**SAMPLE**

**Plan Transfer Acknowledgement Letter for CAOs**

Date \_\_\_\_\_\_\_\_\_\_\_

Operator Name

Farm Name (*if used in NMP*)

Operator address

Operator address

Dear Mr. / Mrs. / Ms. \_\_\_\_\_\_\_, *[Operator’s Name]*

The *[Name1]* County Conservation District (\_\_CCD, or District *[Name1])* received the proposed Nutrient Management Plan (NMP) Transfer request on *[Date2]* for your animal operation located at *[Address3]*. Based upon our review, the plan transfer met the requirements of Pennsylvania’s Nutrient Management Act (Act 38 of 2005) regulations, and therefore **was acknowledged by the *[Name1]* Board of Directors at their** *[Date4]* **meeting***.* Your transferred NMP will expire on *[Date5]*, which is the end of the last crop year for which it was developed.

***To remain in compliance with*** Act 38 (Pa’s Nutrient Management Act) you must implement the plan, maintain plan implementation records, and update or amend your plan according to the program timeframes. The limited liability provisions of the Act are afforded only to those operators that are implementing their approved plan according to schedule and maintaining the required records.

**Nutrient Management Act Obligations:**

Your legal obligations relating to your approved Nutrient Management Plan are as follows:

1. Fully implement and follow all provisions of your approved Nutrient Management Plan. Operate and maintain all existing BMPs on your operation in order to protect water quality. Apply manure and other nutrient sources in accordance with the specific applications rates, timing and methods described in your approved NMP. If you wish to deviate from the provisions approved in your plan, you must contact your certified planner and our office prior to the action.
2. With the assistance of a Pennsylvania Certified Nutrient Management Specialist you must:
   1. Amend your plan whenever there is a significant change in the management of nutrients on the farm. Those significant changes that would require a plan amendment are any of the following:
      1. A net increase in Animal Equivalent Units per acre (AEUs / ac) by more than 10% (either by increasing animal numbers, loss of acres, or a combination of the two);
      2. A change in crop management that results in a reduction of greater than 20% in nitrogen necessary for realistic expected crop yields, or the amount the crop will utilize within one crop year;
      3. A change in excess manure utilization arrangements as described in the approved plan;
         1. No amendment is required to address the loss of an importer if the loss does not impair the operator’s ability to properly manage the manure generated on the operation.
         2. No amendment is required to address the addition of a new importer if the operator submits the nutrient balance sheet and signed agreement required by this subchapter to the delegated conservation district overseeing the exporting farm, prior to transport. The district shall verify the adequacy of the documentation, update the plan file with the new documentation and require formal approval of the new importer through a plan amendment when the plan is subject to the triennial review under § 83.362(c) (relating to plan implementation).
      4. If calculations in the plan as originally submitted are in error, or if figures used in the plan are inconsistent with the requirements of this subchapter, and adequate justification has not been given in writing for the inconsistency;
      5. If a BMP different than that called for in the approved plan is proposed to address a manure management or stormwater management concern;
      6. If, after the first 3 years of implementing the plan, actual yields are less than 80% of the expected crop yields used in the development of the plan.
      7. If alternative organic nutrient sources will replace or augment nutrient sources described in the plan.
      8. If additional lands are brought into the operation through purchase, lease or renting.
      9. If there is a change in the manure management system that is expected to result in a different nutrient content that requires a change in manure application rates under § 83.293 (relating to determination of nutrient application rates).
      10. If a change in manure application is necessary based on the reevaluation of potential phosphorus loss as part of the triennial review under § 83.362(c) (relating to plan implementation).
   2. Update your plan to address operational or computational (minor) changes other than those described above (a, i-x). Examples of minor changes would be changing crops in a field different from those listed in your current plan, or adding new importers to your plan.
   3. Both three-year, and yearly plan submissions (either Amendments or Updates) must be submitted to the *[Name1]* prior to the beginning of the next crop year (October 1ST) of the upcoming crop year for which they are planned.
3. Maintain accurate records (as outlined in the “Nutrient Management Plan Agreement & Responsibilities” page of your approved plan) including:
   1. Land application of fertilizer, manure and other nutrients on *your* operation,
      1. Including the location and number of acres of application, date of application, and rate of application for each field or crop group
   2. Crop yields representing all fields on the operation,
   3. Soil tests every three years representing all fields on the operation,
   4. Annual manure analysis reports,
   5. Manure production records,
   6. The number of animals on pasture (if any) as well as number of days on pasture and hours per day, ***[List needs to the specific to the NMP operation. Delete items that do not pertain to the operation]***

You do not need to submit these records to the Commission or *[Name1],* but they must be retained on the operation and be available upon request by the Commission or Conservation District.Several sample record keeping forms have been included with this mailing. You do not need to use these sample forms, but you *are required* to keep the records listed above. The included forms are provided to help you keep those required records.

1. Maintain accurate manure export records of manure being *exported off* of your operation. **Manure Export Sheets** must be completed every time manure is exported from your site. A copy of a blank Manure Export Sheet is included in this mailing. A completed Manure Export Sheet representing each manure export event, kept on file at your operation (with a copy provided to the importer), satisfies your continual record keeping requirements for exported manure. The Manure Export Summary sheet is an optional form that you may find useful when manure is frequently exported to the same importer within the same crop year. ***[Delete this paragraph for farms not exporting manure.]***
2. Provide Exported Manure Information Packet. During the initial implementation of your plan, when transferring manure to a given importer for the first time, you will need to provide a copy of the **Exported Manure Information** **Packet** to the importer. This export packet (enclosed) includes a copy of:
   1. Exported Manure Informational Packet Guidance Sheet.
   2. Nutrient Management Planning: An Overview (Penn State Agronomy Facts 60).
   3. Manure Management for Environmental Protection.
   4. Land Application of Manure – A supplement to the Manure Management Manual Plan Guidance.
   5. Manure Export Sheet.
   6. Manure Transfer Summary Sheets.
   7. Manure Field Stacking Requirements Fact Sheet.

You only need to provide this information packet to each importer once through the life of your operation. If you need additional Manure Export Packets, please contact *[Name1]*. ***[Delete this paragraph for farms not exporting manure, or for those farms exporting for reasons other than for Ag land application.]***

1. Implement or install all proposed Best Management Practices (BMPs) listed in your approved Nutrient Management Plan in accordance with their implementation date listed in the plan. The BMPs, and their proposed implementation dates (as listed on page #\_\_\_\_\_\_ of your plan) are:
   1. ***BMP name, location, and implementation timeframe [BMP6]***;
   2. ***[repeat for each BMP]…***

Prior to building any BMP, you will need to obtain a design for the practice. The practice design will need to conform to the standards in the Pennsylvania Technical Guide. For Nutrient Management Plans that include liquid or semi-solid manure storages, the design for the storage must be developed by a Professional Engineer licensed to work in Pennsylvania. **At least two weeks prior to beginning construction on the new manure storage, you will need to have your engineer submit to our office, written verification indicating that the storage has been designed according to the appropriate standards and that it is in conformance with the setback requirements.**  Also at that time, the engineer will need to submit a copy the quality assurance plan outlining when, and by whom, the construction job will be inspected for conformance with the design standards. ***[Manure storage language is only needed for plans proposing to install a new manure storage structure]***

If you need any assistance with the installation of these proposed BMPs, please feel free to call our office and we will attempt to help you with these practices. If you will not be implementing the practices (as originally proposed above) you are required to inform your nutrient management planner so your plan can be revised to reflect this change.

***[Delete this entire item 4 if there are no new BMPs proposed in the approved plan.]***

1. Participate in Annual Status Reviews. Nutrient management program staff from the Commission, or *[Name1]*, are obligated to inspect your farm at least annually to assess plan implementation and record keeping. This is completed through **annual Status Reviews**. **[*For CAFOs, Add the following*:** The Department of Environmental Protection may also be involved with inspections of your operation (either jointly or separately) in an effort to ensure that the Concentrated Animal Feeding Operations (CAFO) permit requirements are being applied properly to your operation.] Staff will call ahead to try to accommodate your schedule. Please call *[Name1]* if you have any questions relating to the implementation of your plan.
2. Perform Triennial Reviews - At least triennially, your plan, records, and status of your operation’s compliance will need to be reviewed by a certified NM specialist to determine whether a plan amendment is required. A reevaluation of your Phosphorus Index will be part of this **triennial review**. You will need to have a triennial review completed on your plan at least by *[Date7]. Please note that that the triennial review must be completed early enough so that the NMP can be amended, submitted, reviewed and approved prior to the expiration of your newly approved NMP on September 30 [Select appropriate year]and subsequent start of the crop year on October 1st*

In conclusion, you are legally obligated to follow all provisions of your approved nutrient management plan. You cannot deviate from the practices outlined in this plan without formally revising this approved nutrient management plan though a Pennsylvania Certified Nutrient Management Specialist and the *[Name1]* County Conservation District. If you have any questions about this letter or your requirements under the nutrient management program, please feel free to call me *[Name8]* at (\_\_\_) \_\_\_-\_\_\_\_\_. I will be glad to provide any additional assistance.

Sincerely,

John Doe *[Name8]*

*[Name1]*

Title

Enclosures:

Sample record keeping forms

Exported Manure Information Packet

cc: Author of plan

Michael Aucoin, SCC *(if author is provisionally certified)*

DEP if Operation is a CAFO

*Name1 = Your conservation district name, first written out, then abbreviated thereafter (ex. Adams County Conservation District (ACCD))*

*Date2= Date plan transfer request was received by the CD*

*Address3 = Site address (minus the state and zip code)*

*Date4 = Date your BOD acknowledged the plan transfer*

*Date5 = Date plan will expire (most likely September 30 of the last crop year planned)*

*BMP6= list BMP name, location, and implementation timeframe as they are appear in the plan*

*Date7=This date will either be the same as Date5 (for 3-year plans) or within 3 years of plan approval (for 1-year plans)*

*Name8= Preferably this would be the reviewer of record. However, it could also be a district manager, or board chairman.*

*\*Make sure to include enclosures*