

**Nutrient Management (Act 38) and
Manure Management (Chapter 91)
Delegated Conservation Districts
Complaint Handling**





Learning Goals

- Confidentiality
- Authority
- Complaint Processing / Referrals
- Follow Up Visits / Review
- Filing

Confidentiality

- *The identity of all complainants will remain confidential.*
- CD should inform the complainant of this policy.
- This guidance is in line with Pennsylvania Right to Know Law



Authority

- Determine if the complaint falls under the Nutrient Management and/or Manure Management program.
- If so the CD has authority of program to investigate further.
- If the complaint is outside the CD authority please forward the information to appropriate agency.

Complaint Processing

1. Obtain relative facts and information
 - o Use the complaint handling and Problem Assessment Form

Complaint Handling and Problem Assessment Form
INTERNAL DISTRICT DOCUMENT (NOT TO BE SHARED)

DATE: _____ TIME: _____ TAKEN BY: _____
CALLER: _____ REPRESENTS: _____
ADDRESS: _____
PHONE: (H) _____ (W) _____ (OTHER) _____
COMPLAINT INFORMATION: _____
LANDOWNER / OPERATOR: _____
ADDRESS / LOCATION / DIRECTIONS: _____

QUAD SHEET / REFERENCE MAP: _____ RECEIVING STREAM / WATERBODY: _____
COUNTY: _____ MUNICIPALITY: _____
TYPE OF PROBLEM: _____
POLLUTION: YES _____ NO _____ DATE: _____
DISTRICT / DEP ASSESSMENT: _____ DATE: _____
INVESTIGATION FORM: YES _____ NO _____ DATE: _____
PHOTOS TAKEN: YES _____ NO _____
FINDINGS / COMMENTS: _____

COORDINATION / REFERRAL TO COOPERATING AGENCY(S): YES _____ NO _____
AGENCY: _____ DATE: _____
PHONE: _____ LETTER: _____ OTHER: _____
INDIVIDUAL CONTACTED: _____ PHONE #: _____
RESPONSE TO COMPLAINANT: MEETING: _____ PHONE: _____ LETTER: _____
DATE: _____
STATUS: _____



Complaint Processing

- Determine which program (s) the complaint falls under
- If situation **is not** threatening or causing immediate pollution or harm to the public, may be good to include the Pa Farm Bureau
- Provide the complainant with information



Complaint Processing

- If situation **is** threatening or causing immediate pollution or harm to the public, contact Immediately:
 - DEP Regional Water Quality Section
 - SCC Regional Coordinator
 - Pa Fish and Boat Commission regional office
- Advise the responsible party of their duty to also contact DEP and Downstream Users of the pollution event or threat of pollution



Complaint Processing

- Schedule a site visits within 10 days of the complaint
- Review the file before the site visit
- Consult with other agencies / organizations, if needed
- Follow the operators required biosecurity protocols (or at a minimum the CD, DEP, or PDA policies)
- Meet with the Operator and gain information
 - Be respectful of the operator & situation, maintain professionalism
 - ID badge
 - Photographs / Sketches
- to the operator your finding or further actions needed
- Referral to other agencies as needed



Complaint Processing

- Record and Document findings on inspection report
- If you are unaware of whether the complaint falls under Act 38 or Chapter 91, please use the DEP Chapter 91 inspection form 1st
- As a rule of thumb, if the operator has an Act 38 NMP, its an Act 38 complaint, all other complaints would initially then fall under Chapter 91, until a CAO calculation could be performed and a determination made of which program the operator falls under.

Complaint Processing

- Record and Document findings on inspection report

COMMONWEALTH OF PENNSYLVANIA NUTRIENT MANAGEMENT PROGRAM NUTRIENT MANAGEMENT INSPECTION REPORT			Date: _____
Operator Name: _____			
Location: _____			
Municipality: _____			
Watercourse or body of water: _____			
Responsible Person: _____			
_____ (Town)		_____ (State)	_____ (Zip)
_____ (Home Phone)		_____ (Work Phone or	_____ Cell Phone)
INSPECTION FINDINGS: _____			

DESCRIBE VIOLATIONS IF ANY, INCLUDING ALL PERTINENT DIMENSIONS AND THE ACTUAL OR PLANNED IMPACTS TO WATERCOURSES OR BODIES OF WATER. CONFIRM COMPLIANCE WITH NUTRIENT MANAGEMENT ACT, THE REGULATIONS, AND APPROVED NMP FOR OPERATION.			

Sketch attached	Yes	No	Photos taken: Yes No
RECOMMENDATIONS: _____			
RESPONSIBLE PERSON SIGNATURE: _____		DATE: _____	
INSPECTOR SIGNATURE: _____		DATE: _____	

Complaint Processing

- Record and Document findings on inspection report

AGRICULTURAL INSPECTION REPORT	
Operation Name: _____	Inspection Date _____
Weather Conditions: _____	Time of Inspection: _____
Location: _____	
Municipality: _____	County: _____
Receiving Water(s): _____	Designated/Existing Use: _____
<hr/>	
Landowner _____	Operator _____
(name & address) _____	(name & _____
_____	address) _____
Phone _____	_____
<hr/>	
Operation Representative _____	Conservation District Representative _____
(name) _____	(name) _____
<hr/>	
Type of Inspection (check only one)	Photographs Taken Yes <input type="checkbox"/> No <input type="checkbox"/>
Original Complaint <input type="checkbox"/>	Follow -up <input type="checkbox"/>
Site Description & Observations:	



Complaint Processing

- Record contacts made
- Keep Notes
- Provide Formal Letters
- Provide a response to the complainant



Complaint Processing

- Schedule Follow Up Inspections / Review, if needed
- Provide reasonable time to make corrections for compliance, depending on the situation
 - Contact your SCC regional Coordinator for assistance and guidance



Follow Up Visits / Reviews

- When necessary (after the initial visit and subsequent visits) conduct follow up visits / reviews of appropriate information
- Record and Document visit
- Complete another inspection form
- Continue process for voluntary compliance according to Chapter 4 (Compliance Process) of the Administrative Manual.



Filing

- Quarterly Reports in PracticeKeeper
 - See CWA recording for Attachment H

Separate file for Complaint processing form

Records are to be maintained for 5 years



Summary

- Confidentiality
 - Of utmost importance
- Documentation
 - Can never have enough
- Follow Up
 - Make sure problems are taken care of
- Filing
 - Complete, Accurate, Starting point for someone new



Questions

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Management Programs

SCC Regional Coordinators

[https://extension.psu.edu/programs/nutrient-
management/scc/manual](https://extension.psu.edu/programs/nutrient-management/scc/manual)