



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Watershed Restoration
and Nonpoint Source Management

PAG-12 Update

NPDES General Permit for Operation of Concentrated Animal Feeding Operations

Water Resources Advisory Committee

March 16, 2023

Josh Shapiro, Governor

Richard Negrin, Acting Secretary

PAG-12 Update Agenda

- Accomplishments to date
- Summary of changes
- Summary of comments received
- Next steps
- Project timeline
- Considerations moving forward

Accomplishments

- AAB voted to develop a PAG-12 workgroup - December 17, 2020
- AAB PAG-12 Workgroup Meetings
 - July 27, 2021 (EPA attending)
 - October 28, 2021 (EPA and DEP attending)
- AAB PAG-12 workgroup written comments delivered to DEP - October 12, 2021
 - Where feasible and appropriate, comments were addressed during the development of the Pre-Draft
- DEP Central Office solicited comments from DEP Regional Offices - October 25, 2021
 - Where feasible and appropriate, comments were addressed during the development of the Pre-Draft
- Pre-draft of the permit delivered to WRAC and AAB via email May 6, 2022
 - No comments received from AAB or WRAC on the Pre-draft.

Accomplishments

- Draft of the permit delivered to EPA June 14, 2022
- Draft of the permit delivered to WRAC & AAB July 25, 2022
 - Changes in the draft were informed by comments received from regional DEP staff after review of the pre-draft
- Preliminary EPA comments on the Draft Permit were delivered to DEP August 11, 2022.
- DEP met with EPA through the month of August to discuss their preliminary comments
 - EPA's primary concern - draft permit's consistency with NPDES regulations for discharges to impaired waters with an approved TMDL
 - Proposed Resolution - modifications to the draft permit primarily focused on further explanation regarding when and how additional BMPs may be required, as stated in Part C.VI. in the permit, and including an additional checklist that identifies BMPs
- EPA comments on the Draft Permit provided to DEP on September 12, 2022

Accomplishments

- DEP met with the AAB PAG-12 workgroup on September 19, 2022 to discuss modifications
- Written comments on the Draft Permit received from AAB and WRAC membership in late September
- EPA presented comments to AAB during October 20, 2022 meeting
- DEP requested that the advisory group post comments publicly
- Draft PAG-12 published in *Pennsylvania Bulletin* on October 1, 2022
- Public comment period closed on October 31, 2022

PAG-12 – CAFOS Operating in TMDL Watersheds

- Where a CAFO is in a TMDL watershed, to ensure that the CAFO will operate consistent with the the assumptions and requirements of an applicable TMDL, DEP has developed a BMP Checklist for TMDL Waters (3800-PM-BCW0032h). Where a CAFO’s production area is located within a watershed that is covered by a TMDL in which one or more sources of the impairment is identified as “agriculture”, including the Chesapeake Bay watershed, the applicant must complete the BMP Checklist in order for the NOI to be considered complete.
- PAG-12 includes the following condition in Part C of the general permit to authorize these procedures:

DEP may require additional BMPs and controls to protect public health and to protect, maintain and restore water quality and the existing and designated uses of waters of the Commonwealth. For operations within the Chesapeake Bay watershed, this may include additional BMPs listed in Pennsylvania’s Watershed Implementation Plan for the Chesapeake Bay TMDL.

PAG-12 Summary of Comments Received

- Three sets of written comments submitted by AAB Members.
- One set of comments was submitted by a member of WRAC.
- Two sets of written comments from the AAB were also posted publicly.

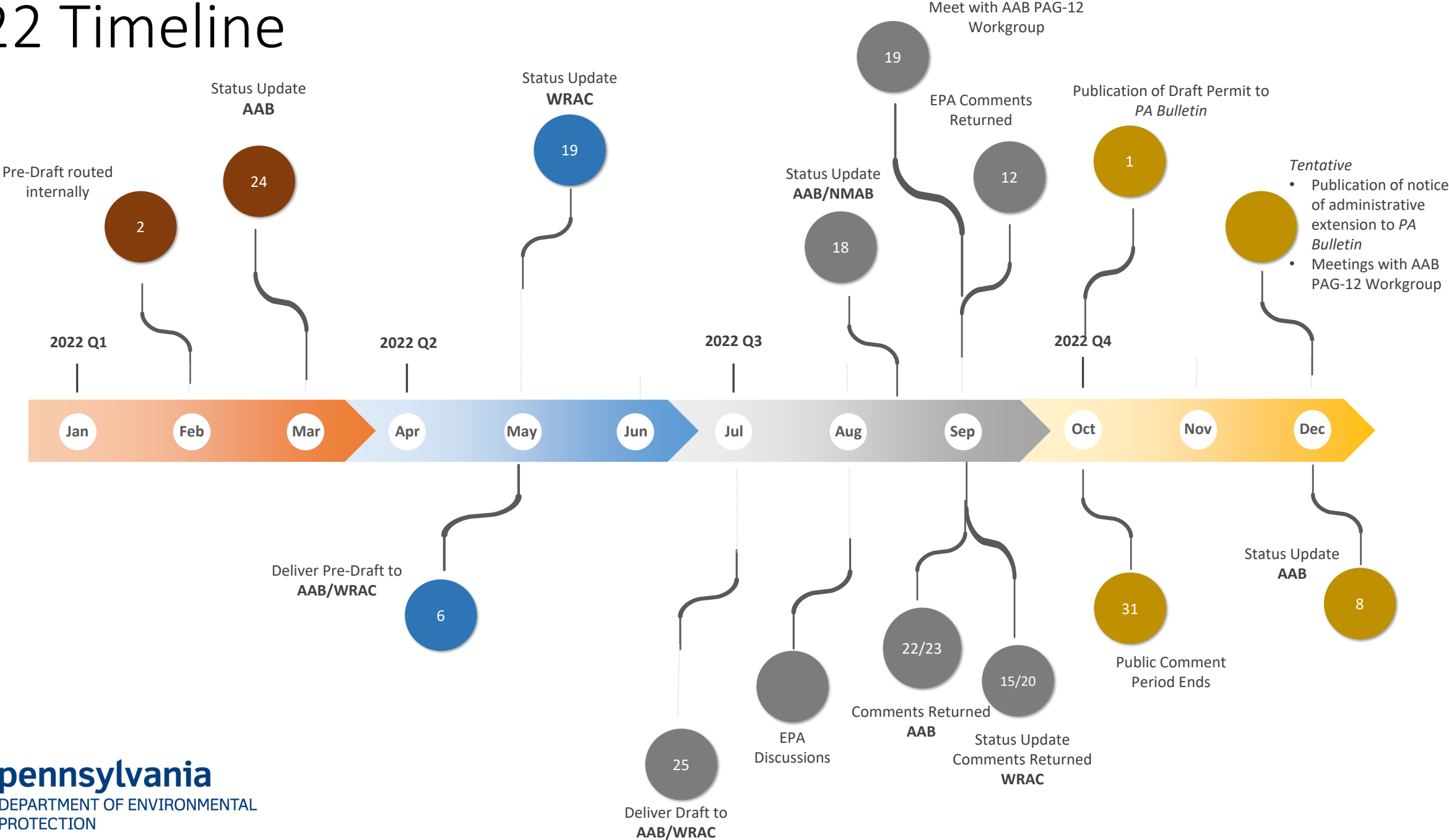
PAG-12 Summary of Comments Received

- Manure storage definitions and rainfall data considerations
- Overall complexity of the NOI package
- Assurance that PAG-12 permit holders are implementing BMPs consistent with the assumptions and requirements of an applicable TMDL.
 - Document collaboration with permit holders and interested individuals
 - Outline guidance and training
 - Further define and clarify terminology, roles and responsibilities, and procedures associated with the BMP Checklist for TMDL Waters.
 - Administratively extend the permit

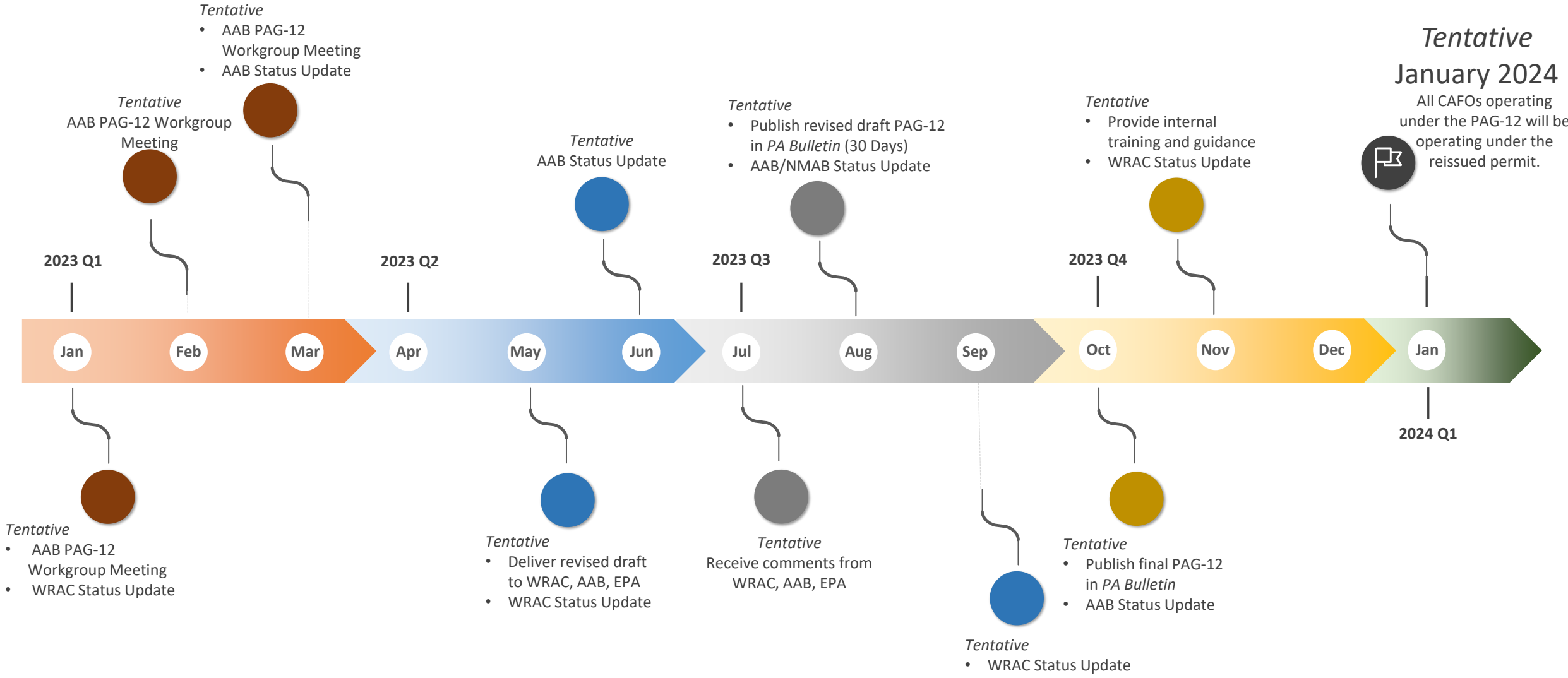
PAG-12 Reissuance – Next Steps

- December 2022: Administratively extend permit to March 31, 2024
- December 2022-April 2023:
 - Consultation meetings with the AAB PAG-12 workgroup & EPA
 - Present status updates to WRAC and AAB
- May 2023: Share revised draft PAG-12 with WRAC, AAB, and EPA
- August 2023: Publish revised draft PAG-12 in *Pennsylvania Bulletin* with 30-day comment period
- October 2023: Publish final PAG-12 in *Pennsylvania Bulletin*

2022 Timeline



2023-2024 Timeline



Considerations Moving Forward

- NOI submission for existing permittees will be postponed
- Existing PAG-12 permittees will maintain coverage under the extended permit.
- DEP may not grant coverage under PAG-12 to new facilities until the final permit is reissued in accordance with EPA policy.
 - DEP has consulted with industry representative to better understand the implications for industry expansion.

Summary

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Contact Information

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