**SAMPLE – PROCEDURE FOR CHANGING STATUS UNDER ACT 38 LETTER**

Date:

Operator Name *[Name1]*

Farm Name (*if used*)

Operator address

Operator address

Re: Status change of *[Name1]* animal operation under the Act 38 Nutrient Management Plan Program

Dear: Mr. / Mrs. / Ms. *[Name1]:*

On *[Date2]* the *[Name3]* County Conservation District (\_\_CCD *[Name3])* received a request from you for information regarding changing the Concentrated Animal Operation (CAO) status for your operation at [address of animal operation].

Based upon this request, the [Name3] County Conservation District is advising you that when a CAO changes the animal density on their operation either by decreasing animal numbers, adding additional land suitable or a combination of both, the changes must be verified by a certified Nutrient Management Specialist (NMS) and the appropriate documentation provided to our office for review.

To change your status from a CAO under the Act 38 Nutrient Management Program you must complete the following:

1. Have a certified NMS complete a new animal density calculation for your operation. The NMS must verify any changes to your animal numbers or acres available for manure application to certify the new status.
2. Provide a map that details the operation and all fields and acreage that are available for manure application. Please note that land suitable for the application of manure includes cropland, hayland and pastureland, must be under your management control and must receive manure from your operation. Farmstead areas and forest land does not count as land suitable for the application of manure.
3. If additional leased or rented land is being claimed, the lease or rental agreements for these acres should be included.
4. A written request to be withdrawn from the Act 38 program must be included with the new animal density calculation if you wish to withdraw from the program.
5. Submit the new animal density calculation and supporting documentation as outlined above to our office for review and verification. Additional supporting information may be requested as needed. Please note that the documentation submitted cannot be in conflict with information provided by the animal integrator, landowners of leased or rented land, or other sources of verification.

If the new animal density calculation and supporting documentation is complete and acceptable, we will send you and your plan writer a formal acknowledgement letter regarding your withdrawal from the Act 38 Nutrient Management Program. If the information submitted is determined to be incomplete or unacceptable, your operation will continue to be considered to be a CAO and be required to comply with all Act 38 requirements.

Given that you generate and/or utilize manure you should understand that even if you are no longer a CAO, it is still your responsibility to develop and follow, at a minimum, a Manure Management Plan (MMP) meeting the Department of Environmental Protection’s (DEP) Chapter 91 requirements.

You should also understand it is your responsibility to have and follow an Agricultural Erosion and Sedimentation (Ag E&S) plan meeting DEP’s Chapter 102 requirements. Ag E&S plans are required for all operations conducting plowing and tilling activities and operations where Animal Concentration Areas (ACAs) and/or Animal Heavy Use Areas (AHUAs) exist. An NRCS Conservation Plan meeting these specifics may meet these compliance obligations.

Please feel free to contact me should you have any questions regarding this issue.

Sincerely,

John Doe *[Name4]*

*[Name3]*

Title

Cc: [Name], SCC Regional Coordinator

File

*Name1 =* *Operator’s and/or Farm name.*

*Date2= Date District received request*

*Name3 = Your conservation district name, first written out, then abbreviated thereafter (ex. Adams County Conservation District (ACCD))*

*Name4= This most likely would be the reviewer of record, however it could also be the district manager or chairperson*