in meeting Pennsylvania Regulatory Requirements defined under (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 operator(s) understand and comply with their legal obligations under these regulatory requirements.

All farming operations in Pennsylvania that land apply manure or agricultural process wastewater, including manure that is directly applied by pastured animals, are required to meet the Chapter 91 requirements through the use and implementation of a Manure Management Plan (MMP) or higher-level Nutrient Management Plan (NMP).

Chapter 91 holds the operator responsible for the implementation of the MMP.

Specifically, your operation is not in compliance with (List the regulatory deficiencies that were found such as the need for a MMP, or implementation the plan 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 letters, status review form, investigation form. **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 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*