

MEMO

TO Chesapeake Bay County Conservation Districts
DEP Northcentral Regional Office
DEP Northeast Regional Office
DEP Southcentral Regional Office
DEP Southeast Regional Office

FROM Jill Whitcomb
Program Manager
Chesapeake Bay Program Office

DATE April 2, 2020

RE Chesapeake Bay Agriculture Inspection Program (CBAIP)
Interim Procedures During COVID-19 Public Health Emergency

The following describes the interim changes to the procedures documented in the Standard Operating Procedure for the Chesapeake Bay Agricultural Inspection Program (BCW-INSP-018) to be followed during the COVID-19 public health emergency. Please note that this is subject to change as the situation evolves.

To limit exposure to and spread of the virus, Conservation Districts and DEP should not perform on-site field inspections as part of the procedure of completing Agricultural Initial Inspections. Rather, the following procedural guidelines should be followed if feasible under the inspecting agency's continuity of operations plan (COOP).

1. A revised pre-inspection notice should be sent to the mailing address of each agricultural operation yet to be inspected on the inspecting agency's 2019-2020 preliminary list of inspections or most recently revised list of operations to be inspected during the 2019-2020 fiscal year.
 - a. The revised pre-inspection notice should offer the alternative for a phone interview with the owner or operator rather than an on-site inspection during the COVID-19 public health emergency and request an accurate phone number for the purpose of conducting the phone interview. Additionally, the notice should request that copies of the Manure Management Plan (MMP) and/or Agriculture Erosion and Sediment Control Plan (Ag E&S Plan) are sent to the inspector, as they are applicable to the agricultural operation.
 - b. Copies of the planning documents may be sent to the inspector via email or US Post, to be consistent with the inspecting agency's COOP.
 - c. The primary goal of this notification is to identify accurate phone numbers so that a phone interview can be conducted with the owner or operator of the agricultural operation. **Therefore, if a phone number, email address, or any other contact information to facilitate remote communication is known, the revised pre-inspection notice is optional, and the inspector may request the planning documents using this contact information and proceed to number 2.**

- d. The revised “Notice to Inspect” letter attached to this memo may be used to satisfy this requirement.
 2. Once the planning documents have been received, or the owner or operator has indicated that applicable planning documents are not available and the owner or operator is still willing to conduct the phone interview in lieu of an on-site inspection, the inspector should schedule a time with the owner or operator of the agricultural operation to conduct the phone interview.
 - a. NOTE: the remainder of these interim changes to the CBAIP SOP (BCW-INSP-018) should only be followed if the owner or operator is available for a phone interview. In the case that the owner or operator is not available for a phone interview, those inspections should be postponed until after the COVID-19 public health emergency.
 3. During the phone interview, the inspector should complete the Initial Inspection Report (3800-FM-BCW0524) as described in section V. C. of the CBAIP SOP (BCW-INSP-018) unless otherwise described below.
 - a. Section V. C. 1. j. Inspection Status: The only applicable boxes on the Initial Inspection Report under these interim procedures are as follows:
 - i. Inspection Scheduled
 - ii. Inspection Not Scheduled
 - b. Section V. C. 2. Inspection Report – Completing Manure Management Plan Section: If available, the inspector’s review of the MMP should be done remotely using the planning documents submitted prior to the phone interview and briefly reviewed with the owner or operator during the phone interview to ensure the plan is administratively complete.
 - c. Section V. C. 3. Inspection Report – Completing Agricultural E&S Plan Section: If available, the inspector’s review of the Ag. E&S Plan should be done remotely using the planning documents submitted prior to the phone interview and briefly reviewed with the owner or operator during the phone interview to ensure the plan is administratively complete.
 - d. Section V. C. 4. Inspection Report – Completing Water Quality Section: The only applicable box on the Initial Inspection Report under these interim procedures is as follows:
 - i. Not Determined
 - e. Section V. C. 5. Inspection Report – Completing Violations Section: The only applicable boxes on the Initial Inspection Report under these interim procedures are as follows:
 - i. 25 Pa. Code § 91.36(b)
 - ii. 25 Pa. Code § 102.4(a)
 - f. Section V. C. 8. Inspection Report – Completing Interviewer and Interviewee Section: Under these interim procedures, it is crucial that as much contact information facilitating remote communication is recorded as possible. The inspector should ask the person interviewed and record the phone numbers and email of the person interviewed. At minimum the phone number used for the phone interview should be recorded.
 4. If corrective actions are requested on the Initial Inspection Report, it is understood that during the COVID-19 public health emergency, there may be delays in plan development beyond the control of the owner or operator. It is recommended that the inspector follow the procedures outlined in section VI. A. 2. a. of the CBAIP SOP (BCW-INSP-018) if the

corrective actions have not been satisfied by the deadline identified on the Initial Inspection Report.

5. For the duration of the COVID-19 public health emergency, the inspector should not visit an agricultural operation to conduct any follow-up actions associated with the CBAIP.

Enclosures: Revised Interim “Notice to Inspect” Template Letter