**SAMPLE DISAPPROVAL LETTER**

Date \_\_\_\_\_\_\_\_\_\_ CERTIFIED MAIL NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Operator Name *[Name1]*

Farm Name (*if used in NMP*)

Operator address

Operator address

Re: Disapproval of submitted Nutrient Management Plan (NMP)

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

The *[Name2]* County Conservation District ( \_\_CCD *[Name2])* received the latest version of proposed Nutrient Management Plan (NMP, or plan) on *[Date3]* for your animal operation located at *[Address4]*. Please be advised that the *[Name2]* has completed its review of the plan in accordance with the requirements of the Nutrient Management Act, Act 38 of 2005, 3 P.S. §§1701-1719, and the regulations adopted thereunder at 25 Pa. Code Chapter 83, Subchapter D. Based upon that review, your NMP is hereby disapproved in accordance with Sections *[Reference5]* 83.\_\_\_\_\_, 83.\_\_\_\_\_, 83.\_\_\_\_\_ of Chapter 83 for the following reasons:

1. *[Comments6]*

2. *[Comments6]*

As required by Chapter 83.361(e), you may resubmit a revised plan to the district for review. [If your operation is a Concentrated Animal Operation (CAO) and required to develop and implement a plan under Act 38 of 2005, and this is the first time you have ever submitted a NMP, you are required to resubmit a revised plan within 30 days of the date of this letter.] OR [If your operation is a Concentrated Animal Operation (CAO) and required to develop and implement a plan under Act 38 of 2005, and this is an amendment to an existing NMP, you are required to resubmit a revised plan within 30 days of the date of this letter]

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, or call 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Sincerely,

*[Name7]*

*[Name2]*

Title

Enclosed:

Appeals of District Decisions on NMA Delegated Responsibilities

cc: Author of plan

District Nutrient Management Specialist (*if different than signature on letter*)

State Conservation Commission Regional Coordinator

DEP if Operation is a CAFO

*Name1 =* *Name on NMP: Operator’s and/or Farm name.* ***NMP Disapproval Letters must be addressed to operator (not planner). Planner is copied.***

*Name2 = Your conservation district name, first written out, then abbreviated thereafter (ex. Adams County Conservation District (ACCD))*

*Date3= Date last version of submitted plan was received (most likely not in final form)*

*Address4 = Site address (minus the state and zip code)*

*Reference5 = Reasons for disapproving the plan need to be supported by references out of the Act, or the regulations.*

*Comments6= Comments need to be clear and specific, and with enough detail that the planner clearly understands what you are asking of them.*

*Name7= Preferably this would be the reviewer of record. However, it could also be a district manager, or board chairman.*

*\*Make sure to include enclosure*