

Agricultural operations and your bottom line benefit from planning. To your advantage, any farm in Pennsylvania where plowing or tilling activities (including no-till) and animal heavy use areas disturb more than 5,000 square feet -- that's only .11 acre -- is required to have a written erosion and sediment pollution plan available on the farm at all times (Chapter 102 PA DEP). E & S plans are required for other land uses as well – residential land development projects, timber harvesting, road construction, utility construction etc. where there is disturbance of the land.

A Farm Conservation plan is a valuable management tool for agricultural landowners.

Various plans are beneficial depending on a farm's animal population, management/application of fertilizers and animal waste, and cropping practices. This article is an excerpt from an overview developed by Penn State Extension that explains existing regulatory planning requirements for Pennsylvania farms.

Agricultural Planning

Nutrient Management Plans (Act 38)

Ag E&S Plan – Agriculture Erosion and Sediment Control Plan

Chapter 83 – State Conservation Commission (SCC) regulations pertaining to nutrient management

Chapter 91 – Department of Environmental Protections (DEP) regulations pertaining to pollution control and prevention at agricultural operations, including the requirement for manure management planning

Chapter 92a – Department of Environmental Protections (DEP) CAFO regulations

Chapter 102 – Department of Environmental Protections (DEP) regulations pertaining to erosion and sediment control

Federal Programs

“590 plan” Nutrient management conservation practice standard (590) plan – plan for land application of nutrients. A “590 plan” is part of the Act 38-equivalent Nutrient Management Plan within a CNMP.

Act 38-equivalent (content and format) Nutrient Management Plan – a nutrient management plan including production facilities, animal concentration areas, crop, pasture, and hay lands. Accounts for all manure generated for an animal operation. The Act 38-equivalent plan serves as the nutrient management technical element of a CNMP.

Comprehensive Nutrient Management Plan (CNMP) – a non-regulatory conservation plan meeting NRCS standards and specifications for nutrient management and soil erosion and presented as a Conservation Plan for animal operations.

Pennsylvania Act 38 Nutrient Management Plan

What is it? – A plan written, as a requirement of state law (Act 38), and regulation Chapter 83 that balances the nutrients needed on individual crop fields and nutrients supplied from manure and other nutrient sources. The plan also includes best management practices (BMPs) to minimize the potential for environmental impact from nutrients on the operation. An Act 38 plan is required for any livestock or poultry farming operation that has more than 8 total animal equivalent units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application. An operation can additionally volunteer to participate under Act 38.

Who can develop an Act 38 Nutrient Management Plan? – Any person certified as a Commercial Nutrient Management Specialist through the Pennsylvania Department of Agriculture’s Nutrient Management Certification Program.

Who reviews an Act 38 Nutrient Management Plan? – Plans are submitted for review either to the local Conservation District Board of Directors or State Conservation Commission. Any person certified as a Public Review or Public Dual Specialist through the Pennsylvania Department of Agriculture’s Nutrient Management Certification Program.

Who approves a Nutrient Management Plan? – The State Conservation Commission or any County Conservation District Board of Directors that has been delegated the authority by the State Conservation Commission to review and take action on a nutrient management plan.

Who certifies Nutrient Management Specialists? – The Pennsylvania Department of Agriculture through the State Conservation Commission grants certification status to persons having completed specific training and planning requirements.

Concentrated Animal Feeding Operation Nutrient Management Plan

What is it? – A CAFO is a farm where large quantities of livestock or poultry are housed inside buildings or in confined feedlots. An operation with more than 1,000 AEUs or a CAO with 301-1000 AEUs require a CAFO permit before the operation can be populated with livestock. A CAFO permit requires the implementation of an Act 38 Nutrient Management Plan.

Who can complete a CAFO permit and develop the Act 38 Nutrient Management Plan?- A farmer or private consultant can complete the CAFO permit application and submit to the DEP and any person certified as a commercial nutrient management specialist through the Pennsylvania Department of Agriculture’s Nutrient Management Certification Program may develop the nutrient management plan.

Who issues CAFO permits? – The Department of Environmental Protection.

Who reviews CAFO permits and the nutrient management plan for the permit? – The Department of Environmental Protection will review and approve the CAFO permit. The State Conservation Commission (SCC) or any County Conservation District Board of Directors that has been delegated the authority by the SCC to review and take action on a nutrient management plan.

Department of Environmental Protection Agricultural Erosion and Sediment Control Plans

What is it? – An Ag E&S plan is written to satisfy the Chapter 102 Erosion and Sediment Control under the Clean Streams Law. An Ag E&S plan is required for operations where agricultural plowing and/or tilling activities (including no-till) and Animal Heavy Use Areas disturb more than 5,000 sq. ft. A NRCS Conservation Plan may satisfy this requirement if certain areas such as soil loss and animal heavy use areas are addressed according to the DEP guidelines.

Who can develop Ag E&S Plans? – Any person can develop their own Ag E&S plan but a Certified Conservation Planner or NRCS Staff is recommended.

Who approves Ag E&S Plans? – There is not a legal requirement for Ag E&S plans to be reviewed or approved, unless construction activities are proposed. Ag E&S plans must be available on the farming operation at all times. These plans would be provided to regulatory agencies upon request.

Manure Management Plan

What is it? – A plan, required under Chapter 91, that addresses all farms that generate or utilize manure, and are not regulated by another state approved program. The Pennsylvania Manure Management Manual provides the requirements and a workbook for preparing a Manure Management Plan.

If the farming operation has an Act 38 NMP or CNMP, the operation would be meeting the state requirements for a Manure Management Plan.

Who can develop a Manure Management Plan? – Any person can develop their own Manure Management Plan.

Who approves a Manure Management Plan? – There is no formal legal requirement for a MMP to be reviewed or approved. MMPs must be available on the farming operation at all times. These plans would be provided to regulatory agencies upon request.

Voluntary Federal Plans

NRCS Comprehensive Nutrient Management Plan (CNMP)

What is it? A CNMP is written when USDA NRCS provides technical or financial assistance for manure or wastewater handling, storage, or land application to an operation. The plan addresses soil erosion and water quality concerns on the animal production facilities, confinement areas, and land receiving manure applications. The CNMP includes three technical elements: land treatment, nutrient management, and engineering. The nutrient management element is equivalent in content and format to the Act 38 NMP but does not require Act 38 program approval.

Who can develop and approve CNMPs? Individuals certified by NRCS develop CNMPs. The complete CNMP is approved by an NRCS Certified Conservation Planner.

To find a Technical Service Provider (TSP) eligible to develop and approve a CNMP

- Go to <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical/tsp/>
- Select “Find TSP”
- Click on your state
- Click on your county
- Select the appropriate Category (CAP – CNMP (102)) or (CNMP Plan Approval)

Who reviews CNMPs? Approved CNMPs are reviewed by NRCS field office staff.

Can a CNMP be used in place of an Act 38 NMP? Act 38 regulations require Pennsylvania-certified nutrient management planning and review specialists, an official approval action by the SCC or delegated conservation district Board of Directors, and are legally binding under Pennsylvania law. In contrast, CNMPs are confidential and voluntary developed and approved under a federal guidance system and not subject to Pennsylvania regulation.

NRCS Conservation Plan

What is it? An NRCS Conservation Plan is a record, developed with and for the operator and/or owner, of the management decisions and conservation practices currently in use or planned for the operation. An NRCS Conservation Plan is voluntary, evaluates all soil, water, air, plant, and animal resources, and provides alternatives to address any problems or concerns on the operation.

If all criteria of Chapter 102 are met in a Conservation Plan, the plan may satisfy Ag E&S Plan requirements. Consult with your local conservation district staff.

NRCS Nutrient Management (590) Conservation Practice Standard

What is it? Technical standard with criteria for managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments to land where plants are grown. An Act 38-equivalent NMP meets the 590 practice standard for acres planned in its Appendix 4.

NOTE: PA-DEP Chapter 91 Manure Management Plans do not meet the ACT 38-equivalent Nutrient Management Plan criteria or the NRCS Nutrient Management conservation practice standard (590) plan.