

**PAG-12 - General Permit for the Operation of Concentrated Animal Feeding Operations (CAFOs)
Requirement to Address Actions that Will be Taken in Response to a Mass Animal Mortality Event
in the Preparedness, Prevention and Contingency (PPC) Plan
Frequently Asked Questions (FAQ)
February 23, 2024
1.0**

Background

A PPC Plan is required for all pollutants related to the CAFO operation (25 Pa. Code § 92a.29). Part C of the PAG-12 General Permit (PAG-12) requires the permittee to develop, implement and, when necessary, update the PPC Plan and submit it with the Notice of Intent (NOI) application.

Unless the site-specific emergency response plan required by 25 Pa Code § 83.312 in the Nutrient Management Plan is being used to meet the requirement of the PPC Plan, the PPC Plan is not reviewed by the State Conservation Commission or County Conservation District as part of the Act 38 Nutrient Management Program.

Part C of the PAG-12 also requires the permittee to comply with the requirements of the Domestic Animal Law (3 Pa.C.S. § 2352) for the disposal of dead domestic animals and 25 Pa. Code § 243.11 when handling and disposing of dead animals.

PPC Plan Contents and Considerations

To adequately address actions that will be taken in response to a mass animal mortality event, the PPC Plan should include the contact information for the Pennsylvania Department of Agriculture (PDA) Bureau of Animal Health and Diagnostic Services and consider the following:

1. The quantity and animal type to be disposed. The quantity and type of animals should be consistent with the Animal Information Section of the NOI.
2. All contaminated products associated with the CAFO to be disposed. Examples of contaminated products include the following:
 - a. Eggs
 - b. Packaged Eggs
 - c. Manure
 - d. Feed
3. The method(s) of disposal to comply with the requirements of the Domestic Animal Law.
 - a. Depending on the method(s) of disposal chosen, additional considerations may be necessary including:
 - i. If composting,
 - 1) The quantity and source of carbon material
 - 2) The proximity of the composting site to surface water, wells, and sinkholes
 - 3) A map with the composting site location
 - ii. If landfilling,
 - 1) Confirmation from the permitted waste disposal site that it has the capacity to receive the anticipated type and quantity of material
 - 2) Transport to the permitted waste disposal site

- 3) Sourcing of transportation materials which may include:
 - a. Dumpster liners
 - b. Dumpsters
 - c. Trucks
- iii. If burying,
 - 1) Placement so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from waters of the Commonwealth, 100 feet from an open sinkhole, 100 feet from wells, and outside of the 100-year floodplain
 - 2) A map with the burial site location

If the CAFO has a mass mortality plan or flock plan including the applicable components above, the relevant plan may be incorporated into the PPC Plan as an attachment to describe the mass mortality component of the operation's methods for managing animal mortalities as required in the NOI.

General Information

FAQ #1 - What happens if I need to modify my method of disposal in response to the conditions of the emergency?

It is acceptable to modify your method of disposal in response to the conditions of the emergency.

FAQ #2 - Can I plan for more than one disposal method as a back-up plan?

It is acceptable to plan for more than one method of disposal in the PPC Plan.

FAQ #3 - Can my mass mortality plan or flock plan be summarized? If so, what aspects must I include?

The CAFO's mass mortality plan or flock plan may be summarized in the PPC Plan. If summarized, it should include documentation that the items described in the Plan Contents and Considerations of this FAQ have been addressed.

FAQ #4 - Is the PPC Plan sufficient to support a claim for indemnity with the USDA?

No, the CAFO should contact the USDA for clarification regarding what is needed to qualify for indemnity.

FAQ #5 - Is the PPC Plan subject to Right-to-Know Law?

Yes, generally all documents submitted by the applicant to obtain the CAFO Permit are subject to Pennsylvania's Right-to-Know Law.

FAQ #6 - Does the PPC Plan need to be submitted with the Notice of Intent (NOI) for new operations seeking coverage under the PAG-12 and CAFOs with existing PAG-12 coverage?

Yes, a PPC Plan meeting the requirements of 25 Pa. Code §§ 91.34(b) and 92a.29(e)(4) must be attached to the NOI regardless of whether the operation is new or existing.

FAQ #7 - Is it acceptable to wait until the mass mortality event to consider what actions will be taken in response to a mass mortality event and document that intention in the PPC Plan?

DEP understands that each mass mortality event will be distinct and have unique matters of concern; however, the conditions of the operation as described in the Animal Information Section of the NOI should remain consistent unless an amendment is submitted, which allows for basic prerelease planning as is required by the PPC Plan. Therefore, the items in the Plan Contents and Considerations of this FAQ should be considered when developing the PPC Plan.