

ACT 38 NUTRIENT MANAGEMENT PROGRAM

TECHNICAL GUIDANCE MANUAL PROPOSED VERSION 12.0

Agricultural Advisory Board Meeting
March 18, 2021



HISTORY – TECH MANUAL

- The current version (Version 11.0) of the Tech Manual was released in October 2019.
- In August 2020, SCC staff held an open comment period for users of the Tech Manual to submit comments and suggestions for revisions to the 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.



COMMENT 1

APPENDIX 8 TYPO

- In Appendix 8, page 111, under “There are four scenarios that require notes to be included in the Nutrient Balance Sheet Summary Notes table”, there are only 3 bulleted items (even though it states there are 4 scenarios). Is winter manure application still supposed to be one of these four items (as it was in the previous version)? Winter application is discussed towards the bottom of the page, but I can see some planners arguing that they don’t have to put winter application notes in the NBS Summary Notes anymore because it is not listed in the Technical Manual.
- **Merit and will be addressed.**



COMMENT 2

SPREADSHEET (WORD)

- In future versions of the spreadsheet, can Appendix 10 be in the Word Document? The way it is in the spreadsheet the crop year is automatically entered at the top of the page, so I end up getting one Appendix 10 for each crop year, even though it's the same information for all three years.
- Merit - Crop year showing up in Appendix 10 is a default, we can take it off appendix 10 moving forward. Appendix 10 will stay in excel planning document



COMMENT 3

EXPORTED MANURE INFORMATIONAL PACKET

- Exported Manure Informational Packet:
 - Is the Agronomy Facts 60 the most current and accurate version? Dated 2003 on the back.
 - The Manure Management for Environmental Protection is dated November 15, 2001. Again, is everything here current and correct?
 - Is it necessary to give out the Manure Management Plan Guidance booklet? If the importers are only getting exported manure and do not generate their own manure the NBS and map is all they need to satisfy for a Manure Mgmt. Plan.
 - Seems like we should take some time and evaluate what is needed for the packet and also to make sure information is current and accurate.

Merit



COMMENT 4

PLAN UPDATES VS. AMENDMENTS

- 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
- Merit, especially on a planner letting the CD know what they are submitting (update or amendment)



COMMENT 5

PLAN REVIEW AND APPROVAL

- 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.

- Need to look at existing guidance in more depth.
 - Workgroup sees pros and cons of both e-submission and hard copy submissions.
 - Costs of printing moves to the CD, as hard copies are easier to review.
 - During the review, advantage to electronic submission of sections to speed up review.
 - Maybe:
 1. Draft – Electronic submission– It is on its way to get the reviewer ready
 2. Hard copy submission
 3. Electronic submission of changes per review
 - Hard copy submission of final plan



COMMENT 6

COMPLIANCE

- Some type of guidance stating operators are not out of compliance if they have not over applied nutrients even if manure and crops have changed from what is written into the approved plan.
- **No Merit, Administrative Manual Issue**
 - Provide guidance in NM Administrative Manual under the status review portion, that provides guidance on documenting the issue but also providing a simple calculation that nutrient was not over applied and that the issue should be addressed in next NMP amendment. If over application is noted in a side calculation, it should be noted as a violation, etc.
 - There is a difference when there is a thought process behind it versus just disregarding the plan and not following the plan.



COMMENT 7

CAFO PUBLIC NOTICE REVIEW

COMMENTS DELAY

- 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.
- Merit



COMMENT 8

NBSS

- 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.
- Merit



COMMENT 9

APPENDIX 2

- On Page 44 of the NMP Tech Manual, After Names & Addresses of Owners of Rented or Leased Land it lists Animal Equivalent Units and Animal Equivalent Units Per Acre before the next section of Existing Manure Storages & Capacity. However, in the sample plan provided as Supplement 2, Animal Equivalent Units and Animal Equivalent Units Per Acre are not included in that section. So my question is, do Animal Equivalent Units and Animal Equivalent Units Per Acre need to be listed in Appendix 2 or don't they?
- Merit - Short answer is that they do not need to be included in Appendix 2. Beginning with NMP Version 5.0 that information was removed from the Word portion of the NMP because it is in the Excel portion. It is shown in the NMP Summary, so it should be move there



COMMENT 10

MIXED VEGETABLES

- 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
- Merit



COMMENT 11

NBS SUMMARY

- Suggest that a line be added to the NBSs to show or indicate - “Total volume of manure planned to be utilized on these crop acres”, possible on the NBS Summary page. CDs are to enter the total volume of manure transferred from one operation to another in PK, which is fine for direct importers of manure. But with Brokered manure, the CDs do not get broker agreements, which would show this volume, but they receive and enter NBSs developed for brokering manure in PK. There is no total volume of manure listed on these NBSs developed for brokering manure. Brokers are using at least 2 to 3 times as many acres to handle the manure being transferred to the importers operation. Thus, the volumes of manure enter in PK for brokering manure are so inflated and not close to what is actually happening.
- **No Merit, this is not the intent of NBS**



COMMENT 12

CRP CROPS AND HORTICULTURE COVER CROPS

- Remove the crops from the spreadsheet, and if someone need to use they can create a new crop in the spreadsheet and contact the program for a recommendation to add. Note, clarify guidance in Appendix 4 of the next TM (maximum 50 lbs. N and 40 lbs. P2O5).
- Merit



COMMENT 13

FIELD STACKING OF MANURE

- Look at adding additional guidance during next TM on the discussion of contiguous versus noncontiguous acres for field stacking
- Merit, look at it in the context of the contiguous acres versus non-contiguous acres and the discussion on what contiguous is



COMMENT 14

OPERATION DESCRIPTION

- Describe animal group grazing management in the operation description
- Merit to include a discussion and required for appendix 2 operation description



COMMENT 15

RAINFALL, RUNOFF AND EVAPORATION DATA

- Update Supplement 7, Rainfall, Runoff and Evaporation Data
- Merit



COMMENT 16

NMP SUMMARY AND APPENDIX 3,4,5 FOR EACH CROP YEAR

- Look at revising or clarifying the language in NMP submission and NMP Summary, that a NMP summary and Appendix 3,4,5, etc. are needed for each crop year, in 3-year plans
- No Merit, its defined in existing guidance



COMMENT 17

MAPS

- When multiple Farm locations are in a Plan, an overview showing the locations of the farms be included with the Plan. This is so anyone looking for the farms, can see where their location is and also the location in reference to the other farms.
- No Merit, discussion in existing manual



COMMENT 18

MAPS

- Farm Maps need to be on aerial photography so the actual location of the fields, BMP's, streams, wells, etc. can be identified.
- No Merit, discussion in existing manual



COMMENT 19

APPENDIX 3 FOR 3-YEAR NMPS

- For farms that don't change animal types or numbers, receiving three copies of Appendix 3 and Manure Analysis 5 Year Running Average is redundant. This might be tricky, but is there a way to print one set of each with all three crop years on it? In the past, Appendix 3 didn't have crop years on it, so it could count for all years. For some farms that change animal numbers often, this won't work, but for many of them it would.
- No merit, guidance is appropriate



COMMENT 20

MANURE SPREADER CALIBRATION

- Manure Spreader Calibration Notes - The manure spreading equipment is not as likely to change between crop years. Could this get put in the Word Document so we don't get 3 copies of this?
- **No merit, guidance is appropriate**



COMMENT 21

EXPORTED MANURE SUMMARY

- Under Exported Manure Summary, could the instructions specify listing all manure haulers/brokers and their certification numbers (or maybe include this somewhere else in the plan)? The instructions as written now are a general statement that could imply that information should be there, but I find it's usually not included.
- No merit, guidance is to provide the method of export versus individuals and their cert number



COMMENT 22

NBS SUMMARY NOTES

- On page 111 (Appendix 8, page 9), “winter application” is missing in the list of the four scenarios that require NBS Summary Notes to be completed.
- Merit



COMMENT 23

REDOING NBS

- 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 on pages 110-111 of 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 page 7 of 366, 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? I did not see any references in these sections to Act 38 vs. Act 49 NBSs.
- **Merit, Guidance could be clearer**



COMMENT 24

WEBSITE UPDATE

- Whenever there is a revision to either Technical Manual and the Administrative Manual after first publishing, notices are sent out to conservation districts and commercial nutrient management specialist with directions on how to modify their original paper or electronic copies. However, it has been noticed that these manual updates are not always reflected on the PA Nutrient Management Program website administered by Penn State Extension. Many people typically refer to the website instead of downloading a copy and then make changes to the original.
- While this may be a challenge, the SCC should coordinate with Penn State Extension's website administrators and update the entire Technical and/or Administrative Manual online whenever a modification is made. Also, the website should indicate these Administrative Manual changes under the current "Chapter 7—Record of Changes" link and a similar weblink for Technical Manual changes.
- No merit, weblinks on the NM website are updated before or the same time that the notices of an update in sent out.



COMMENT 25

ESTIMATING YIELDS FOR PASTURE

- 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.
- Merit to further review



COMMENT 26

NBS MAPS

- 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
- Merit, only when Arial photography is not used



COMMENT 27

NBS MAPS

- Can a location map for NBS fields be required
- Merit - Language from Appendix 9 can be added – “For operations that contain multiple farms, a county or township map, that shows the location of each individual farm, that make up the larger operation.”



COMMENT 28

SUBMISSION OF PLANS

- Electronic submission should be permanently acceptable for all plans. It has been working.
- Merit



COMMENT 29

MANURE STORAGE VOLUME CALCULATIONS

- 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.

- Merit



COMMENT 30

SMALL ANIMAL GROUPS

- 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:

Each of the animal groups or the total of the animal groups making up the Small Quantity Animal Groups must be less than 5 AEU’s and the AEU’s of each animal group or the total of the AEU’s making up the Small Quantity Animal Groups.

- Recommend the wording be changed to read:

“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.”

Merit for further review of wording



COMMENT 31

CAO DETERMINATIONS

- During a recent review of a large plan, the reviewer requested that I include AEU calculations in App 10 of my plan to ensure that the operation was a CAO and not a CAFO. I could not find anywhere in the current TM that a CAFO is defined as an operation having 1000 or more AEU's. A statement to that effect should be included in the section on CAO determination.
- No Merit, the language is clearly stated in Appendix 1



COMMENT 32

NUTRIENT BALANCE SHEET

Require to have a location address or coordinates on ALL NBS submitted.

Merit if not using Arial photography as an underlay



COMMENT 33

CONTIGUOUS ACRES

- 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?
- Merit



COMMENT 34

CONTRIBUTING DISTANCE

- 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?).
- Merit, NMP summary notes need to be moved to Appendix 5.



COMMENT 35

PLAN AMENDMENTS

- Page 149- under section “c” - Should this sentence state: For example, where a CAO changes from providing exported manure to known neighboring landowners to providing exported manure to a manure broker *or from a broker to known importers?*
- Merit



COMMENT 36

SIGNATURES AND PRINTED NAMES

- Is it possible to include a line for the operator's printed name (since signatures are not always legible)?
- No Merit, electronic signatures are allowed



COMMENT 37

LIST OF IMPORTERS

- Appendix 8 cover page - Would it be possible to require that all importers be listed on this page?
- No Merit, the applicable agreement are attached in this section



COMMENT 38

MANUAL SETUP

- Digital Manuals – The web versions of both the Tech and Admin manuals are difficult to navigate. It would help us greatly if these digital versions could contain hyperlinked TOC along with a TOC link on each page. The organization and indexing of the manual contents is confusing at some points and could be improved for quicker referencing.
- Merit



COMMENT 39

TYP0

- In the tech manual page 127 we make a reference to “ item 10 below” we have since added some information in so now that reference should be to “item 11 below”
- Merit



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 ?

