

# **ACT 38 NUTRIENT MANAGEMENT PROGRAM**

## **TECHNICAL GUIDANCE MANUAL PROPOSED VERSION 12.0**

### **UPDATED LANGUAGE**

Agricultural Advisory Board Meeting

June 17, 2021



# HISTORY – TECH MANUAL

- SCC staff received a total of 39 comments / suggestions.
- SCC staff reviewed the comments / suggestions and deemed that 27 comments / suggestions had merit.
- These comments/ suggestion were shared with the NMAB in January 2021 and with the DEP AAB in March 2021
- The next slides will provide the major updated guidance for review (will not discuss typos, grammar use, etc.)



# COMMENT 4

## PLAN UPDATES VS. AMENDMENTS

- Comment - Better communication from planner on what is being submitted, is it an update or amendment. If the CD is not clear on what is being submitted they are going to treat as an amendment. Need better guidance that updates can use the same planning template, do not need to be updated to newest version if nothing changed
- Revision - **NOTE: PLAN WRITERS SHOULD SUBMIT A COVER LETTER TO THE REVIEWING ENTITY STATING IF THE SUBMISSION IS A PLAN AMENDMENT OR A PLAN UPDATE ALONG WITH A DETAILED EXPLANATION FOR THE AMENDMENT OR UPDATE.**



# COMMENT 5

## PLAN REVIEW AND APPROVAL

- **Comment** - Allow for full electronic submission of draft nutrient management plans, as well as, addressing review comments to see the plan through the entire review process. This could work similarly to how odor management plans are submitted / reviewed / approved. If explicitly needed, then a hardcopy for final approval can still be provided.
- **Revision** - The Act 38 program will accept electronic submissions of the initial Act 38 nutrient management plan and plan amendment submissions, with all sections completed, including signature, developed using the standardized Act 38 computer spreadsheet (Excel and Word) program. It should be noted that when the plan or plan amendment is determined to be in its final form for board action, a hard copy of the entire plan, and all plan maps, will need to be provided to the district or Commission for formal action. The electronic submission allowance is only for the initial submissions of new plans or plan amendments and any follow up plan correction submissions, and these electronic submissions need to be followed up with a hard copy once the plan or plan amendment is determined by the reviewer to be ready for final action. This allowance is not provided for the submission of yearly submissions to the conservation district, for filing in the farmer's approved plan file.



# COMMENT 7

## CAFO PUBLIC NOTICE REVIEW

### COMMENTS DELAY

- **Comment** - SCC could update TM and Adm guidance that we would allow “unofficial” comments to be sent to the planner before the 30-public comment period is up to speed up the review process. Letter needs to make it clear to plan writer that these many not be the final set of comments, that more comments may be coming.
- **Revision** - The conservation district or Commission may send “unofficial” technical review comments before the 30-day public notice period has ended to assist in getting the plan revisions completed in a timely manner. If “unofficial” technical comments are sent, the letter will clearly state that these are not the final technical comments and additional technical comments may still be sent to the plan writer. Once the 30-day public notice period has ended, the CD shall make the plan writer aware, in writing, of any additional comments or that no additional comments will be forthcoming.



# COMMENT 8

## NBSS

- **Comment** - Currently, NBSs affiliated as part of Act 38 NMPs or non-NMP affiliated Act 49 NBSs are not required to submit soil maps and soil descriptions to either the farmer or the public plan reviewer. When this information is not provided to the plan reviewer with NBSs that utilize the PA Phosphorus Index (P-Index), it makes confirmation of a specific field's soil drainage class more challenging. The SCC should consider a policy that whenever a NBS is submitted (either as part of an Act 38 NMP or under Act 49) that utilizes the P-Index, soil maps are to be included to copies sent to the conservation districts.
- **Revision** - Soils maps with legends that explain the soil types and slope designations on the map are not required, but are strongly encouraged. Note that NBS reviewers have the authority and may ask those that have NBS developed for their lands to provide during a site visit the following:
  - Soil tests results for P concentration for the fields;
  - Soil loss calculations



# COMMENT 10

## MIXED VEGETABLES

- **Comment** - Eliminate mixed vegetables and the 10 acres rule and just make a commercial vegetable recommendation, which we already define the nutrient needs. Need to clarify mixed vegetable guidance and the 10-acre limit in the TM, in appendix 4, just combined all guidance into one commercial vegetable guidance section
- **Revision** – The mixed vegetable guidance was removed and we just now have a commercial vegetable section



# COMMENT 13

## FIELD STACKING OF MANURE

- **Comment** - Look at adding additional guidance during next TM on the discussion of contiguous versus noncontiguous acres for field stacking
- **Revision** - Temporary in-fielding stacking of manure in one CMU for use in multiple contiguous CMUs is allowed. Contiguous is understood to mean that the CMUs are in close proximity, such as adjoining CMUs, or with field edges within 1,000 feet of each other. In-field stacking in one CMU for non-contiguous CMUs is not allowed. This is considered a more permanent stacking site and should follow guidance for permanent stacking sites.





# COMMENT 14

## OPERATION DESCRIPTION

- **Comment** - Describe animal group grazing management in the operation description
- **Revision** - Pasture management for each pastured animal group should include:
  - Animal numbers;
  - Fields grazed;
  - Grazing season;
  - Hours per day on pasture;
  - Type and description of grazing management – continuous or rotational



# COMMENT 23

## REDOING NBS

- **Comment** - TM stated that NBSs have to be updated to the most recent spreadsheet version whenever plans are amended. Commentator was told at a broker/hauler training that NBS spreadsheets do not have to be redone every 3 years unless they meet certain criteria. If you look at the TM, it says the NBSs would have to be redone and reauthorized by the district if any of the following are true:
  - The new soil tests require a change in the planning option
  - The new soil tests require a change in the nutrient application rates
  - The average manure analysis observed over the past 3 years has changed by more than 20%...
- When you read these criteria, maybe the NBSs don't have to be redone every 3 years. But, then when you read another section of the TM, it states "Note: When a NMP that contains NBSs for importers is amended, the NBSs are to be updated to the most recent planning version of the Nutrient Balance Sheet Spreadsheet." Is the TM contradicting itself?



# COMMENT 23

## REDOING NBS

- **Revision** - Nutrient Balance Sheets need to be reassessed once every 3 years, when they are part of appendix 8 of the NMP (export to a known importer). NBSs developed by brokers do not need reassessed unless they meet one of the criteria below.



# COMMENT 25

## ESTIMATING YIELDS FOR PASTURE

- **Comment** - The Estimating Forage Yields for Pastures is confusing that if the soils are poor yielding and poor management. The yield (1 to 1.5) is below the AASL minimum yield for pastures from AASL, so soil recommendations are not available from Penn State. From looking at the Agronomy Book, the nitrogen would be fine to estimate at the 50 lbs. / ton of yield but nothing is included for P and K recommendation. I think clarification is needed, especially horse operations where pasture are usually grazed closely.
- **Revision** – Not a change TM language but PSU is updating the “Estimating Forage Yields For Pastures” Factsheet that is referenced



# COMMENT 26

## NBS MAPS

- **Comment** - Require that address be included on each NBS map header. Concern is that the field locations are very difficult to identify just from road names
- **Revision** - If an Arial photo underlay is not utilized as the basis for the map, please include the field (importing farm) address or GPS coordinates on the map header, to assist haulers, etc. in locating the proper field(s)



# COMMENT 27

## NBS MAPS

- **Comment - Can a location map for NBS fields be required**
- **Revision - If an Arial photo underlay is not utilized as the basis for the map, please include the field (importing farm) address or GPS coordinates on the map header, to assist haulers, etc. in locating the proper field(s)**



# COMMENT 29

## MANURE STORAGE VOLUME CALCULATIONS

- **Comment - Manure Storage Volume Calculations, the instructions for determining usable depth in Supplement 8 is:**
  - **“d = useable depth of tank for liquid storage requires deducting freeboard, the 25-year 24-hour storm depth, and net rainfall over evap.\*\***
  - **\*\* This value may be zero if included in Appendix 3, volume needed.”**
  - **An explanation should be included describing why the net rainfall over evaporation is not used the computation.**
- **Revision - \*\* See Supplement 7 for determining net rainfall over evaporation. This value may be zero if already accounted in Appendix 3, volume needed.**



# COMMENT 30

## SMALL ANIMAL GROUPS

- **Comment:** The current wording in the TM is:

“The animal groups included in the manure group represent less than 5 AEU’s **and the** AEU’s of the animal groups included in the manure group is less than 5% of the total AEU’s in the nutrient management plan.”

The current wording creates confusion in that it does not clearly state whether the meaning is.

**Revision:** The total of all the animal groups included in the manure group represent less than 5 AEU’s and the total of all the AEU’s of the animal groups included in the manure group is less than 5% of the total AEU’s in the nutrient management plan.





# COMMENT 33

## CONTIGUOUS ACRES

- **Comment** - Please explain “contiguous” a little more clearly. Sometimes exporters have acreages that extend for miles from their buildings. For example, where does “continuous” stop? Parcel boundaries? FSA Tract numbers (which can include a lot of acres sometimes)? Do roads make the acres non-contiguous?
- **Revision** - **NOTE:** Contiguous, with regards to owned lands, means acres that compose the Farm Service Agency Tract Number or Tract Numbers, that are all connected, or the County Tax Parcel Map. If these two boundaries do not match, the planner shall use the larger amount of acres reference. Furthermore, contiguous refers to property boundaries, therefore roads going through an owned tract or parcel, or between two owned tracts or parcels will have no bearing on which acres to include in the NMP.

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# COMMENT 34

## CONTRIBUTING DISTANCE

- **Comment - Please define whether or not well-vegetated pastures without a 35-foot fenced setback from streams can use a 6 here (or do these situations require the use of a 9?).**
- **Revision - A category of  $9 < 100$  ft. is assigned to a field when the field has been determined to be less than 100 feet of a receiving water body, a 35 ft. buffer does not exist, and when either of the two conditions are met:**
  - **Phosphorus application in this area is limited to inorganic fertilizer. Mechanical application of manure is prohibited in this area.**
  - **Animals are grazed in this pasture field but the 35 ft. pasture buffer criteria are not met. See the Act 38 Buffers section below for the specific pasture buffer criteria.**



# MOVING FORWARD

- SCC Staff will revise the TM per comments received and discussion.
- Revised Manual will be presented to the NMAB in August 2021 and the SCC in August and September 2021.
- If revisions are approved, manual will become effective in October 2021, with training in November 2021



**QUESTIONS ?**

