

# Act 38 NMP On-site Status Reviews

NM Roundtable Meetings

Fall 2021

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# Status Review General Reminders

- ▶ Emphasis is education and assistance to promote plan implementation.
- ▶ Follow guidance in the Administrative Manual, Chapter 3.
- ▶ CAOs & CAFOs - Every year. More often if needed regarding complaints, etc.
- ▶ CAFOs - Coordinate scheduling with DEP Regional Office.
- ▶ VAOs - Every 3 Years (1/3 of all VAOs every year).
- ▶ Board members & CD Staff NMPS - SCC must be involved.
- ▶ Status reviews should follow Crop Year calendar (Oct. 1 - Sept. 30).
- ▶ CDs not able to perform all yearly status reviews must contact SCC **Coordinator to discuss and develop a plan to get “caught up”**.

# Status Review Reminders (Continued)

- ▶ Contact operators to schedule and notify of information needed. Ask if specific biosecurity protocols must be met.
- ▶ Prior to site visit, review the NMP and take notes or make copies of necessary information. Take soil & manure sample kits or contact information where they can be obtained as well as extra copies of record keeping forms.
- ▶ Upon arrival at site, Take Biosecurity Measures! (Chapter 1, Section VII), meet with operator to review planned activities and request information needed.
- ▶ Conduct status review by covering the official form item by item. Review all aspects of plan implementation (BMPs, manure application & export records, crop yield records, etc.). Discuss BMP implementation & maintenance. Take notes.

# Conducting Status Reviews

- ▶ Inspect all manure storage and handling areas for issues. Check observation wells and foundation/footer drain outlets for discharges.
- ▶ Inspect & evaluate all ACAs.
- ▶ Inspect all existing BMPs for O & M issues or concerns.
- ▶ Inspect pastures & fields near stream corridors for CRPAs.
- ▶ Discuss findings with operator and any implementation, maintenance or updates needed.
- ▶ After returning to office follow-up with additional information or educational materials that will assist the operator.
- ▶ If additional expertise needed, request assistance from NRCS, etc.

# Conducting Status Reviews (Continued)

- ▶ **Respect & be mindful of the operator's time.**
  - ▶ Complete what you can of the form before leaving the office
  - ▶ Be familiar with the NMP & the Status Review Form.
  - ▶ Ask only those questions that pertain to the operation.
  - ▶ Know when to move on.
  - ▶ **Know when to leave the operation. Don't wear out your welcome.**
- ▶ Operator signature is encourage but not required.
- ▶ Option to clean-up the form or type up on computer back at the office.
  - ▶ If cleaned-up later, send photocopy of original along with the cleaned-up version if operator signed the original.

# Documenting Findings

- ▶ Mail copy to operator & plan writer and place copy in NMP file.
- ▶ Describe plan revision/implementation actions and deadline for completion. Provide notification of compliance or non-compliance issues.
- ▶ Formal letter & completed form mailed to the operator indicating inspection outcome.
- ▶ **If full compliance noted, send “satisfactory” letter (Chapter 6, Supplement 3)**
- ▶ If non-compliance issues noted, utilize compliance strategy (Chapter 4) plan implementation letters as the formal letter.
- ▶ Provide technical assistance and consult with plan writer as appropriate.
- ▶ If compliance efforts unsuccessful, request assistance from SCC.
- ▶ Report all status review activities on quarterly report form.
- ▶ Keep notes in NMP file regarding all contacts with the operator.

# Status Reviews Follow-Up

- ▶ Situations where operators are out of compliance, or assistance is requested, follow-up visits will likely be necessary.
- ▶ Follow-up visits MUST occur shortly after the provided deadline.
  - ▶ **Waiting until the next year's status review is not acceptable.**
- ▶ Follow-up inspection report must be completed.
  - ▶ Use inspection report not another status review form.
- ▶ Follow-up letter should be sent when compliance has been achieved.

# Status Reviews Follow-Up (Continued)

- ▶ A plan Update or Amendment or follow-up visit is needed for:
  - ▶ Addressing water contamination sources.
  - ▶ Revisions to nutrient application rates.
  - ▶ Submitting plan updates or amendments.
  - ▶ Revising plan implementation schedule.
  - ▶ Completing required BMPs or maintenance of BMPs.
  - ▶ Completing required record keeping.

# Status Reviews Follow-Up (Continued)

- ▶ Additional compliance efforts will be pursued in situations where little or no progress is achieved (See NM Admin Manual, Chapter 4 - Compliance Strategy)
  - ▶ Give operator an opportunity for consultation including review of reports/visits.
  - ▶ Provide any additional information/materials to assist operator.
  - ▶ If progress achieved, follow-up inspection report placed in official NMP file.
  - ▶ If no progress, compliance letter 4.B must be mailed summarizing required activities.
  - ▶ Specific deadlines will be provided in the letter for completion of activities.
  - ▶ Involve your SCC regional Coordinator.

Questions or Comments?

