



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Conservation & Restoration

# **PA DEP Non-CAFO Agricultural Operation Inspection Report**

Agricultural Advisory Board Meeting

December 16, 2015



# Observations and Inspection Narrative

<b>COMPLIANCE ASSISTANCE PROVIDED:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>PHOTOS TAKEN:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>SAMPLES TAKEN:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>SAMPLE NUMBER</b>	<b>LOCATION</b>			<b>FIELD MEASUREMENTS</b>	
█	█			█	
█	█			█	
█	█			█	
<b>INSPECTOR'S NAME:</b> █		<b>INSPECTOR'S SIGNATURE:</b>		<b>TITLE:</b> █	
				<b>DATE:</b> █	
				<b>TELEPHONE:</b> █	
<b>NAME OF PERSON INTERVIEWED:</b> █		<b>SIGNATURE OF PERSON INTERVIEWED:</b>			<b>DATE:</b> █
					<b>TELEPHONE:</b> █
<p>This document is official notification that a representative of the Department of Environmental Protection inspected the above operation or incident. The findings are shown above and on any attached pages. Any violations identified during the inspection are indicated. Violations may also be identified after the examination of sample results or after further review of the inspection details. If this is the case, notification will be forthcoming.</p>					

Page 1 of █

White - Regional

Yellow - Responsible Party

Pink - Inspector

# Page 2 – Operational Information

3700-FM-BCR0489 7/2015

<b>OPERATION NAME:</b> _____		<b>COUNTY:</b> _____	<b>MUNICIPALITY:</b> _____	<b>DATE:</b> _____
OPERATIONAL INFORMATION				
1. <b>Animal Type (check):</b> <input type="checkbox"/> None <input type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Poultry <input type="checkbox"/> Beef <input type="checkbox"/> Horses <input type="checkbox"/> Other (describe) _____				
2. <b>Operation Acreage:</b> _____		<b>Acreage available for manure application:</b> <input type="checkbox"/> Owned _____ <input type="checkbox"/> Rented _____		
3. <b>AEUs:</b> _____		<b>AEUs/ACRE:</b> _____		<input type="checkbox"/> Not Determined
4. <b>Are there reported or observed Environmentally Sensitive Areas (ESA):</b> <b>Drinking water wells on the farm or adjacent property?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Open sinkholes on the operation?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Are there other ESAs such as streams, ponds, wetlands, agricultural drainage system inlets, non-vegetated Concentrated Flow Areas or others?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Fully Observed <b>Describe:</b> _____				
5. <b>Is manure mechanically applied?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Are proper setbacks being employed from surface waters or ESAs?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined				
6. <b>Do animals have unrestricted access to surface waters?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, where?</b> _____				
7. <b>Are there any Animal Heavy Use Areas (AHUAs)/Animal Concentration Areas (ACAs) on the operation?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, where?</b> _____				
8. <b>Is there polluted runoff or the potential of runoff from the AHUA/ACAs to waters of the Commonwealth?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined <b>If yes, where?</b> _____				
9. <b>Is there Manure Storage?</b> <input type="checkbox"/> None a. <input type="checkbox"/> Earthen Pond b. <input type="checkbox"/> HDPE Lined Pond c. <input type="checkbox"/> Outdoor Concrete Tank d. <input type="checkbox"/> Aboveground Steel Tank e. <input type="checkbox"/> Under Barn Liquid/Solid (circle one) f. <input type="checkbox"/> Field Stacking g. <input type="checkbox"/> Storage Pad h. <input type="checkbox"/> Other _____				
10. <b>Are there any observed structural, operational, or maintenance deficiencies with the manure storage or transfer facilities that should be addressed?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined <b>Describe:</b> _____				

# Page 2 – Operational Information

<p>11. If a liquid or semi-solid manure storage facility on the operation was constructed on or after January 29, 2000, is there a copy of the PE Certification at the operation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined Describe: _____</p>	
<p>12. Is there adequate Liquid/Semisolid Manure Storage Freeboard Observed? <input type="checkbox"/> Yes <input type="checkbox"/> No Describe: _____</p>	<p>13. Are silage and feedstock adequately stored to prevent a discharge or danger of pollution? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined Describe: _____</p>
<p>14. Is milk house waste or other agricultural process wastewater adequately managed to prevent a danger of pollution? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined Describe: _____</p>	
<p>15. If manure is applied, does the operation have a written Manure Management Plan (MMP) or other DEP-approved alternative plan format, Nutrient Management Plan (NMP) or Comprehensive Nutrient Management Plan (CNMP), or a permit or approval for manure application from DEP? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined Plan Date: _____ Does the plan need to be updated? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined Are additional Best Management Practices needed at this time? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined</p>	
<p>16. What type of tillage is used at the operation? (check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Deep Tillage (chisel plow, mold board, etc.) <input type="checkbox"/> Minimal Till (Mulch till, Strip till) <input type="checkbox"/> No-Till <input type="checkbox"/> Unknown</p>	
<p>17. Does the operation have an Agricultural Erosion and Sediment Control Plan (Ag E&amp;S Plan) or Conservation Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> Not Determined Plan Date: _____ Does the plan need to be updated? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined Are additional Best Management Practices needed at this time? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Determined</p>	

Page 2 of \_\_\_\_\_

White - Regional

Yellow - Responsible Party

Pink - Inspector



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



# Page 3 – Violations Noted

3700-FM-BCR0489 7/2015

<b>OPERATION NAME:</b> [REDACTED]	<b>COUNTY:</b> [REDACTED]	<b>MUNICIPALITY:</b> [REDACTED]	<b>DATE:</b> [REDACTED]
<b>VIOLATIONS NOTED</b>			

1.  **UNAUTHORIZED DISCHARGE: (Check all that apply)**
  - a.  **AG OPERATION:** Failure to prevent a discharge of pollutants to waters of the Commonwealth without a permit or as permitted by regulation in accordance with 25 Pa. Code §91.36(c)(1).
  - b.  **MANURE OR IW:** The unauthorized discharge of manure or industrial waste into the waters of the Commonwealth in accordance with Section 201 of The Clean Streams Law 35 P.S. §691.201, or Section 301 of the Clean Streams Law 25 P.S. §691.301, respectively (circle Section 201 or 301, or both).
  - c.  **POLLUTION:** The unlawful discharge of pollutants to waters of the Commonwealth resulting in pollution in accordance with Section 401 of The Clean Stream Law 35 P.S. §691.401.
2.  **NOTIFICATION:** Failure to immediately notify the Department by telephone of the location and nature of the danger of an accident, activity, or incident that results in or creates a danger of pollution of waters of the Commonwealth or damage to property and, if reasonably possible to do so, to notify downstream users of the water in accordance with 25 Pa. Code §91.33 (a).
3.  **IMMEDIATE ACTION:** Failure to take immediate steps to prevent injury to property and downstream users of the waters of the Commonwealth from pollution or danger of pollution and, within 15 days from the incident, remove from the ground and from the affected waters, to the extent required by Title 25 of the Pa. Code, the residual substance in accordance with 25 Pa. Code §91.33(b).
4.  **PREVENTION:** Failure to take necessary measures to prevent pollutants from directly or indirectly reaching waters of the Commonwealth in accordance with 25 Pa. Code §91.34(a).
5.  **POTENTIAL POLLUTION:** Site conditions present a danger of pollution to the waters of the Commonwealth in accordance with Section 402 of The Clean Stream Law 35 P.S. §691.402(b).
6.  **MANURE STORAGE FACILITY: (Check all that apply)**
  - a.  **DESIGN:** Failure to design, construct, operate, and maintain a manure storage facility (MSF) in accordance with current engineering and agronomic practices to ensure that the facility is structurally sound, watertight, and located and sized to prevent pollution of surface and groundwater or to obtain a Water Quality Management Permit or approval from the Department for the manure storage facility in accordance with 25 Pa. Code §91.36(a)(1).
  - b.  **CERTIFICATION/PERMIT:** Failure to obtain a professional engineer's certification or a Water Quality Management Permit for a liquid or semisolid manure storage facility constructed after January 29, 2000 in accordance with 25 Pa. Code 25 §91.36(a)(2).
  - c.  **FREEBOARD:** Failure to maintain the freeboard for a liquid or semi-solid manure storage facility in accordance with the requirements of a permit or 25 Pa. Code §91.36(a)(6).

# Page 3 – Violations Noted

7.  **MANURE MANAGEMENT PLAN AND/OR BMPS:** Failure to have, develop and/or implement a plan to manage nutrients (Manure Management Plan, Nutrient Management Plan or CNMP) for water quality protection according to current standards such as those found in the Manure Management Manual or to obtain approval or permit from the Department for the land application of animal manure or process waste water in accordance with 25 Pa. Code §91.36(b)(1)(i).
8.  **AG EROSION AND SEDIMENT CONTROL**
- a.  **PLAN:** Failure to develop a written Erosion and Sediment Control Plan for agricultural plowing or tilling activities or animal heavy use areas in accordance with 25 Pa. Code §102.4(a)(2).
  - b.  **AVAILABLE:** Failure to have available for review a written Erosion and Sediment Control Plan for agricultural plowing or tilling activities or animal heavy use areas in accordance with 25 Pa. Code §102.4(a)(8).
  - c.  **BMPS:** Failure to implement or maintain erosion and sediment control Best Management Practices to minimize the potential for accelerated erosion and sedimentation in accordance with 25 Pa. Code §102.4(a)(1).
9.  **OTHER:**
- 
- 
- 
- 
- 

Page 3 of

White - Regional

Yellow - Responsible Party

Pink - Inspector

# Page 4 – Corrective Actions

3700-FM-BCR0489 7/2015

<b>OPERATION NAME:</b> _____	<b>COUNTY:</b> _____	<b>MUNICIPALITY:</b> _____	<b>DATE:</b> _____
<b>CORRECTIVE ACTIONS REQUESTED</b>			

- A.  **UNAUTHORIZED DISCHARGE:** Take action to abate any unauthorized discharge to waters of the Commonwealth.
- B.  **PREVENT POLLUTION:** Take action to prevent pollution or a danger of pollution to downstream users or waters of the Commonwealth.
- C.  **IMPLEMENT BMPs:** Implement interim and/or permanent Best Management Practices by \_\_\_\_\_, to prevent pollution in accordance with 25 Pa. Code Section  91.34(a),  91.36(a),  91.36(b),  102.4(a). Notify the inspector when the BMP(s) are implemented.

This request applies to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- D.  **MANURE STORAGE FACILITY - CERTIFICATION:** Obtain a Professional Engineer Certification under 25 Pa. Code 91.36(a) for the farm Manure Storage Facility by \_\_\_\_\_. If the facility cannot be certified to meet current PA Technical Guide standards, then notify the inspector on or before this date.
- E.  **MANURE STORAGE FACILITY - FREEBOARD:** At a minimum, restore  6 inches or  12 inches of freeboard to the following facility \_\_\_\_\_.
- F.  **MANURE MANAGEMENT PLAN:** Within \_\_\_\_\_ months of this inspection, update/develop (circle one) a written Manure Management Plan, Nutrient Management Plan or CNMP in accordance with 25 Pa. Code, Section 91.36(b). The plan must be maintained and implemented at the operation and made available upon request by the Department. Notify the inspector when the plan is complete.



# Page 4 – Corrective Actions

- G.  **MANURE MANAGEMENT PLAN & BMP SCHEDULE:** Update/develop (circle one) and **SUBMIT** a written Manure Management Plan, Nutrient Management Plan or CNMP in accordance with 25 Pa. Code, Section 91.36(b), by \_\_\_\_\_, unless the Department otherwise extends the time frame in writing. In order to be considered adequate, the plan must include appropriate Best Management Practices and an Implementation Schedule to provide permanent solutions to abate the water quality concerns identified on page(s) \_\_\_\_\_ of this report. The plan must be maintained and implemented at the operation and made available upon request by the Department.
- H.  **AG EROSION AND SEDIMENT CONTROL PLAN:** Within \_\_\_\_\_ months of this inspection update/develop (circle one) a written Agricultural Erosion and Sediment Control Plan (Ag E&S Plan) for agricultural plowing and tilling and/or operation of an animal heavy use area including an implementation schedule in accordance with 25 Pa. Code, Section 102.4(a). The plan must be maintained at the operation and made available upon request by the Department. Notify the inspector when the plan is complete.
- I.  **AG EROSION AND SEDIMENT CONTROL PLAN & BMP SCHEDULE:** Update/develop (circle one) and **SUBMIT** a written Agricultural Erosion and Sediment Control Plan for agricultural plowing and tilling and/or operation of an animal heavy use area in accordance with 25 Pa. Code, Section 102.4(a), by \_\_\_\_\_, unless the Department otherwise extends the time frame in writing. In order to be considered adequate, the plan must include appropriate Best Management Practices and an implementation schedule to provide permanent solutions to abate the water quality concerns identified on page(s) \_\_\_\_\_ of this report. The plan must be maintained and implemented at the operation and made available upon request by the Department.

J.  **OTHER:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The requested plan(s) or response should be submitted to \_\_\_\_\_  
at the following address: \_\_\_\_\_

If you would like a list of private consultants working in your area, or to inquire about their capacity to assist you with plans, please contact  
the \_\_\_\_\_ County Conservation District at \_\_\_\_\_

Page 4 of \_\_\_\_\_

White - Regional

Yellow - Responsible Party

Pink - Inspector



# CAFO Winter Application

**NPDES Permit Requirement – Notify DEP in writing within 7 days prior to winter application of manure.**

## **Winter is:**

- December 15 to February 28; or
- Any time the ground is frozen 4+ inches deep; or
- Snow covered

***Winter Period Application of Manure Notification Form***

# CAFO Winter Notification Form



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CONSERVATION AND RESTORATION

## WINTER PERIOD APPLICATION OF MANURE NOTIFICATION

CAFO Site Name: \_\_\_\_\_ Date of Submittal: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Name of Owner/Operator: \_\_\_\_\_

Facility Address: \_\_\_\_\_ County: \_\_\_\_\_

Check box if this form is a resubmittal of a previous notification. Provide the "Date of Submittal" from the original form that is being replaced here: \_\_\_\_\_ (See Instructions)

Nutrient Mgmt. Plan Field ID	Acres	Anticipated Total Manure Volume	Tons or Gals	Anticipated Application Date(s)

- The permittee shall notify the Department of Environmental Protection **within 7 days prior** to the anticipated land application of manure during the winter period.
- "Winter" is defined in 25 Pa. Code § 83.201 as December 15 through February 28 **or** anytime the ground is frozen at least 4 inches deep **or** anytime that the ground is snow covered.
- The permittee shall not spread manure during the winter, except as authorized in the permittee's Nutrient Management Plan (NMP), or unless the permittee has fully complied with 25 Pa. Code § 83.372, and has obtained a plan amendment due to unforeseen circumstances.

**CERTIFICATION:** By submission of this form, the Permittee certifies that actions have been taken to maximize the available capacity in the manure storage facility prior to the winter period to prevent pollution of ground and surface water; all manure storage facilities have been properly operated and maintained; and the proposed winter spreading shall be applied in accordance with the Permittee's approved NMP.

Check additional box(es) if applicable:

- Unforeseen Circumstances** - Permittee has contacted the SCC or the County Conservation District for guidance on applying the above proposed manure due to unforeseen/emergency circumstances that are not outlined in the approved NMP.
- Contagious Disease Outbreak** - Application of the above proposed manure will be conducted in accordance with requirements in the Department of Agriculture's order of quarantine and regulations thereunder.

I certify under penalty of law that I have verified the above information is true, accurate, and complete to the best of my knowledge and belief.

Permittee or Authorized Individual Signature \_\_\_\_\_

\_\_\_\_\_ Date

Check box if this form is a resubmittal of a previous notification. Provide the "Date of Submittal" from the original form that is being replaced here: \_\_\_\_\_ (See Instructions)

Nutrient Mgmt. Plan Field ID	Acres	Anticipated Total Manure Volume	Tons or Gals	Anticipated Application Date(s)

Check additional box(es) if applicable:

- Unforeseen Circumstances** - Permittee has contacted the SCC or the County Conservation District for guidance on applying the above proposed manure due to unforeseen/emergency circumstances that are not outlined in the approved NMP.
- Contagious Disease Outbreak** - Application of the above proposed manure will be conducted in accordance with requirements in the Department of Agriculture's order of quarantine and regulations thereunder.



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Conservation & Restoration

**Ryan Kostival**  
**Bureau of Conservation and**  
**Restoration**  
**Nutrient Management Section**

**[rkostival@pa.gov](mailto:rkostival@pa.gov)**

**717.772.5658**