

Pennsylvania Agricultural Environmental Requirements



Am I In
Compliance?

February 2016



How does this involve me?

Agricultural activities generate nearly \$6 Billion in sales each year in PA; about \$4 Billion in animal and animal products sales, and \$2 Billion from crops. There are more than 63,000 farms, and 98% are family owned. Agriculture has a huge impact on PA's economy, with a history rich in conservation and environmental stewardship. Before "green" was fashionable, farmers were finding the best ways to take care of their land, by conserving the soil and making the most of all their natural resources.

There are rules, laws and regulations everywhere. Many rules are meant to keep people safe. Others are meant to keep our environment safe. Environmental regulations cover industrial pollution as well as pollution controls for agriculture.

State law regulations require both Ag E&S and Manure or Nutrient Management plans.

Two of PA's ag-related environmental regulations were recently updated. Those regulations are PA Chapter 102 (Erosion & Sedimentation) and Chapter 91 (includes Manure Management). This brochure highlights the recent changes, and explains what is needed in a written Agricultural Erosion & Sedimentation Plan and a written Manure Management Plan.

If you have questions regarding the information in this brochure, please contact your County Conservation District, or regional Department of Environmental Protection office.



Ag Erosion and Sediment Control Plan includes...

- ✓ Identify Farm and Tracts. Include all areas where agricultural plowing and/or tilling activities and Animal Heavy Use Areas disturb more than 5,000 sq. ft.
- ✓ Conservation Best Management Practices (BMPs) on cropland, hayland and/or pastures used to limit soil loss to "T".
- ✓ Additional BMPs needed to minimize accelerated soil loss on fields with less than 25% plant cover or crop residue and within 100 feet of a river or stream.
- ✓ BMPs needed to minimize accelerated soil and manure loss from animal heavy use areas such as barnyards and exercise lots.
- ✓ Maps that show the location of features including:
 - ✓ streams, lakes and rivers
 - ✓ field and property boundaries
 - ✓ animal heavy use areas
 - ✓ roads
 - ✓ existing and planned BMPs
- ✓ An implementation schedule describing when the planned BMPs will be implemented.
- ✓ Operation and maintenance criteria describing how BMPs will be operated and maintained.



A Manure Management Plan includes...

- ✓ Acres of the operation: Owned and Rented
- ✓ Animals on the operation: Animal type, Animal #
- ✓ Manure application rates and timing
- ✓ Environmentally Sensitive Areas (streams, waterwells, etc.)
- ✓ Winter application of manure: If applicable
- ✓ Manure storage facilities: If applicable
- ✓ Solid manure stockpiling or stacking
- ✓ Pasture areas
- ✓ Animal Concentration Areas (ACAs), such as barnyards, feed lots, etc.



Pennsylvania
Agricultural
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Am I In Compliance?

Am I in Compliance with Pennsylvania's erosion, sedimentation and stormwater regulations affecting agricultural operations?



Some things you need to know about this regulation.

Plans

Pennsylvania's Chapter 102 regulations (relates to erosion and sediment control and stormwater management) have existed since 1972. All farms are required to develop **and implement** a written plan to reduce erosion on their crop fields and Animal Heavy Use Areas. All farms need a plan. These plans do not have to be submitted for approval but must be kept on the farm and made available upon request.



NPDES Permits

The National Pollutant Discharge Elimination System (NPDES) permit is a requirement for construction activities that disturb 1 acre or more. Activities like plowing and tilling do not require an NPDES permit.

Any agricultural construction activity **affecting 1 acre or more** requires a Stormwater Management Plan and an NPDES permit, the same as required for all other types of construction. For example, barn expansions or manure storage facilities require a permit.



Much more vegetation is needed along stream banks

Near Streams

Areas within 100 ft of a stream must maintain a minimum 25% plant cover/crop residue or implement additional BMPs.

Streambank Fencing

Fencing is not required for pastures, but using fencing as a BMP is an option to meet some of the regulatory requirement. Fencing livestock out of streams is good for livestock health and good for local stream water quality.



Am I in Compliance with Pennsylvania's Manure Management Requirements?



Some things you need to know about manure management requirements.

Pennsylvania Chapter 91 regulations address pollution control and prevention at agricultural operations. Section 91.36 of the regulations refers to the Manure Management Manual (MMM). The MMM is available to assist farmers in developing a written Manure Management Plan.

For farms **not** defined as CAFOs or CAOs, Manure Management Plans can be prepared by the farmer. Manure Management Plans do not have to be submitted for approval but must be kept on the farm and made available upon request.

Winter spreading is discouraged, but allowed with various conditions and restrictions.



Mechanical Manure Application

Manure Management Plans identify manure and fertilizer application rates. Generally, manure application is required to observe a setback of 100 ft. from streams and other environmentally sensitive areas unless additional BMPs are implemented.

Winter application of manure is discouraged. DEP encourages farmers to store or stack their manure over winter. Farmers may winter spread, but there are conditions and restrictions, including:

- Setback of 100 ft. from top of stream banks, lakes and ponds.
- **No application** on fields with slopes greater than 15%.
- All fields must have minimum 25% crop residue at application time or an established crop/cover crop.

All farming operations that land apply manure whether they generate the manure or import it from another operation, need to develop **and implement** a written Manure Management Plan. All farming operations that include an Animal Concentration Area (ACA) or pasture are required to have a written Manure Management Plan.

Pastures should maintain average vegetation height of at least 3" during the growing season.



Pasture Management

The Manure Management Plan must identify pastures. Options for managing pastures, include:

- Develop a Grazing Plan, as outlined in NRCS PA Technical Guide Practice Standard 528 – Prescribed Grazing Plan; or Maintain "dense vegetation throughout the growing season", which *minimize bare spots and maintain average vegetation height of at least 3 inches.*



Animal Concentration Areas (ACA)

These are barnyards, feedlots, exercise lots or other similar animal confinement areas. ACAs are not pastures. When managing ACAs, the farmer should:

- Divert clean water away from the ACA.
- Collect or treat dirty water flowing from ACA.
- Limit animal access to streams.
- Minimize the size of the ACA.
- **Move** feeding and watering areas away from streams.
- Routinely remove manure.

It is required to have a registered professional engineer certification for the construction of liquid and semi-solid manure storages.



Permanent manure storages must not leak or overflow – a minimum "free-board" needs to be maintained. Any leaks, overflows, or spills need to be addressed immediately.



Record Keeping

Farmers are required to keep records of manure application, crop yield, manure export, and manure storage observations.