

State Conservation Commission Meeting

July 20, 2022

PACD/SCC Joint Annual Conference

Red Lion Hotel, Harrisburg PA

Agenda

Briefing Session – 10:00am (Capital Ballroom)

- Review of agenda items

PACD/SCC Awards Luncheon – 12:30pm (Pennsylvania Ballroom)

Business Session – 2:15pm – 4:15pm (Dauphin Ballroom)

A. Opportunity for Public Comment

B. Business and Information Items

1. Approval of Minutes
 - a. May 10, 2022 (A)
 - b. June 14, 2022 (A)
2. Nutrient Management & Odor Management Program
 - a. Request for Appointments to the Nutrient Management Advisory Board - Brady Seeley, SCC (A)
 - b. Odor Management Plan, Samuel Glick, Clinton County, Karl Dymond, SCC (A)
 - c. Nutrient Management Program Fiscal Year 2022-23 Budget Proposal - Frank Schneider, SCC (A)
 - d. Nutrient Management (NM) and Manure Management (MM) 5 year Delegation Agreement - Frank Schneider, SCC (A)
 - e. Proposed Nutrient Management/Manure Management Delegation Agreement Funding Levels for the 2022-23 Fiscal Year - Frank Schneider, SCC (A)
 - f. Request to Develop Regulatory Revisions: Chapter 83.Subchapter D & E; Nutrient Management; Chapter 130b. Nutrient Management Specialist Certification; Chapter 130e. Commercial Manure Hauler & Broker Certification; Chapter 130f. Odor Management Specialist Certification- Frank Schneider, SCC (A)
3. Conservation Excellence Grant Program - Allocation of Available Funds for FY2022 -23 – Eric Cromer, SCC (A)

4. Conservation District Funding Allocation Program
 - a. Conservation District Fund and Unconventional Gas Well Fund 'Proposed' FY 2022-23 CDFAP Allocations; Karen Books, DEP; Johan Berger, SCC (A)
 - b. Proposed FY2022-23 Leadership Development Program Budget – Johan E. Berger, SCC (A)
5. Appointment of members - 'Building for Tomorrow' Leadership Development Committee– Karl G. Brown, SCC (A)
6. Appointment of members – Conservation District Advisory Committee– Karl G. Brown, SCC (A)
7. 'Building for Tomorrow' Leadership Development Program Update – Matthew Miller, PACD (NA)
8. Pa Envirothon 2022 Update – Karen Books, DEP (NA)

C. Written Reports

1. Program Reports
 - a. Act 38 Nutrient and Odor Management Program Measurables Report
 - b. Act 38 Nutrient Management and Manure Management Program CD Evaluations
 - c. Act 38 Facility Odor Management Program & Status Report on Plan Reviews
 - d. Nutrient Management Plan Update Report: R&F Family Farms – Northumberland County
 - e. REAP Accomplishment Report
 - f. Conservation Excellence Grant Program Report
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports

Adjournment

Next Public Meetings August 16, 2022 Conference Call

September 13, 2022 Public Meeting (In-person or Virtual format to be determined)

**STATE CONSERVATION COMMISSION
MEETING**

PA Farm Show Complex, Harrisburg, PA

In-Person and Zoom Webinar System

Tuesday, May 10, 2022 - 1:00 p.m.

Draft Minutes

Members Present: Executive Deputy Secretary Greg Hostetter for Secretary Russell Redding, PDA; Lisa Daniels for Secretary Patrick McDonnell, DEP; Mike Flinchbaugh; MaryAnn Warren (virtual); Ron Rohall; Ron Kopp; Don Koontz; Denise Coleman, NRCS; Jessica Passiment, DCED; Brent Hales, Penn State; Kelly Stagen, PACD.

A. Public Input – John Dryzal, Cambria County, referred to Section B.3.a of the agenda (NM/MM 5-year delegation agreement) and stated that certain sections have changed significantly than what was originally presented to the conservation districts for comment and what is being presented today to the Commission. The language is different today than what was presented to the districts. It includes additional status review and inspections in the delegation agreement required output measure that was not vetted with conservation districts. He recommended that the Nutrient Management and Manure Management programs be separate. John stated, “Do not approve the Nutrient Management and Manure Management delegation.” He also stated, “Do not approve the Dirt and Gravel Road Stream Crossing Policy.” Dave Stoner, Franklin County, supports the comments from John Dryzal. Dean Druckenmiller, Berks County, feels that the Dirt and Gravel Road Stream Crossing Policy is overkill and will cause burdens for the program. He asked the Commission members to look closely at the policy. Doug Beri, Indiana County, supports the comments of John Dryzal and Dave Stoner. Doug feels that trying to implement the Manure Management plan inspections would be difficult, because Indiana County doesn’t participate in the Chesapeake Bay Program. Doug also stated that the Dirt and Gravel Road Stream Crossing Policy does not address the districts’ concerns, and implementation would be cost prohibitive. Chris Thompson, Lancaster County, stated that changes in the regulations will pull the districts away from their core task, which is to assist farmers. He feels that there is a need to balance regulation with assisting farmers. Rich Huether, Blair County, asked the Commission to not approve the Nutrient Management and Manure Management Delegation. He feels that DEP could have done a better job sharing the additional requirements with conservation districts.

B. Business and Information Items

Karl G. Brown, Executive Secretary, noted that an Executive Session was held to address Nutrient Management Program compliance and other program legal issues.

1. Approval of Minutes – March 8, 2022 - Public Meeting and April 12, 2022 – Conference Call.

Don Koontz moved to approve the March 8, 2022, public meeting minutes and the April 12, 2022, conference call minutes. Motion seconded by Ron Kopp. Motion carried.

2. Proposed Update to Policy on Utilizing Technology to Facilitate Conservation District Business Meetings (11-15-11). Karl Brown, SCC, reported that in November 2011, the Commission adopted a policy regarding utilizing technology to facilitate conservation district business meetings. Conservation districts originally requested guidance from the Commission concerning the legality of board members participating in conservation district business meetings using telephone conference calls or other appropriate communication technologies.

Given the significant challenges presented during the COVID pandemic for in person meetings and the dramatic improvements in telecommunication platforms, Commission staff recommends amending this policy to encourage districts to consider adopting a hybrid meeting format to improve access to their monthly business meeting.

Commission staff have discussed this with the Conservation District Advisory Committee (CDAC) on two different occasions and have incorporated suggestions from Advisory Committee members. A copy of the proposed changes to Policy on Utilizing Technology to Facilitate Conservation District Business Meetings was provided. Commission staff recommends adoption of this policy amendment.

Brent Hales moved to approve the updated Policy Utilizing Technology to Facilitate Conservation District Business Meetings. Motion seconded by Ron Rohall. Motion carried.

3. Nutrient Management and Odor Management Program
- a. Nutrient Management (NM) and Manure Management (MM) 5-Year Delegation Agreement. Frank Schneider, SCC, reported that staff requests the approval of the proposed Act 38 Nutrient Management / Chapter 91 Manure Management Program Delegation Agreement. This is a joint SCC/DEP 5-year agreement covering FY 2022 through FY 2027. The SCC/DEP are currently in a joint 5-year delegation agreement with participating districts for Fiscal Years 2017-2022 for Nutrient Management (NM) and Manure Management (MM) and this agreement ends on June 30, 2022. The intent of both the SCC/DEP is to enter into another joint 5-year delegation agreement for NM and MM with participating conservation districts for Fiscal Years 2022-2027. In July 2021, the SCC approved the formation of a Delegation Agreement Workgroup to advise staff on proposed changes to the agreement. The draft delegation agreement was open for a 64-day public comment period. Final drafts were presented to legal and policy offices of both agencies, and they are cleared for action. Jill Whitcomb apologized for putting additional things into the agreement after the committee met.

Ron Kopp made a motion to table the Proposed FY 2022-27 Nutrient and Manure Management Program delegation agreement until the July 20, 2022 SCC meeting following further conversations between program staff and conservation districts. Motion seconded by Ron Rohall. During discussion of the motion, Ron Kopp expressed concern that the new DEP inspection language was not fully vetted with conservation districts prior to the presentation to the Commission for consideration. Motion carried.

- b. PSU Proposals for Education and Technical Support Activities: FY2022-23 Work Plans and Budgets. Johan Berger, SCC, reported that in July 2020, the SCC entered into 3-year agreements with PSU to continue educational and training support for the Nutrient Management, Odor Management, and Commercial Manure Hauler and Broker Certification Programs. Staff is requesting approval of the annual work plans and budgets for these ongoing agreements. Johan Berger reviewed the proposed work plans and budgets for these agreements and requested approval of these documents.

- i. Nutrient Management Specialist (Act 38)

Don Koontz made a motion to approve the proposed FY 2022-23 work plan and budget for the Nutrient Management Certification Training Program through agreement with Penn State University. Motion seconded by Ron Kopp. Motion carried.

- ii. Odor Management Specialist (Act 38) and Commercial Manure Haulers and Brokers (Act 49)

Ron Kopp made a motion to approve the proposed FY 2022-23 work plan and budget for the Odor Management Specialist and Commercial Manure Haulers and Brokers Training Program through agreement with Penn State University. Motion seconded by Ron Rohall. Motion carried.

- c. Nutrient Management Plan (NMP) – Emanuel Lapp, Northumberland County. Brady Seeley, SCC, reported that the Emanuel Lapp farm is an existing duck operation in Northumberland County. The operation raises ducks, sheep, beef, and other assorted animals. Based on animal numbers and animal densities, the Lapp Farm is both a CAO and a CAFO. Brady Seely, SCC, provided additional information regarding this farm operation's Nutrient Management plan. The plan meets Act 38 requirements and the staff recommends approval of the plan.

Don Koontz made a motion to approve the Emanuel Lapp Farm Nutrient Management Plan. Motion seconded by Brent Hales. Motion carried.

4. Proposed Revisions to the FY2022-23 REAP Guidelines and Application. Joel Semke, SCC, reported that each year, the Commission updates its guidelines for the REAP Tax Credit Program. Staff has solicited input on potential changes from program participants and interested parties and has developed suggested changes for the FY 2022-23 REAP Program Guidelines. Joel Semke, SCC reviewed the changes proposed for FY 2022-23 (Operation Expansion; Waste Storage Facility; Cover Crops; No-Till Equipment; Precision Nutrient Application Equipment; and PACS).

Brent Hales made a motion to approve the REAP Tax Credit Program 2022-23 Guidelines, subject to final legal review. Motion seconded by Ron Kopp. Motion carried. Mike Flinchbaugh abstained from voting.

5. Proposed Revisions to the FY2022 Conservation Excellence Grant Program Guidelines. Eric Cromer, SCC, reported that each year, the Commission updates its guidelines for the Conservation Excellence Grant Program. Staff is recommending several changes to the CEG Guidelines including: 1) a provision to allow the Commission to utilize a “formula for allocating program funds; and 2) provisions to allow the Commission and districts to consider an applicant’s compliance standing when awarding a grant. Eric Cromer, SCC, presented additional information on this agenda item.

Ron Kopp made a motion to approve the proposed changes to the FY 2022-23 CEG Program Guidelines, pending final legal approval. Motion seconded by Don Koontz. Motion carried.

6. Dirt, Gravel, and Low Volume Road (DGLVR) Program

- a. Center for Dirt and Gravel Road Studies, Education/Technical Assistance Agreement Proposed 2022-23 Scope of Work and Annual Budget. Roy Richardson, SCC and Steve Bloser, CDGRS, reported that The PSU Center for Dirt and Gravel Road Studies provides contractual services to assist the Commission with the delivery of the Dirt, Gravel and Low Volume Road Program. These services include training, technical assistance, research, GIS systems development and support, and other administrative duties. FY 2022-23 is the fourth year in a five-year agreement between PSU and SCC. Roy Richardson (SCC) and Steve Bloser (PSU) presented an overview of the proposed work plan and budget for FY 2022-23.

Ron Rohall made a motion to approve the Center for Dirt and Gravel Road Studies proposed annual work plan and budget for FY 2022-23. Motion seconded by Greg Hostetter. Motion carried.

- b. Proposed FY 2022-23 DGLVR Allocations to Conservation Districts. Roy Richardson, SCC, reported that each year, the Commission allocates funding to eligible county conservation districts for the Dirt and Gravel and Low Volume Road Program. These county allocations are “formula” driven based on criteria contained in the enabling legislation. Roy Richardson (SCC) reviewed the funding formula used to determine these county allocations and present the proposed FY 2022-23 county allocations for the Commission’s consideration.

Don Koontz made a motion to approve the FY 2022-23 Dirt and Gravel and Low Volume Road Program County Allocations. Motion seconded by Ron Kopp. Motion carried.

- c. Proposed Changes to Driving Surface Aggregate (DSA) Standard and Specification. Roy Richardson, SCC, reported that the DGLVR Program’s standards and specifications for Driving Surface Aggregate (DSA) were last updated in July 2020. The DSA standard defines the product specifications and placement requirements for DSA funded under the DGLVRP. Staff is recommending 2 changes to the standard related to the “abrasion resistance” criteria and the placement standard for DSA. Roy Richardson (SCC) provided an overview of the proposed changes to the DSA Standard and Specification.

Ron Rohall made a motion to approve the proposed changes to the DGLVR DSA Standards and Specifications. Motioned seconded by MaryAnn Warren. Motion carried.

d. DGLVR Proposed Stream Crossing Documents

- i. Stream Crossing Replacement Policy (revisions to 7.1 of DGLVR Administrative Manual)
- ii. Stream Crossing Design and Installation Standard (new)
- iii. Stream Crossing Replacement Technical Manual (new)

Roy Richardson, SCC, reported that for more than a year, Commission and Center staff have been working to develop proposed changes to the Commission's DGLVRP Policy on Stream Crossing Replacements. As a part of this effort, staff has also developed a proposed new DGLVRP standard for Stream Crossing Design and Installation, and a DGLVRP technical manual for Stream Crossing Replacements. Commission and Center staff have worked extensively on these draft documents with the DGLVRP Policy and Planning Committee which include approximately 12 conservation district representatives. An open comment period in early 2022 resulted in more than 500 comments from conservation districts and other partners. Roy Richardson (SCC) and Steve Bloser (PSU) presented an overview of proposed policy, standard and technical manual. Staff recommends that these three documents be approved for use in FY 2022-23 and beyond.

Don Koontz made a motion to approve all three Stream Crossing items: Proposed changes to the DGLVR Stream Crossing Replacement Policy, Proposed new DGLVR Stream Crossing Design and Installation Standard, and the Proposed DGLVR Stream Crossing Technical Manual. Motion seconded by MaryAnn Warren. During discussion of the motion Ron Rohall, SCC, and Kelly Stagen, PACD, expressed concerns on the equity of funding needs at the local level where this type of BMP maybe over-extending the purpose of the program. Would a 'pilot program' to phase in these proposed program changes be appropriate? Ron Rohall was opposed. Motion carried.

- e. Proposed Changes to DGLVR Administrative Manual (Revisions). Roy Richardson, SCC and Steve Bloser, PSU, reported that every two years, the Commission staff makes recommendations for changes and updates to the DGLVR Program Administrative Manual. The last changes to this manual were approved in May 2020. Commission and Center staff are recommending a number of changes to the manual and have reviewed these proposed changes with the DGLVR Program's Policy and Planning Committee. A copy of the proposed changes was provided to the Commission members in a "track changes" format. Roy Richardson (SCC) and Steve Bloser (PSU) presented the proposed changes for the Commission's consideration.

Ron Kopp made a motion to approve the proposed changes to the DGLVR Program Administrative Manual. Motion seconded by Don Koontz. Motion carried.

C. Written Reports – Self Explanatory

1. Program Reports

- a. Nutrient and Odor Management Program Measurables Report
- b. Nutrient Management Plan Update Report: Dallas Equine Center, LLC – Pinewood Acres – Lauren Swicklik – Luzerne County

- c. Nutrient Management Plan Update Report; Pine Hurst Acres, LP – Northumberland County
 - d. 2022 Status Report on Facility Odor Management Plan Reviews/OMP Actions
 - e. 2022 Odor Management Plan Self Certification Update
 - f. REAP 2021/2022 Accomplishment Report
 - g. Conservation Excellence Grant Program Accomplishment Report
 - h. Certification and Education Program Accomplishment Report
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District

D. Cooperating Agency Reports – PACD, NRCS, Penn State, DEP, DCNR, DCED, PDA

PACD – No report due to lack of meeting time.

NRCS – USDA will invest an additional \$22.5 million in conservation assistance in fiscal year 2022 to help farmers boost water quality improvements and conservation in the Chesapeake Bay watershed. The new Chesapeake Bay States’ Partnerships Initiative will support Bay-area farmers, including here in Pennsylvania, building on a \$1.1 billion investment made by USDA’s Natural Resources Conservation Service over the past decade. USDA is also announcing a new task force – jointly with the U.S. Environmental Protection Agency – to better quantify the voluntary conservation efforts of farmers in the Bay watershed. Pennsylvania NRCS will be a key player in this effort with 29 service centers and more than 100 dedicated staff, partners, and contractors providing services to landowners in the watershed. Between Fiscal Years 2018 and 2021, the agency invested \$80 million in Farm Bill program funding to accelerate voluntary, on-farm conservation on 220,911 enrolled acres in the commonwealth.

PSU – No report due to lack of meeting time.

DEP – Jill Whitcomb reported that DEP opened the Growing Greener Plus Grants Program on April 22, 2022. Applications will be accepted through June 24, 2022. Townships are eligible to apply. Section 319 Planning and Implementation Meetings are scheduled for May 18-19, 2022. The Conservation District Support Section has filled two positions: Southwest Conservation District Field Representative and Northeast Conservation District Field Representative. Scott Carney retired from DEP on May 9, 2022. Scott Heidel is the Acting Environmental Group Manager. Jill added that tabling some of the Nutrient Management/Manure Management Delegation Agreement will push off the execution of agreements if not approved until July 2022. First quarter payments will not be reimbursed until the agreements are executed.

DCNR – No report.

DCED – No report due to lack of meeting time.

PDA – Deputy Secretary Greg Hostetter reported that tree planting took place in Southern Lancaster County last week. A \$22.5 million investment is now available for Chesapeake Bay States. Pennsylvania will receive a portion of this money. Senator Yaw’s Bill 251

(Fertilizer Bill) is nearing completion. Senate Bill 832 includes additions to the CEG Program. There are many HPAI detections in Lancaster County and some in Berks County. We are currently in the recovery piece of the problem, which includes income loss. Manure Hauler Broker webinars are being offered to explain the rules.

Adjournment: Meeting adjourned at 3:48 p.m.

Next Public Meetings: June 14, 2022 – Conference Call

July 20, 2022 -- Public Meeting, In-Person and Virtual
Red Lion Hotel, Harrisburg, PA

STATE CONSERVATION COMMISSION CONFERENCE CALL**Microsoft Teams Conference Call****Tuesday, June 14, 2022 @ 8:30 am*****DRAFT MINUTES***

Members Present: Karl Brown for Secretary Russell Redding, PDA; Jill Whitcomb for Secretary Patrick McDonnell, DEP; Mike Flinchbaugh; Ron Rohall; Don Koontz; MaryAnn Warren; Drew Gilchrist for Secretary Cindy Adams Dunn, DCNR; Brent Hales, Penn State; Jessica Passiment, DCED; and Kelly Stagen, PACD.

A. Public Input: Chris Swartz, Franklin County Conservation District Ag Conservation Technician, provided comments on behalf of David Stoner, District Manager-Franklin County Conservation District. Regarding the proposed Nutrient Management and Manure Management delegation: The compliance/inspection aspect conflicts with many conservation districts' core functional values of providing the ag community with technical, financial, education, and outreach assistance. The inspection/status review guidelines and SOPs to be developed by DEP for the agreement are not expected to be available before the July 20, 2022 SCC meeting. Franklin County CD Board members do not agree with signing a delegation agreement with undeveloped guidelines and SOPs. The concern is the continual progression towards a regulatory nature that DEP is requiring for conservation districts to implement their programs. Dave suggested that the SCC members approve the original version of the new nutrient and manure management agreement that the workgroup reviewed and was in agreement with before DEP added the inspections as a Required Output Measure.

John Dryzal, Cambria County, reported that Boards are concerned about taking on increased compliance roles. They want to be good partners and would like the SCC to look at the information in more depth.

B. Agency/Organization Updates**1. DCNR – Drew Gilchrist**

Drew reported that the DCNR - River of the Year program is a great way to highlight the opportunities and challenges facing our waterways, raise awareness, and connect Pennsylvanians to the water and highlight the great work being done in Pennsylvania communities on these valuable resources. Department of Conservation and Natural Resources (DCNR) Secretary Cindy Adams Dunn and Janet Sweeney of the Pennsylvania Organization for Waterways and Rivers (POWR) recently announced that French Creek, in Northwestern Pennsylvania, had been selected as the state's 2022 River of the Year. French Creek is one of the most biologically diverse waterways of its

size in the United States, meandering 117 miles from its headwaters in Southern New York through four Pennsylvania counties to the Allegheny River. The creek is home to 27 species of freshwater mussels, more than 80 species of fish, and numerous waterfowl and songbird species, including bald eagles and four Audubon-designated Important Bird Areas (IBAs). French Creek is also home to the Eastern Hellbender, the largest species of salamander in North America, which was recently named the official amphibian of Pennsylvania. The French Creek Valley Conservancy (FCVC) will receive a \$10,000 Leadership Grant to help fund a slate of year-long 2022 River of the Year activities. DCNR and POWR will work with FCVC to create a free, commemorative poster celebrating the French Creek River as the 2022 Pennsylvania River of the Year. A commemorative River of the Year sojourn is among many paddling trips supported by DCNR and POWR each year. An independent program, the Pennsylvania Sojourn Program, is a unique series of a dozen such trips on the state's rivers. These water-based journeys for canoeists, kayakers and others raise awareness of the environmental, recreational, tourism and heritage values of rivers. The sojourn is a great way for first timer to experience the river. No one decides they are just going to paddle down a river. Like hunting and fishing, river paddling requires mentorship, how to do it advice, safety information, equipment loans, and logistical support. Sojourns have all of that.

2. DEP – Jill Whitcomb

Jill reported that the Growing Greener Plus Grant Program application period is open until June 24, 2022 at 5:00 p.m. Staff will be reviewing, ranking, and scoring applications. Bay Technician Funding Renewals are due July 1, 2022. The Bay Technician funding includes an increasing rate of pay. The Watershed Specialist Funding renewal is due June 17, 2022 and includes changes to tracking and reporting of projects. There is a DEP investment link on the Growing Greener Plus webpage, where you can see how many projects are active and were awarded. CDFAP applications for funding are due no later than June 17, 2022. Program staff will review and update the Chapter 102 Delegation agreements.

3. NRCS – Karl Brown for Denise Coleman

Karl reported that NRCS received an additional \$8.4 million in funding as a result of last month's announcement by Under Secretary Robert Bonnie. The breakdown of funds are as follows: EQIP-\$4.9 million; CSP-\$2 million; and ACEP (easements)-\$1.5 million. This is out of a total of \$20 million announced in the Bay Watershed. The data sharing pilot between PA DEP and PA NRCS, in partnership with USGS, has been completed and is undergoing DEP and NRCS review prior to release.

4. Penn State University – Brent Hales

Brent reported that Penn State is looking forward to a healthy county fair season. The University is following regulatory policies regarding High Path Avian Influenza. Plans are underway for Ag Progress Days, and large crowds are expected.

5. PACD – Kelly Stagen

Kelly reported that PACD appreciated participating at Envirothon. PACD is also meeting with legislators about increased state funding to CDFAP in the upcoming state budget. Thank you to Secretary Redding for allowing PACD to have a booth at NEASDA. PACD testified at the House Environmental Resources and Energy Committee meeting about MS4.

6. DCED – Jessica Passiment

No report.

7. PDA – Karl Brown for Secretary Russell Redding

Karl reported that Governor Tom Wolf, joined by First Lady Frances Wolf, Secretary Russell Redding, and Senator Judy Schwank, highlighted his \$1.75 million investment in ByHeart, the first new FDA-registered formula manufacturer to hit the nationwide market in 15 years. Funding is available for interested parties to develop a sustainable agricultural plastics recycling program. The Agricultural Plastics Recycling Project (APRP) is designed to assist Pennsylvania farmers to better manage their used agricultural plastics. APRP is a statewide pilot program with a focus in Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, and Perry Counties. Veterans' services, agricultural and other organizations are invited to apply for funding to deliver grants to military veterans for farm and related business start-ups and expansion. This opportunity is available through Governor Tom Wolf's Pennsylvania Farm Bill and the Agriculture Business Development Center. The center will fund up to three \$100,000 grants to organizations which will, in turn, offer grants of up to \$10,000 to individual military veterans for agricultural business needs. The subgrants to veterans can support a diverse range of expenses from food safety and biosecurity planning to equipment, marketing, and working capital. Kaitlyn Shroeder joined the Communication's Office as the Communications Director on June 6, 2022. The job description for the Executive Secretary for the State Conservation Commission has been posted. Karl Brown announced that he is retiring at the end of 2022.

C. Information and Discussion Items

1. **Nutrient Management Fund Budget (Frank Schneider, SCC)** – Frank reported that Commission staff will present the Fiscal Year 2022-2023 Nutrient Management Fund budget at the July SCC business meeting. The proposed FY 2022-23 General Fund Budget provides an appropriation to the Nutrient Management Fund of \$6,200,000 with a spending authorization of \$6,761,000 under the Governor’s proposed state budget. Program staff’s proposed NMF budgets provide funding for the following program elements:
 - a. Prioritizes funding to conservation districts recognizing their key role in carrying out the mandates of the Nutrient and Odor Management Act. The Nutrient/Manure Management delegation agreement contains delegated duties from both the Commission (nutrient management activities) and DEP (manure management activities) and is jointly funded by SCC/PDA and DEP based on these delegated responsibilities. Commission and DEP staff are proposing an increase of \$10,000 per full time equivalent (FTE) for duties delegated to conservation districts. DEP will provide an additional \$5,000 per FTE and the Commission will provide an additional \$5,000 per FTE. This rate increase covers additional Required Output Measures (ROMs) and provides a cost-of-living adjustment to district personnel funded under these agreements.
 - b. Provides funding to farmers for implementation of financial assistance programs, including Conservation Excellence Grants and AgriLink low interest loans.
 - c. Provides funding for educational and technical support from Pennsylvania State University (PSU) program partners under a 5-year contract.
 - d. Maintains Commission’s personnel budget for the year, based on anticipated expenditures and costs for FY 2022-23.
 - e. Provides funding to PaOneStop in the amount of \$125,000 for ongoing maintenance, updates, and support.
 - f. Maintains the Commission’s operational budget for the year based on anticipated operational expenditures for FY 2022-23.

2. **Nutrient Management/Manure Management Delegation Agreement Update (Frank Schneider, SCC and Jill Whitcomb, DEP)** Frank reported that DEP and Commission staff hosted a listening session with county conservation districts on May 23, 2022 to discuss proposed changes to the NM/MM delegation agreement and proposed funding levels. This session was in part due to the comments raised by conservation districts during the May 10, 2022 SCC meeting. The presentation material and the link to the recording of the session was shared with the conservation districts the afternoon of May 23 and a question-and-answer document is being developed.

During the original public comment period for the proposed agreement, conservation districts raised concerns over the proposed allocation formula, focusing primarily on Act 38 CAOs and CAFOs. Districts also noted they have a manure management workload that should be accounted for in the proposed allocations. However, the manure management planning and technical assistance workload for districts is unclear due to the lack of historically recorded and reported information. Specific record-keeping of manure management plans (MMPs) developed and or verified by conservation districts and BMPs

installed related to these plans have only recently been required reporting elements of the delegation agreement and is only required when the district elected to write or verify MMPs as part of the activities conducted as part of the delegation.

It was announced that DEP will provide an additional \$5,000 and SCC will provide an additional \$5,000 (Thanks to the PDA), for a total increase of \$10,000 per FTE for this delegation agreement.

Jill reported that DEP and SCC discussed potential adjustments to the Manure Management ROMs to account for the conservation districts' concerns regarding staff time and the concerns conservation districts noted regarding the perception that conservation districts will be viewed as an "enforcement" authority. Proposed changes include:

- Language change from "must" and "will" to "may" for education and outreach;
- Removed "inspection" and replaced with "status review";
- Added that districts may write 10 MMPs, if they chose not to perform MMP status reviews;
- Changed the requirement for status reviews from 10 to a scaled factor of 10 status reviews if a district has 1 or more Full Time Equivalent (FTE) funding or 5 status reviews if funding is less than 1 FTE

A question-and-answer document will be shared with the Commission prior to the July business meeting, and staff will ask for approval of the delegation agreement, delegation funding levels, and the NMF budget at that time.

3. **Nutrient Management and Manure Management Delegation Agreement Funding Levels (Frank Schneider, SCC).** Frank reported that Commission staff will present funding levels for participating conservation districts for FY 2022-23 for the Act 38 Nutrient Management / Chapter 91.36 Manure Management delegation agreement. This approval will be consistent with the final proposed FY 2022-23 Nutrient Management Fund budget.

In 2021, Commission and DEP staff, along with the NM/MM delegation workgroup, worked on a process to distribute funding to counties that will accept delegation. This process utilized a program workload analysis that considered the following:

- a. Number of Concentrated Animal Operation = 30%
- b. Number of Concentrated Animal Feeding Operations = 30%
- c. Number of Voluntary Animal Operation = 15%
- d. Number of animal operation = 15%
- e. Number of Total Ag Acres = 10%
 - a. This information is based on the current agricultural statistic data for Pennsylvania counties as published in reports developed by the National Agricultural Statistics Service (NASS) (2012) and Act 38 numbers from Calendar Year 2021.

The inclusion of animal operations and total agricultural acres data, along with Act 38 program workload, accomplishes a reasonable workload analysis and proportional distribution of funds to all conservation districts eligible for delegation agreement funding.

It shall be noted that allocated positions have changed for multiple conservation districts based on the workload analysis. The proposed delegation amounts were sent to conservation districts for comment and a comment/response document will be provided along with July SCC meeting materials.

As in the last 5-year delegation agreement, additional financial resources will be provided by DEP, through a grant under the Chesapeake Bay Regulatory and Accountability Program (CBRAP) in the amount of \$1,272,000 in order for conservation districts to accomplish manure management (Chapter 91.36) activities.

Total available funds for allocation to conservation districts under the delegation agreement is \$3,220,000.

4. **Nutrient Management; Nutrient and Odor Management Certification; Commercial Manure Haulers and Broker Regulatory Revision (Frank Schneider, SCC).** Frank reported that at the July 13, 2021 Commission meeting, the Commission gave staff approval to start the process of reviewing the above referenced regulations for possible revisions. Commission staff, along with agency and other program partners have worked to identify and refine potential changes to the program regulations. These proposed changes were presented to the Nutrient Management Advisory Board (NMAB) on January 20, 2022 and April 21, 2022 and resulted in the NMAB passing a motion to recommend that the SCC open the above referenced regulation for possible changes. Action to open the regulations, along with staff’s preliminary concepts will be presented at the July 20, 2022 Commission meeting for action.

5. **2022 Dates to Remember**

SCC Meetings – 1:00 PM

Hybrid Meeting (Red Lion Inn, Harrisburg)	July 20
Hybrid Meeting	Sept 13

SCC Conference Calls – 8:30 – 10:00 AM

Conference Call	June 14
Conference Call	Aug 16

Leadership Development 2022 Spring Leadership Webinar Series

Deep Dives for Directors Part 1 (SCC Programs)	June 2	12:00 – 1:30
Introduction to Clifton Strengths for Managers	June 8	12:00 – 1:00
Deep Dives for Directors Part 2 (DEP Programs)	June 15	12:00 – 2:00

Also, check the Conservation District Training/Special Events Calendar at, www.PACD.org Select the "Events" tab and then the "Training Calendar" tab.

6. **Next Meeting** – July 20, 2022 (hybrid meeting format) – Red Lion Hotel, Harrisburg
7. **Adjournment** – 9:19 a.m.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

5/12/22

~~Approved~~
RJR
Same [Signature]

DATE: May 11, 2022

SUBJECT: 2022 Appointments to the Nutrient Management Advisory Board

TO: Russell Redding
Chairman, State Conservation Commission
Secretary, Pennsylvania Department of Agriculture

Patrick McDonnell
Secretary, Pennsylvania Department of Environmental Protection

FROM: Karl G. Brown 
Executive Secretary
State Conservation Commission

The purpose of this memo is to request your appointment of three (3) individual and three (3) reappointments to fill vacancies on the Nutrient Management Advisory Board (NMAB).

It is the role of the chairman of the State Conservation Commission (Commission) to appoint members to fill the 16 member positions and six advisors on the NMAB. These appointments then require a 2/3 affirmation vote of the Commission members to confirm.

The Nutrient and Odor Management Act (Act 38 of 2006) created the NMAB with the duty of reviewing and commenting on proposed Nutrient Management Program regulations, interim guidelines and interim criteria. The Commission has also chosen to have the NMAB "weigh in" on policy issues as they arise.

Commissions staff is recommending the following individuals for election as Board members:

- Mr. Edward Hartman to be reappointed to the NMAB. Mr. Hartman completed his first term as the Livestock (Dairy) Producer Representative and is eligible to serve a second three-year term.
- Dr. Fausto Solis De Los Santos, Wenger Feeds, to be reappointed to the NMAB. Dr. Santos completed his first term as the Feed Industry Representative and is eligible to serve a second three-year term.
- Mr. Brian Campbell, The Nature Conservancy, to be re-appointed to the NMAB. Mr. Campbell re-placed his predecessor and finished out her term as the Environmentalist Representative. Mr. Campbell will serve his first three-year term.

- Mr. Daniel Peachey, Growmark FS, of Mifflin County to be appointed to the NMAB as the Fertilizer Industry Representative replacing Chris Young who's second term is expiring June 30th, 2022 and is not eligible for re-appointment.
- Mr. James Adams of Snyder County to be appointed to the NMAB as the Livestock (Swine) Producer Representative replacing Andrew Flinchbaugh who's second term is expiring June 30th, 2022 and is not eligible for re-appointment.
- Dr. John Clune, U.S. Geological Survey, to be appointed to the NMAB as the Hydrologist replacing Joseph Duris who as decided to not seek re-appointment after serving his first term.

Act 38 requires the Commission to seek nominations from statewide organizations for appointments. The Commission reached out to the following state-wide organizations: Penn Ag Industries, Pennsylvania Farm Bureau, Pennsylvania Farmers Union, and Pennsylvania State Grange.

Action Requested:

Please review the attached biographies and determine if you would like to appoint the following individuals to the NMAB. If you support this recommendation, we will request confirmation by the full commission at the July 20, 2022 meeting.

Attachment:

- Edward Hartman biographical information
- Dr. Fausto Solis De Los Santos biographical information
- Brian Campbell biographical information
- Daniel Peachey biographical information
- James Adams biographical information
- Dr. John Clune biographical information

Edward Hartman
1750 Van Reed Road
Reading, PA 19608
484-955-9056

scatteredacresinc@wndstream.net

I am a fifth-generation farmer on Hartman properties in Berks County and Lancaster County, PA. I am a life time member of Alsace Lutheran Church in Reading, PA. I graduated from Pennsylvania State University in 1977 and am a member of Alpha Gamma Rho Fraternity. My two brothers, David and Paul, and my wife Diane, are co-owners and operators of Scattered Acres, Inc. Four sixth generation Hartmans and one in-law are also involved in making Scattered Acres successful.

In October 2010 we purchased an existing CAFO dairy near Reinholds, Lancaster County. Diane and I and our son Harrison spend most of our time on that 660-cow operation. It has a slatted floor free stall barn with manure storage underneath. Parlor and milk house wash water are diverted to an older circular concrete storage. Most of the wash water is utilized on site, but 95% of the main barn manure is exported. Prefresh cows and baby calves are on bedded pack, half of that manure is also exported. Mortalities are composted on site and eventually utilized on site.

When we purchased the farm, dry cows were on pasture. We were unhappy with the muddy condition of the cattle and the pasture due to the high water table in this area. We immediately put them in the free stall barn.

Team Ag does our nutrient management planning for the Reinholds location. As no manure is exported to our other locations, we are able to contain the CAFO regulations to the Reinholds operation which is also our only location impacted by Chesapeake Bay regulations.

Rosetree Consulting does our crop consulting and manure management at our other locations. Our other locations include another milking facility and multiple heifer raising facilities.

In 1977, Scattered Acres started using some cover crops to control erosion. Now we double crop 80 % of our acreage with rye or triticale. In 1995 we started no-tilling alfalfa and rye, now we no-till 100 % of our crops.

Curriculum Vitae

Fausto Solís De Los Santos

1031 West Main Street, Apartment I, Mount Joy, PA17552
E-mails: fausto.solis@gmail.com, fsolis@gmail.com, fsolis@wengerfeeds.com
Cell Phone number: 717-917-7545

EDUCATION

- 2005-2008 **Ph.D. Poultry Science, GPA 3.95**
Department of Poultry Science
University of Arkansas, Fayetteville, AR
Advisor: Dr. Dan Donoghue
Dissertation title: Caprylic acid supplemented in feed reduces *Campylobacter jejuni* colonization in broiler chickens.
- 2003-2005 **M. Sc. Poultry Science, GPA 4.0**
Department of Poultry Science
University of Arkansas, Fayetteville, AR
Advisor: Dr. Ann M. Donoghue
Master thesis title: Influence of hypobaric hypoxia on gastrointestinal morphology in chicken with ascites.
- 2001-2003 **M.Sc. Generation and Transfer of Agricultural Technologies, GPA 4.0**
Department of Animal Science
Universidad ISA, Santiago, Dominican Republic
Advisor: Dr. Rafael Amable Vásquez
Master thesis title: Evaluation of four Fertilizer levels and three Cut Frequencies on yield of the pasture *Digitaria decumbens cv. transvala*
- 1989-1993 **Animal Science Engineer (B.Sc.), GPA 3.8**
Department of Animal Science
Universidad ISA, Santiago, Dominican Republic
Advisor: Lic. Amarely Santana, M. Sc.
BS thesis title: *In vivo* Digestibility of Rumen cannulated Dairy Cattle

SPECIAL TRAINING

- 2019 International Scientific Forum (ISF) and International Production and Processing Expo (IPPE), 2018. February 11 to 14th, 2019. World Congress Center, Atlanta, Georgia.
- 2018 BIOMIN World Nutrition Forum 2018; Cape Town, South Africa; October 2 to 6.
- 2018 **The 2018** Penn State University Poultry Sales and Services meeting. Pennsylvania State University, September 9th-10th, 2018, Pennsylvania, USA.
- 2018 **The Global Leadership Summit**; August 9th and 10th 2018, at the Live Changed By Christ (LCBC) Church, Manheim, PA, USA
- 2018 **Poultry Science Association (PSA): annual scientific meeting**; San Antonio, Texas, July 22 to 26, 2018.
- 2018 International Scientific Forum (ISF) and International Production and Processing Expo (IPPE), 2018. January 27 to 30th, 2018. World Congress Center, Atlanta, Georgia.
- 2018 **American Society of Animal Science (ASAS): Annual Scientific Meeting** of the Midwest Branch, Omaha, Nebraska, March 12th to 14th, 2018.
- 2018 Phileo-Lesaffre Animal Health Tour Visit (training in Yeast Nutrition) at Red Star Yeast Plant facility, Cedar Rapids, Iowa 52404.
- 2017 **American Society of Animal Science (ASAS): Annual Scientific Meeting** of the Midwest Branch, Omaha, Nebraska, March 13th to 15th, 2017.
- 2017 **Challenges of Poultry Production, past and future**; Poultry Management and Health Seminar; Lancaster Farm and Home Center, Lancaster, Pennsylvania, May 8th, 2017.
- 2017 **The 2017 Penn State Dairy Cattle Nutrition Workshop; November 15th-16th, 2017** at the Holiday Inn Hotel in Grantville, Pa.,USA.
- 2017 **The 2017 Pennsylvania Poultry Sales & Service Conference** - and - 89th Northeastern Conference on Avian Diseases. September 12th-13th, 2017, Pennsylvania, USA.
- 2017 The 2017 Arkansas Nutrition Conference; September 6th-9th,

2017; Embassy Suites Northwest Arkansas 3303 Pinnacle Hills Parkway, Rogers, AR 72758, Phone: 479.254.8400

- 2017 **Litter and manure management in Poultry Production; and effect of particle size on pullets and layer performance.** Poultry Management and Health Seminar; Lancaster Farm and Home Center, Lancaster, Pennsylvania State University, May 8th, 2017.
- 2017 **Diamond V Egg Solution Visit (training in Yeast Nutrition)** at Diamond V production facility, 2575 60th Avenue SW, Cedar Rapids, IA 52404, May 15th-16th, 2017.
- 2017 **North Carolina State University Pork Report–DSM Pork Nexus:** why sows leave the herd? North Carolina State University, Raleigh, NC, May 17th –18th, 2017.
- 2017 **International Phytase Summit 3 (IPS3)**, technical symposium, the Westin Hotel, casino and spa, 160 E. Flamingo Road, Las Vegas, NV89109, April 5th to 7th, 2017.
- 2016 **Penn State Dairy Nutrition** Workshop; November 8th-10th, 2016; Grantville, Pennsylvania, USA
- 2016 **Cornell Nutrition Conference;** Department of Animal Science, Cornell University, October 17th-21st, 2016, Double tree hotel, Syracuse, New York, USA
- 2016 **Penn State University Poultry** Sales and Services meeting. Pennsylvania State University, September 17th-18th, 2016, Pennsylvania, USA.
- 2016 **VII International Scientific Conference** about Agricultural Development and Sustainability (Agrocentro, 2016). Villa Clara, Cuba, April 5 to 9, 2016.
- 2015 **Swine Pathology Course**, 2nd Lecture “Dr. Pedro Hansen”., April 21-22, 2015, United States Soybean Export Council (USSEC), Hodelpa Garden Court Hotel, Santiago, Dominican Republic.
- 2015 “Development of a Regional Master Programme in **Pig Production and Food Safety** in Caribbean Countries” 2st international meeting at the Universidad ISA, Santiago, Dominican Republic, 1st – 7th of March 2015.

- 2014 **Laying hens management skills (Hy-Line W-36).** 5th Technical School of Hy-Line in the Dominican Republic”. October, 23, 2014, Santiago, Dominican Republic.
- 2014 **RAPCO Feed Manufacturing Certification** (August 12 to October 19, 2014) and (November 2 to November 7, 2014). International Grain Program, and the United States Soybean Export Council (USSEC), Kansas State University, Manhattan, Kansas, United States of America.
- 2014 **RAPCO Course in Feed Manufacture.** United States Soybean Export Council (USSEC), September 9-11, 2014. At Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.
- 2014 “Development of a Regional Master Programme in **Pig Production** and Food Security in Caribbean Countries” 1st international meeting at the University of Leipzig, Germany, 1st – 7th of September 2014.
- 2013 **Intensive Update in Poultry Nutrition 2013.** RAPCO course in Poultry Nutrition. United State Soybean Export Council (USSEC), July 19-24, 2013. Kansas State University, Manhattan, Kansas State, United States of America.
- 2013 **Laying hens management skills (Hy-Line W-36).** 4th Technical School of Hy-Line in the Dominican Republic”. October, 29, 2013, Santiago, Dominican Republic.
- 2013 **International Market of Distiller’s Dried Grains with Solubles (DDGS).** U. S. Grains Council. June 10-12, 2013. Riu Panamá Plaza, Panamá city, Panamá.
- 2008 **Alternatives for Exporting Agro Industrial Products to the United States under DR-CAFTA Workshop.** Center for Intercultural Education and Development. Georgetown University. May 21st, 2008.
- 2008 **Diagnostic of Superior Agricultural Education Competences.** Montpellier SupAgro, Universidad ISA y Veterinary faculty of Haiti. June 23rd and 24th, 2008 at Universidad ISA auditorium.
- 2012 **Laying hens management skills (Hy-Line CV-22).** 3rd Technical School of Hy-Line in the Dominican Republic”. October, 17, 2012, Santiago, Dominican Republic.
- 2010 **HACCP certification:** As the manager of Agricultural Service

Department of Nestle, it was necessary to be HACCP certified in order the company received the QMS and HACCP certification. Suprema Quality at Dominican Nestle.

- 2010 **ISO 22000 certified:** As the manager of Agricultural Service Department of Nestle, it was necessary to be certified in order the company receive the ISO22000 certification. Suprema Quality at Dominican Nestle.
- 2002 **Pig farms sanitation.** “Central Veterinary Laboratory” (LAVECEN by its acronym in Spanish). November 12 and 13, 2002.
- 2002 **International workshop “Conservation and Improvement of the Local Genetic Breeds to have a sustainable rural development”.** Program of Science and Technology for the Development (CYTED), and the Spanish Agency of International Cooperation (AECI). May, 2002, **Antigua, Guatemala.**
- 2001 **Intensive professional update as prerequisite to pursue a master degree in Generation and Agricultural Technology.** From May 2nd to April 27, 2001. Universidad ISA, CEDAF and CONIAF.
- 2000 **Intensive Update in Dairy Cattle Nutrition.** Latin American Nutrition Center (LANCE). American Soybean Association (ASA) and United Soybean Board (USB). Center American Livestock School, September, 2000, **Alajuela, Costa Rica.** Alajuela, Costa Rica.

PROFESSIONAL EXPERIENCE

July 2016-current

Nutrition Services Manager

Wenger Feeds

101 West Harrisburg Ave.

Rheems, Pennsylvania, USA

Phone numbers: Ofic 717-361-4211, cell phone: 717-917-7545

fsolis@wengerfeeds.com

Responsible for all aspects of corporate nutrition, including: creation and management of feeding programs; internal and external technical support; feed and additive research; and new product development. Create and maintain feeding programs based on customer objectives and sales parameters, and responsible for

managing the new product development process from the input of ideas to the launch of new products, including original and combination ingredients.

2011-2016

Nutritionist and Nutrition Division Director,

Instituciones Pecuarias Dominicanas (IPD), S. A. km 1, Cruce de Estancia Nueva, Moca, Espaillat Province, Dominican Republic. Phone 809-578-4816

IPD is an integrated company of 25 other poultry, swine, dairy and meat processing companies in the Dominican Republic. The market share of IPD is 60%, 45%, 25% and 10%, of the entire Dominican Republic swine, egg layers, broilers and dairy production, respectively.

As nutritionist, i lead the nutrition analysis laboratory and the supplement, and the premix and base mix manufacturing plant.

2009-2011

Agricultural Services Department Manager

Nestle, S. A.

Responsible for leading the Agricultural Service Department Team and the major roles were milk collection, technical assistance and project development with farmers in the country. It was my responsibility to manage the budget and establishing performance evaluation (PE) and KPI (key performance indicators) to each Agricultural Service Department regional extension agent.

2001- 2016:

Professor-researcher:

Animal Science Department, Universidad ISA, Santiago, Dominican Republic.

Instructor of the following subjects:

Poultry Nutrition

Animal Nutrition,

Poultry production,

Poultry biology

Statistics (descriptive and inferential),

Experimental design,

Broilers meat and egg processing technology,

Genetics and genetic improvement

Scientific research methodology

Vitamin and mineral metabolism (UASD University)

Physiological biochemistry (UASD University)

UASD= Universidad Autonoma de Santo Domingo (Santo Domingo Autonomous University); it is the official university in

the Dominican Republic (Land-grant university).

Major advisor of research projects including theses and master theses for Veterinary Medicine and Animal Science Students (for more details, please see the major advisor section of this CV).

2003-2008

Graduate Research Assistant,
University of Arkansas, USA.
Center of Excellence for the Poultry Science:
Agricultural Research Service (ARS-USDA-University of
Arkansas facilities).

2001-2003

Animal Production Manager
Universidad ISA,
Santiago, Dominican Republic. Phone: 809-247-2000. The
facilities include Broiler, layers, Swine, sheep and goat, fish, dairy,
rabbits, etc.

1994-2001

Dairy Extension Specialist
Nestle, S. A.
Agricultural Service Department
Technical advice to dairy farmers in Nutrition, management, and
milk quality

1992-1994

Manager of the Quality Assurance and Production Department
Acero del Cibao, S. A. La Herradura, Santiago, Dominican
Republic

PUBLICATIONS

Degree Theses

- Master Thesis.** 2005 Influence of hypobaric hypoxia on gastrointestinal morphology in broiler chicken with ascites.
Advisor: Dr. Ann M. Donoghue. University of Arkansas.
- Ph.D. Dissertation.** 2008 Caprylic acid supplemented in feed reduces *Campylobacter jejuni* colonization in broiler chickens. Advisor:
Dr. Dan Donoghue, University of Arkansas.

PEER-REVIEWED PAPERS

1. Nathaniel Barrett, GS, Paul Patterson¹, Fausto Solís, John Boney. 2019. The effect of dietary inclusions of guanidinoacetic acid on broiler performance and carcass yield; *the Pennsylvania State University; Wenger Feeds; 2019 International Scientific Forum, February 11-12, Abstract No. M78; page 25.*
2. Marcos Tavarez and **Fausto Solis de los Santos**. 2016. Impact of genetics and breeding on broiler production performance: a look into the past, present, and future of the industry. *Animal frontier Journal*, Vol. 6, No. 4.
3. Díaz-Sanchez, S., Moscoso., F. Solís de los Santos., A. Andino., and I. Hanning. 2015. **Antibiotic Usage in Poultry: A Driving Force for Organic Poultry Production.** *Food Protection Trends* Vol 35, No. 6, p. 440–447.
4. Moscoso, S., **F. Solís De Los Santos**, A. G. Andino, Sandra Diaz-Sanchez, And I. Hanning. 2015. Detection of Quinolones in Commercial Eggs Obtained from Farms in the Espaillat Province in the Dominican Republic. *Journal of Food Protection*, Vol. 78, No. 1, 2015, P. 214–217
5. Silfrani, O., Caba, R., **Solís de los Santos, F.** and Hanning, I. 2013. Detection of Quinolones in Poultry Meat Obtained from Retails Centers in Santiago Province, the Dominican Republic. *Journal of Food Protection* 2(2) 352-354.
6. Moyle, J. R. **F. Solis de los Santos**, G.R. Huff¹, W.E. Huff, N.C. Rath, M. Farnell, A.C. Fanatico, S.C. Ricke, C. Enders, U. Sonnenborn, D.J. Donoghue and A.M. Donoghue. 2012. The Probiotic *Escherichia coli* Nissle 1917 Enhances Early Gastrointestinal Maturation in Young Turkey Poults. *International Journal of Poultry Science* 11 (7): 445-452
7. Vivian F. Aguiar, A. Donoghue, K. Arsi, I. Reyes-Herrera, J. Metcalf, **Solís de los Santos, F.**, P. Blore and D. Donoghue. 2013. **Targeting Motility Properties of Bacteria in the Development of Probiotic Cultures Against *Campylobacter jejuni* in Broiler Chickens.** *Foodborne Pathogens and Diseases* 10(5):435-441
8. **Solís de los Santos, F.**, M. Hume, K. Venkitanarayanan, A. Donoghue, I. Hanning, M. Slavik, V. Aguiar, J. Metcalf, I. Reyes-Herrera, P. Blore, and Donoghue, D. 2010. Caprylic acid reduces enteric campylobacter colonization in Market-aged Broiler Chickens but do not appear to Alter Cecal Microbial Population. *Journal of Food Protection* 73 (2):251-257
9. **F. Solís de los Santos**, A. M. Donoghue, K. Venkitanarayanan, J. H. Metcalf, I. Reyes-Herrera, M. L. Dirain, V. F. Aguiar, P. J. Blore, and D. J. Donoghue. 2009. The natural feed additive caprylic acid decreases *Campylobacter jejuni* colonization in market-aged broiler chickens. *Poult. Sci.* 88:61–64
10. **Solís de los Santos, F.**, A.M. Donoghue, K. Venkitanarayanan, M.L. Dirain, I. Reyes-Herrera, P.J. Blore and D.J. Donoghue. 2008. Caprylic acid supplemented in feed reduces enteric *Campylobacter jejuni* colonization in young broiler chickens. *Poult. Sci.* 87: 800-804

11. **Solis de los Santos, F.**, A. M. Donoghue, K. Venkitanarayanan, I. Reyes-Herrera, J. H. Metcalf, M. L. Dirain, V. F. Aguiar, P. J. Blore, and D. J. Donoghue. 2008b. Therapeutic supplementation of caprylic acid in feed reduces *Campylobacter jejuni* in broiler chicks. *Appl. Environ. Microbiol.* 74:4564–4566.
12. **Solis de los Santos, F.**, A.M. Donoghue, M.B. Farnell, G.R. Huff, W.E. Huff, and D.J. Donoghue. 2007. Gastrointestinal maturation is accelerated in turkey poults supplemented with a mannan-oligosaccharide yeast extract (Alphamune). *Poult. Sci.* 86: 921-930.
13. **Solis de los Santos, F.**, M.B. Farnell, G. Tellez, J.M. Balog, N.B. Anthony, A. Torres-Rodriguez, S. Higgins, B.M. Hargis, and A.M. Donoghue 2005. Effect of prebiotic on gut development and ascites incidence of broilers reared in a hypoxic environment *Poult. Sci.* 84: 1092-1100.
14. **Solis de los Santos, F.**, G. Tellez, M.B. Farnell, J. M. Balog, N.B. Anthony, H.O. Pavlidis, and A.M. Donoghue. 2005. Hypobaric hypoxia in ascites resistant and susceptible broiler genetic lines influences gut morphology. *Poult. Sci.* 84: 1495-1498.
15. Farnell, M.B., A.M. Donoghue, **F. Solis de los Santos**, I. Reyes-Herrera, K. Cole, M.L.S. Dirain, P.J. Blore, K. Pandya, and D.J. Donoghue. 2006. Effect of oral administration of bismuth compounds on *Campylobacter* colonization in broilers *Poult. Sci.* 85: 2009-2011.
16. Farnell, M.B., A.M. Donoghue, **F. Solis de los Santos**, P.J. Blore, B.M. Hargis, G. Tellez, and D.J. Donoghue. 2006. Upregulation of oxidative burst and degranulation in chicken heterophils stimulated with probiotic bacteria. *Poult. Sci.* 85: 1900-1906.
17. Cole, K., M.B. Farnell, A.M. Donoghue, N.J. Stern, E.A. Svetoch, B.N. Eruslanov, L.I. Volodina, Y.N. Kovalev, V.V. Perelygin, E.V. Mitsevich, I.P. Mitsevich, V.P. Levchuk, V.D. Pokhilenko, V.N. Borzenkov, O.E. Svetoch, T.Y. Kudryavtseva, I. Reyes-Herrera, P.J. Blore, **F. Solis de los Santos**, and D.J. Donoghue. 2006. Bacteriocins reduce *Campylobacter* colonization and alter gut morphology in turkey poults. *Poult. Sci.* 85: 1570-1575.
18. Huff, G.R., W.E. Huff, N.C. Rath, **F. Solis de los Santos**, M.B. Farnell, and A.M. Donoghue. 2007. Influence of hen age on the response of turkey poults to cold stress, *Escherichia coli* challenge, and treatment with a yeast extract antibiotic alternative. *Poult. Sci.* 86: 636-642.
19. Huff, G. R. W. E. Huff, M. B. Farnell, N. C. Rath, **F. Solis de los Santos** and A. M. Donoghue. 2010. Bacterial clearance, heterophil function, and hematological parameters of transport-stressed turkey poults supplemented with dietary yeast extract. *Poultry Science* 89:447–456.

PROCEEDINGS PAPERS, ABSTRACTS, POPULAR PRESS:

Solis de los Santos Fausto, 2018. Use of phytogenic in Animal Nutrition. MilloGram, Vol. 31, No. 3, July - September 2018, Wenger Feeds, LLC, 101 W. Harrisburg Ave., PA, 17570, USA.

https://www.wengerfeeds.com/wp-content/uploads/2018/06/2018_03_WF_Millogram.pdf

Solís de los Santos, Fausto. 2018. Prebiotics and probiotics boost pig growth and health. **Dr Fausto Solis de los Santos discusses the use of prebiotics and probiotics in enhancing the gastrointestinal tracts of pigs to encourage more efficient feed conversion. April, 2018 at The Pig Site.**
<http://www.thepigsite.com/articles/5422/prebiotics-and-probiotics-boost-pig-growth-and-health/>

Solis de los Santos Fausto, 2018. Mycotoxins in Animal Nutrition, MilloGram, Vol. 31, No. 1 for Quality Food. January - March 2018, Wenger Feeds, LLC, 101 W. Harrisburg Ave., PA, 17570, USA.
<https://www.wengerfeeds.com/mycotoxins-in-animal-nutrition/>

Solís de los Santos, Fausto. 2016. Picaje de las plumas en especies avícolas (feather pecking in poultry production). September 2016 at the “ El Sitio Avicola= Poultry Site).
<http://www.elsitioavicola.com/articles/2921/picaje-de-las-plumas-en-especies-avacolas/>

Solís de los Santos, Fausto. 2016. Importancia del tamaño de partículas en avicultura: 1 – pollo de engorde (importance of the feed particle size in poultry production). May, 2016 at “El Sitio Avicola” (Poultry Site).

<http://www.elsitioavicola.com/articles/2864/importancia-del-tamaao-de-partaculas-en-avicultura-1-a-pollo-de-engorde/>

Solís de los Santos, Fausto; Rafael Amable Vásquez Martínez, Amarely Santana, Rosaura Jiménez, and Cabrera, Carlos. 2016. Evaluation of antibiotic alternatives as growth promoters, and antimicrobials in animal species in the Dominican Republic. Proceeding submitted to the VII International Scientific Workshop in Agricultural Development and Sustainability. April 5th-8th, 2016, Universidad Central “Marta Abreu” de las Villas, Villa Clara, Cuba.

Pedro R. Pantaleón B., Robert H. García M. and Fausto Solís. 2016. Effect of a yeast extract compound and vitamins with amino acids supplemented in water on performance, microbiology count and profitability of broiler chickens. Abstract submitted to the XI International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 8th/10th, 2013, Santo Domingo, Dominican Republic.

Nathaly Hernandez and Scarlet. 2016. Comparison of the liquid methionine versus dry methionine in broiler chicken performance and profitability. Abstract submitted to the XI International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 8th/10th, 2016, Santo Domingo, Dominican Republic.

Juan R. Tejera D., Luis A. Espinal D. and Fausto Solís. 2016. Evaluation and comparison of different types of mycotoxin binders on the performance, and profitability of broiler chickens, Santiago, Dominican Republic. Abstract submitted to the XI International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 8th/10th, 2016, Santo Domingo, Dominican Republic.

Johaniel e Ivan Leiva. 2015. Comparison of the Chloride dioxide, Chloride oxide and antibiotic in the microbial control and growth promotion of broiler chickens. Santiago, Dominican Republic. Abstract submitted to the XI International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 13th/14th, 2013, Santo Domingo, Dominican Republic.

Ernesto V. Jiménez P., Raquel Fernández V., Carlos J. Cabrera and Fausto Solís. 2015. Effect of several types of emulsifiers on the performance and profitability of broiler chickens, Santiago, Dominican Republic. Abstract submitted to the XI International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 8th/13th, 2015, Santo Domingo, Dominican Republic.

Fausto Solís de los Santos, Silfrany Ovalle; and Ramon Emilio Caba. 2014. Detection of quinolones in poultry meat obtained from retail centers in Santiago Province, the Dominican Republic. Abstract submitted to the IX International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 12th/13th, 2014, Santo Domingo, Dominican Republic.

Ramos, I. M., Thomas, J. F. and Solís de los Santos, F. 2014. Evaluation of the effects of Sodium butyrate (butyric acid) supplementation on the performance and profitability of broiler chickens. Abstract submitted to the X International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 12th/13th, 2014, Santo Domingo, Dominican Republic.

Peñaló M. M., Beard, J. A., and Solís de los Santos, F. 2014. Effect of the partial substitution of DL-methionine by betaine on the performance of broiler chickens (*Gallus gallus domesticus*). Abstract submitted to the X International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 12th/13th, 2014, Santo Domingo, Dominican Republic.

Pérez, V. J., Medrano, L. A. and Solís de los Santos, F. 2014. Validation of the effects of chelated mineral on the performance of Hy-Line W-98 laying hens at the end of the growing period and in the peaking phase of egg production. Abstract submitted to the X International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 12th/13th, 2014, Santo Domingo, Dominican Republic.

Ottenwalder, K. J., Vargas, L. C., Martinez, R. A.V. and Solis de los Santos, F. 2014. Effect of several lipids sources and four inclusion levels as energetic sources on the performance, and profitability of broiler chickens. Abstract submitted to the X International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 12th/13th, 2014, Santo Domingo, Dominican Republic.

Fausto Solís de los Santos, Sandy Miguel Moscoso; Rafael Amable Vasquez. 2013. Detection of quinolones in commercial eggs obtained from farms in the Espaíllat Province in the Dominican Republic. Abstract submitted to the IX International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 13th/14th, 2013, Santo Domingo, Dominican Republic.

Solís de los Santos, Fausto, Jeffrey Arismendy Javier Rincón, Juan Pablo Mejía Beato, Rafael Amable Vásquez, and Amarely Santana. 2013. Effect of the supplementation of essential oils from Oreganum, Thymus and Eucalyptus on the performance, and profitability of broiler chicken. Abstract submitted to the IX International Interdisciplinary Congress in Scientific research, Ministry of Superior Education, Science and Technology (MESCYT), June 13th/14th, 2013, Santo Domingo, Dominican Republic.

Solis de los Santos, F., Rosanna Reyes and Amable Vasquez. 2002. Effect of sweet potatoes as partial substitute of the commercial concentrated feed in the diet of growing rabbits” Proceedings presented at the Pan-American Congress of Veterinarian Sciences (PANVET), Nov, 2002, La Habana, Cuba

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Solis de los Santos, F., Balog, J. M., Tellez, G., Anthony, N. B., Hargis, B. M., Donoghue, A.M. 2005. Hypobaric hypoxia in ascites resistant and susceptible broiler genetic lines influences gut morphology. 2005 International Poultry Scientific Forum. Abstract No. 164. p. 39.

Solis de los Santos, F., M.B. Farnell, G. Tellez, J.M. Balog, N.B. Anthony, A. Torres-Rodriguez, S. Higgins, B. Hargis, and A.M. Donoghue, 2005. Investigating prebiotic supplementation effects on gut development and ascites incidence of broilers reared in a hypoxic environment. La Asociacion Nacional de Especialistas en Ciencias Avicolas

(ANECA).

Tellez, G., **F. Solis de los Santos**, M.B. Farnell, J.M. Balog, N.B. Anthony, A. Torres-Rodriguez, S. Higgins, B. Hargis, and A.M. Donoghue, 2005. Understanding the effect of hypobaric hypoxia on intestinal integrity and ascites. La Asociacion Nacional de Especialistas en Ciencias Avícolas (ANECA).

Cole, K., M. B. Farnell, A.M. Donoghue, N.J. Stern, E.A. Svetoch, B.N. Eruslanov, Y.N. Kovalev, V.V. Perelygin, V.P. Levchuck, I. Reyes-Herrera, P.J. Blore, **F. Solis de los Santos**, and D.J. Donoghue, 2005. Bacteriocins reduce *Campylobacter* colonization and alter gut architecture in turkey poults. 13th International Workshop on *Campylobacter*, *Helicobacter* and Other Related Organisms -Gold Coast, Queensland, Australia.

Cole, K., M.B. Farnell, A.M. Donoghue, N.J. Stern, E.A. Svetoch, B.N. Eruslanov, Y.N. Kovalev, V.V. Perelygin, V.P. Levchuck, I. Reyes-Herrera, P.J. Blore, **F. Solis de los Santos**, and D.J. Donoghue, 2005. Bacteriocins reduce duodenal crypt depth and reduce *Campylobacter* colonization in turkey poults. World Poultry Science Association, United Kingdom Branch, 28th Poultry Science Symposium, "Avian Gut Function, Health and Disease", Bristol, UK.

Farnell, M.B., A.M. Donoghue, K. Cole, I. Reyes-Herrera, **F. Solis de los Santos**, M. Dirían, P. Blore, K. Pandya, and D.J. Donoghue. 2005. Effect of bismuth citrate on *Campylobacter* colonization in broilers. *Poult. Sci.* 84: Suppl 1:1-90.

Huff, G., W. Huff, N. Rath, M. Farnell, **F. Solis de los Santos**, and A.M. Donoghue. 2006. Influence of hen age on response of turkey poults challenged with cold stress and *Escherichia coli* to Alphamune™, a dietary yeast extract antibiotic alternative. Abstract P186. P. 59

Huff, G.R., W.E. Huff, C. Enders, U. Sonnenborn, N.C. Rath, M.B. Farnell, **F. Solis de los Santos**, and A. M. Donoghue, 2006. Oral treatment with the probiotic *Escherichia coli* Nissle 1917 improves body weight and modulates the stress response of poultry in respiratory challenges with avian pathogenic *E. coli*. The World's Poultry Science Association.

Hargis, B.M., M.B. Farnell, A.M. Donoghue, **F. Solis de los Santos**, P.J. Blore, G. Tellez and D.J. Donoghue. 2006. Stimulation of mucosal immunity with probiotics. Arkansas Biosciences Institute. Little Rock, AR.

Huff, G., W. Huff, N. Rath, M. B. Farnell, **F. Solis de los Santos** and A. Donoghue, 2006. Effects of a dietary yeast extract on the response to transport stress of turkey poults previously challenged with *Escherichia coli*. Annual Meeting of the American Association of Avian Pathologists. Honolulu, HI.

Huff, G.R., Huff, W.E., Enders, C., Sonnenborn, U. Farnell, M. B., **Solis De Los Santos, F**, Donoghue, A. M. 2006. Oral treatment with the probiotic *Escherichia Coli* Nissle 1917 improves body weight and modulates the stress response of poultry in respiratory challenges with avian pathogenic *E. Coli*. In: Proceedings of the XII European Poultry Conference, September 10-14, 2006, Verona, Italy. 2006 CDROM.

F. Solís de los Santos, M.B.Farnell, A.M. Donoghue, G. Huff, W.E. Huff, N.C. Rath and D. J. Donoghue. 2006. Mannan-oligosaccharide yeast extract accelerates gastrointestinal maturation in turkey poult. Food Safety Consortium 2006 Symposium Fayetteville, Ark.

Solis de los Santos, M.B. Farnell, A.M. Donoghue, G.R. Huff, W.E. Huff, N.C. Rath, and D.J. Donoghue. 2006. Yeast extract (Alphamune™) supplementation enhances early gut development in turkey poult. International Poultry Scientific Forum, January 23-24, 2006. Georgia World Congress Center/ Atlanta, Georgia. M6. P.2

F. Solis de los Santos., Farnell, M.B., Donoghue, A.M., Huff, G.R., Huff, W.E., Rath, N. C., Donoghue, D.J. 2006. Gastrointestinal maturation is accelerated in turkey poult supplemented with a mannan-oligosaccharide yeast extract (Alphamune). Poultry Science Association, 95th Annual Meeting, University of Alberta, Canada July 19-August 3, Poultry Science Association Meeting. 87:75. Abstract T45.

Huff, G.R., W. Huff, N. Rath, M. Farnell, **F. Solis de los Santos**, A. Donoghue. 2006. Effects of a dietary yeast extract on the response to transport stress of turkey poult Previously challenged with *Escherichia coli*. Annual Meeting of the American Association of Avian Pathologists. Honolulu, HI. July 15-19, 2006. [AAAP 2006 Abstract](#).

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Hargis, B.M., Farnell, M.B, Donoghue, A.M, **Solis de los Santos, F**, Blore, P.J, Donoghue, D.J, Tellez, G. 2006. Stimulation of mucosal immunity with probiotics. Arkansas Bioscience Institute Annual Meeting. p. 14.

Dirain, M., **F. Solis de los Santos**, P.J. Blore, K. Cole, I. Reyes-Herrera and D.J. Donoghue. 2006. Litter alum treatment reduces *Campylobacter* colonization in the ceca of broilers. Food Safety Consortium 2006 Symposium Oct. 1-3 Fayetteville, Ark.

Huff, G., M. Farnell, W. Huff, N. Rath, **F. Solis de los Santos** and A. Donoghue. 2007. Effects of a Dietary Yeast Extract on Hematological parameters, Heterophil Function, and bacterial Clearance in Turkey Poult Challenged with *Escherichia coli* and Subjected to Transport Stress. Proceeding at the 16th European Symposium on Poultry Nutrition, August 26-30, Strasbourg, France, pag. 200

Solis de los Santos, F., A. Donoghue, M. Farnell, G. Huff, , W. Huff, and D. Donoghue. 2007. Mannan-oligosaccharide Yeast Extract Supplementation Enhances Early Gut Development in Turkey Poult. 2007. Proceeding at the 16th European Symposium on Poultry Nutrition, August 26-30, Strasbourg, France, pag. 240

Solis de los Santos, F., A. Donoghue, K. Venkitanarayanan, M. L. Dirain, J. Metcalf, I.

Reyes-Herrera, V. F. Aguiar, P. J. Blore and D. Donoghue. 2007. Caprylic acid as dietary supplement has Therapeutic Efficacy against Enteric *Campylobacter jejuni* in chickens. Proceeding at the 14th International workshop on *Campylobacter*, *Helicobacter* and Related Organisms, Rotterdam, The Netherlands, 2-5 September. Journal of Zoonoses and Public Health. 54 (Suppl. 1), pg 13

Farnell, M. B., A. M. Donoghue, **F. Solis de los Santos**, P. J. Blore, B. M. Hargis, G. Tellez and D. J. Donoghue. 2007. Immunopotential of Avian Heterophils with Microbial Agonists. International Poultry Scientific Forum. Atlanta, GA.

Fausto Solis de los Santos., Anne Donoghue, Morgan Farnell, Geraldine Huff, William Huff, Dan Donoghue. 2007. Mannan-oligosaccharide Yeast Extract Supplementation Enhances Early Gut Development in Turkey Poults. XVIth European Symposium on Poultry Nutrition, August 26 - 30, 2007 Strasbourg, France. Abstract reference: WPSA2007/116

Solis de los Santos, F., Donoghue, A. M. , Venkitanarayanan, K., Dirain, M. L., Metcalf, J., Reyes-Herrera, I., Aguiar, V. F, Donoghue, D. J. Caprylic Acid as a Dietary Supplement has Therapeutic Efficacy Against Enteric *Campylobacter jejuni* in Chickens. 14th International Workshop on *Campylobacter*, *Helicobacter* and Related Organisms (CHRO) 2-5 September 2007, Beurs World Trade Center, Rotterdam, The Netherlands, Abstract internet id 138.

Solis de los Santos, M. L. Dirain, P. J. Blore, I. Reyes-Herrera, A. M. Donoghue, and D. J. Donoghue. 2007. *Campylobacter jejuni* Colonization Alters Mucin Dynamics And Gut Architecture In Broilers. ADSA. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1, Abstract # T27

Reyes-Herrera, K. Cole, **F. Solis de los Santos**, A. M. Donoghue, N. J. Stern, E. A. Svetoch, B. N. Eruslanov, V. V. Perelygin, E. V. Mitsevich, I. P. Mitsevich, V. P. Levchuk, M. B. Farnell, P. J. Blore, and D. J. Donoghue. 2007. *Campylobacter* colonization is reduced and gastrointestinal architecture is altered in turkey poults fed bacteriocins. ADSA. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1, Abstract # 438.

Dirain, M. L., **F. Solis de los Santos**, I. Reyes-Herrera, P. J. Blore, and D. J. Donoghue. 2007. Litter treatment with aluminum sulfate produced a modest reduction in cecal *Campylobacter* colonization in chickens. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1, Abstract # 439.

Reyes-Herrera, I., V. Aguiar, M. L. Dirain, **F. Solis de los Santos**, J. H. Metcalf, P. J. Blore, and D. J. Donoghue.,2007. Evaluation of serum as an indicator of antibiotic residues in edible poultry tissues. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1, Abstract # 445

Aguiar, V. F., I. Reyes-Herrera, **F. Solis de los Santos**, M. L. Dirain, J. Metcalf, P. J. Blore,A. M. Donoghue, and D. J. Donoghue. 2007. Novel isolation procedures for developing probiotic cultures against *Campylobacter* for poultry. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1,

Abstract # 148

Metcalf, J. H., K. Venkitanarayanan, **F. S. de los Santos**, A. M. Donoghue, M. L. Dirain, I. Reyes-Herrera, V. Aguiar, P. Blore, and D. J. Donoghue. 2007. Dosing with the fatty acid, sodium caprylate in the water did not reduce enteric *Campylobacter* concentrations in broilers. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. San Antonio, Texas. July 8-12. 2007. Poult. Sci. Vol. 86, Suppl. 1, Abstract # 325.

Dirain, M. L., **F. Solis de los Santos**, I. Reyes-Herrera, P. J. Blore, D. J. Donoghue. 2007. Litter treatment with aluminum sulfate produced a modest reduction in cecal *Campylobacter* colonization in chickens. PSA annual Joint meeting, from July 8-12, 2007, San Antonio, Texas. Abstract#21477.

Huff, G. R., W. E. Huff, N. R. Rath, M. B Farnell, **F. Solis De Los Santos**, and A. M. Donoghue. 2007. Effects of a dietary yeast extract, Alphamune™ on hematological parameters, heterophil function, and bacterial clearance in turkey poult challenged with *Escherichia coli* and subjected to transport stress. European Symposium on Poultry Nutrition.

Dirain, Marvin, **Solis de los Santos F.**, Reyes-Herrera, I. Blore, P. J. Donoghue, D. J. 2007. Litter treatment with Aluminium sulfate produced an inconsistent reduction in cecal *Campylobacter* colonization in chickens. 14th International Workshop on *Campylobacter*, *Helicobacter* and Related Organisms (CHRO) 2-5 September 2007, Beurs World Trade Center, Rotterdam, The Netherlands.

INVITED SEMINARS, SYMPOSIA/WORKSHOPS WITH PRESENTATIONS:

2018 Oral Presentation

Foodborne Pathogens and their Link with Animal Nutrition given to Wenger Feeds employees. Lunch & Learn session; June 21, 2018 at Rheems Training Center, Rheems, PA, USA.

2018 Oral Presentation

Prevention and Control of Foodborne Pathogens with Medium Chain Fatty Acids, given to customers and technicians at the Biomin-Wenger Feeds Technical Seminar; Rheems Training Center, Rheems, PA, February, 27th, 2018.

2018 Oral Presentation

Research trial update, given to the sales and marketing team of Wenger Group at the Rheems Training Center, February 12th, 2018.

2017 Oral Presentation

Basics of Nutrition, given to Animal Production students at the Lancaster County Career &

Technology Center, Lancaster, PA, December 7th, 2017

2017 Oral Presentation

Update in Animal Nutrition Research, given to Animal Production students of the Lancaster County Career & Technology Center at Rheems Training Center, Wenger Feeds, Rheems, PA, May 30th, 2017

2017 Oral Presentation

Update in Vitamins Nutrition; Wenger Feeds, Rheems, PA, April 24th, 2017

2016 Oral Presentation

Update in Animal Nutrition, Lancaster County Career & Technology Center, 1730 Hans Herr Drive, Willow Street, PA 17552, December 22nd, 2016.

2016 Oral Presentation

Update in Mineral Nutrition, Wenger Feeds, Rheems, PA, November 21st, 2016

2016 Oral Presentation

Gut Health and the Use of Prebiotics and Probiotics in Animal Nutrition. Rheems Training Center at Wenger Feeds, Rheems, Pennsylvania, USA., September 13th, 2016.

2016 Oral Presentation

Antibiotics Growth Promoters and their Alternatives in Animal Nutrition. Melia Hotel Convention Center, Villas Claras, Cuba. April 5 to 9, 2016.

2015 Oral Presentation

“Competitive Exclusion in Poultry Nutrition: a global overview”, at the auditorium of the Technology University of Santiago (UTESA= Universidad Tecnológica de Santiago, October, 30, 2015, Santiago, Dominican Republic.

2015 Oral presentation

Swine Nutrition: a general review
Ira Northeast Agricultural Regional Fair, livestock city convention center, October, 29, 2015, San Francisco de Macoris, Dominican Republic.

2015 Oral Presentation

“Competitive Exclusion in Swine Nutrition: a global overview”
XII center American and Caribbean Swine Congress, Bávaro Convention Center, Punta Cana,

Dominican Republic. September 2-5, 2015

2015 Oral Presentation

Nutrition and management of the chicks in the pre-starter phase.

At the X Annual symposium of Instituciones Pecuarias Dominicanas (IPD), S. A. June 26, 2015, Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.

2015 Oral Presentation

Quality control and Good Manufacturing practices (GMPs) in animal feed plant.

May 21, North Poultry Corporation (COAVE for its acronyms in Spanish).

2015 Oral Presentation

Swine Nutrition update in the Dominican Republic.

At the 2nd International Meeting of Edulink Project to develop a Regional Master Degree Program in Pig Production and Food Safety. March 3, 2015. Universidad ISA, Dominican Republic.

2014 Oral Presentation

Universidad ISA experience in Continuing Education

At the 2nd International Meeting of Edulink Project to develop a Regional Master Degree Program in Pig Production and Food Safety. September 5, 2014. **University of Leipzig, Leipzig, Germany**

2014 Oral Presentation

Use of Dietary Fibers in Monogastric Nutrition

At the IX Annual symposium of Instituciones Pecuarias Dominicanas (IPD), S. A. May 22, 2014, Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.

2013 Oral Presentation

Antibiotic Growth Promoters and Their Alternatives in Animal Nutrition

At the VIII Annual symposium of Instituciones Pecuarias Dominicanas (IPD), S. A. Jun 15, 2013, Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.

2012 Oral Presentation

Use of Lipids as Sources of Energy in Animal Nutrition

Presentation at the VII Annual symposium of Instituciones Pecuarias Dominicanas, S. A.

November 18, 2012, Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.

2011 **Oral Presentation**

Use of Exogenous Enzymes in Animal Nutrition
 At the VI Annual symposium of Instituciones Pecuarias Dominicanas, S. A. September 9, 2011, Hodelpa Garden Court Hotel meeting room, Santiago, Dominican Republic.

2008 **Oral Presentation**

Poultry Early Nutrition and the use of the Competitive Exclusion concept.
 At the IV Annual International Symposium in Animal health and Nutrition of Instituciones Pecuarias Dominicanas, S. A. Proauni auditorium, Moca, Provincia Espaillat, Dominican Republic.

2014 Attendee

International Pork Expo, Des Moines, IOWA, USA

2014 Attendee

International Poultry and Production Expo (IPPE), Atlanta, Georgia, USA

2013 Attendee

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2012 Attendee

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2005 Attendee

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2006 Attendee

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2010 **Oral Presentation**

Mexican Nestle Milk Sourcing Workshop 2010. Aguascalientes, Mexico.

2011 **Attendee**

Premier Pig Program (growing and finishing of Swine) workshop. Sponsored by Alltech Latin-American. September 8th, 2011 at Gran Almirante Hotel, Santiago, Dominican Republic.

2009 **Oral Presentation**

Latin-American Nestle Milksourcing Workshop 2009. Goiania, Goias, Brazil.

2008 **Oral Presentation**

Competitive Exclusion concept in Humans and Animal Nutrition. 10th Anniversary of the Biotechnology and Innovation Research Institute (IIBI by its letters in Spanish). At the IIBI auditorium, Santo Domingo city, Dominican Republic.

2008 **Oral Presentation**

Ascites and gut integrity in broilers. Presentation given at the “ Laringotracheitis vaccines, immune system, and gut integrity workshop” avian consulting group, December 5th, Santiago city, Dominican Republic.

- 2008 **Oral Presentation** Avian Influence Disease and its potential impact on human and animal health. Presented at Universidad ISA auditorium. Presentation given to alert population and farmers due to the 2008 Avian Influence outbreak in the country.
- 2007 **Oral Presentation** Scientific presentation “Caprylic Acid as a Dietary Supplement has Therapeutic Efficacy Against Enteric *Campylobacter jejuni* in Chickens” at the 14th International Workshop on *Campylobacter*, *Helicobacter* and Related Organisms (CHRO) 2-5 September 2007, Beurs **World Trade Center, Rotterdam, The Netherlands.**
- 2007 **Poster Presentation** Scientific presentation “Mannan-oligosaccharide yeast extract supplementation enhances early gut development in turkey poults” at the 16th European Symposium on Poultry Nutrition, August 26-30, 2007, **Strasbourg, France.**
- 2007 **Poster Presentation** Scientific presentation “*Campylobacter jejuni* Colonization Alters Mucin Dynamics And Gut Architecture In Broilers” at the ADSA. PSA. AMPA. ASAS. 2007 Joint Annual Meeting. **San Antonio, Texas, USA.**
- 2006 **Poster Presentation** Scientific presentation “Gastrointestinal maturation is accelerated in turkey poults supplemented with a mannan-oligosaccharide yeast extract (Alphamune)” at the 95th annual meeting of the Poultry Science Association, From July 16-19, 2006. **University of Alberta, Edmonton, Canada.**
- 2006 **Oral Presentation** Scientific presentation “Yeast extract (Alphamune™) supplementation enhances early gut development in turkey poults. International Poultry Scientific Forum, **Georgia World Congress Center/ Atlanta, Georgia.**
- 2004 **Oral Presentation** Scientific presentation “Effects of Aspergillus meal prebiotic on gut development and ascites mortality” at the 92 Annual meeting of the Poultry Science Association, July, 2004, **St. Louis, Missouri.**
- 2002 **Poster Presentation** Scientific presentation “Effect of sweet potatoes as partial substitute of the commercial concentrated

Arkansas, USA.

- 2003-2005 **Fulbright Scholarship to pursue a Master's degree in Poultry Science.** University of Arkansas, Fayetteville, Arkansas, U. S. A.
- 2003 **Fulbright Scholarship to pursue an intensive academic English training** for seven months (January to August) at the Center for English as Second Language (CESL), **Tucson, Arizona, U. S. A.**
- 2001-2003 **Scholarship to pursue a Master's degree in Generation and Transference of Agricultural Technologies** granted by the Center for the Investigation and Development of the Agriculture in Dominican Republic (CEDAF). Natural Resources Department, Universidad ISA, **Santiago, Dominican Republic**
- 1998-1999 **Member of the Outstanding Working Team of the Year,** Dominican Nestlé, San Francisco de Macorís, Dominican Republic
- 1989-1993 **Graduated Summa Cum Laude (GPA 3.8 out of 4.0)** of Animal Science Engineer. Instituto Superior de Agricultura (ISA), Santiago, Dominican Republic
- 1986-1989 **Honor Roll Student,** Instituto Superior de Agricultura (ISA), Santiago, Dominican Republic (three consecutive academic years, 1986-1987, 1987-1988, 1988-1989)
- 1986-1987 **Medals of conduct,** High School program, Universidad ISA, Santiago, Dominican Republic
- 1986-1987 **Medals of agriculture,** Universidad ISA, Santiago, Dominican Republic

TEACHING AND RESEARCH EXPERIENCE:

Teaching: Lecturer of the following subjects

Monogastric Nutrition
Avian Production
Avian Diseases

Swine Production
Microbiology
Biochemistry Physiology
Genetics
Genetic Improvements
Descriptive and Inferential Statistics
Experimental Design
Pastures and Forages
Dairy Production
Animal Science Department,
Universidad ISA,
Km 51/2 Avenida Antonio Guzmán Fernández
Santiago, Dominican Republic
809-247-2000 ext 253

Research: Major advisor of the following BS and Master's theses

- 2016 Nathaly Hernandez and Scarlet. 2016. Comparison of the liquid methionine versus dry methionine in broiler chicken performance and profitability. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2016 Johaniel e Ivan Leiva. 2016. Comparison of the Chloride dioxide, Chloride oxide and antibiotic in the microbial control and growth promotion of broiler chickens. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2015 Ernesto Valentín Jiménez and Raquel Fernández Viñas. 2015. Effect of several emulsifiers supplemented in feed energetically reduced on performance, meat quality and profitability of broiler chickens.
- 2015 Pedro Rafael Pantaleón Batista and Robert Henry García. 2015. Effect of a yeast extract compound and vitamins with amino acids supplemented in water on performance, microbiology count and profitability of broiler chickens. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.

- 2015 Domingo Tavares. 2015. Effect of different feed supplemented yeast extract doses and an antibiotic growth promoter on performance, and profitability of broiler chickens. Thesis required for the degree of Animal Science Engineer (BS). Universidad ISA., Santiago, Dominican Republic.
- 2015 Reynaldo Mora y Lisbeck Cruz. 2015. Effect of different feed supplemented Fiber (Arbocel) doses on performance, and profitability of broiler chickens. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2015 Juan Tomás Rodríguez and Vidal Ferreiras. 2015. Effect of an integral feed diet based on *Moringa oleífera* meal with Palm oil on performance and meat quality of Rabbits. Master Thesis required for the degree of Master of Science (M. Sc) in Food Technology, Universidad ISA., Santiago, Dominican Republic.
- 2015 Alcibíades Félix González. 2015. Evaluation of an antibiotic, a prebiotic (Mannan Oligosacárido) and a probiotic (*Bacillus subtilis*) and the combination of a pre and a probiotic on the performance of broilers. Thesis required for the degree of Master in Animal Nutrition. Autonomous University of Santo Domingo (UASD for its acronyms in Spanish).
- 2014 Nathalie Coupet Toussaint and Lendy Campos Silvestre. 2014. Effect of supplementing fermented Soybean meal in feed on performance, microbiology enumeration and profitability of broiler chicken production.
- 2014 Cesar Nicolás González and Carlos Mirokys Then Rodríguez. 2014. Effect of water supplementation of a *Moringa oleífera* liquid extract on hematology parameters, performance and profitability of broiler chickens. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2014 Ricardo Gabriel Gutiérrez and Vivaldi José Pichardo. 2014. Validation of the effect of chelated minerals in the performance and profitability of

broiler chickens. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.

- 2013 Sandy Moscoso. 2013. Detection of Quinolonas in commercial eggs from laying hen's farm in the province of Espaíllat, Dominican Republic. Thesis required for the degree of Master in Animal Epidemiology. Universidad ISA, Santiago, Dominican Republic.
- 2013 Margarita Peñaló Martínez and Jhonny Alexander Beard. 2013. Effect of the methionine exchange by betaine in the performance, incidence of coccidian and profitability of broiler production. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2013 Idelvi Mariel Ramos Bencosme and Juan Francisco Thomas Jiménez. 2013. Evaluation of the butiric acid (Sodium butirate) supplementation in the performance, salmonella incidence and rentability of broiler production. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.
- 2013 Víctor Pérez and Luis Medrano. 2013. Effect of supplementing quelated minerals in the performance and rentability of Hy-line W-98 egg laying hens in the final stage of the growing period (17 weeks) and early laying period (18-33 weeks). Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.
- 2012 Jeffrey Arismendy Javier Rincón and Juan Pablo Mejía Beato. 2012. Effect of Supplementing essential oils from oreganum, Tomillo and Eucaliptus in the performance and economy of broilers. Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.
- 2012 Gervasio Antonio Peña Grullón and Máximo Amario Batista. 2012. Evaluation of a multienzimatic complex in the performance of layers of breed HY-Line (w-98) in the final phase of growing and in the early egg laying period.

Thesis required for the degree of Engineer (BS) in Animal Production. Universidad ISA., Santiago, Dominican Republic.

2012

René de Jesús Rodríguez Bencosme and Víctor Nicolás Brito. 2012. Evaluation of the enzyme Phytase in the performance of laying hens breed Hy-line (w-98) in the final phase of growing period o (17-20 weeks) and in the early egg laying period (20-31 weeks). Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.

2010

José Luis Guichardo Marte, and Carlos César Durán. 2010. Validation of the effect of dairy cows udder dipers in the milk production, microbiology counting, somatic cells, and mastitis incidence in dairy cattle. Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.

2009

Luis Alfredo Ayala Marte and Erick Mancebo de León. 2010. Comparing an open diet vs several nutritional base mixes (nucleous) diets with base mix in the performance and economy of broilers. Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.

2010

Silfrany Rafael Ovalles Estrella and Ramón Emilio Caba Paulino. 2010. Detection of Quinolonas antibiotic residues in retail broiler meat in Santiago Province, Dominican Republic . Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.

2010

María José López Espinal and Sandy Miguel Moscoso. 2009. Influence of the fasting post hatch and the feed withdrawal period previous slaughter on the performance and microbiology in broilers. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic.

2009

Sandra Natalia Henao Lee and Ramona del Carmen Mercedes Sánchez. 2009. Efect of a multienzimatic complex (Feedzyme Premium) in the performance

of broilers. Thesis required for the degree of DVM. Universidad ISA., Santiago, Dominican Republic

2009

Ramón De Jesús Torres and Yael Ramírez Tiburcio. 2009. Effect of the supplementation of an enzyme phytase in the performance of broilers. Thesis required for the degree of Engineer in Animal Production. Universidad ISA., Santiago, Dominican Republic.

SPECIAL SKILLS

1. Feed or ration formulation
2. Feed manufacture
3. Products and Projects development (R & D) experience
4. Design of experiments to test natural feed additive to use with or to substitute the use of antibiotic growth promoters.
5. Scientific publications review prior to launch an experiment.
6. Statistical analysis software to analyze the research (SAS, JUMP, and SPSS)
7. Management of Near InfraRed (NIR)
8. Management of feed formulation software Brill, Feedsoft formulation software, Concept 5 and AMTS software.
9. Feed Manufacturing certified
10. HACCP certified
11. ISO 22000 certified
12. Laboratory analysis
 - ✓ Feed mycotoxin determination by ELISA
 - ✓ Wet chemistry feed analysis (Wendy analysis routine)
 - ✓ DNA and RNA extraction
 - ✓ PCR management (Molecular biology)
 - ✓ Histology samples processing and reading
 - ✓ Management of the Globe and SAP administration softwares

PRODUCTS AND PROJECTS DEVELOPMENT

- The upmost project developed at IPD is the vitamins, minerals, aminoacids and antibiotic formulation and packaging. In this project, we formulated powder products to be packaged in envelopes of 150, 200, 500 and 1000 g; these products are water soluble at farm level.

- The introduction of the NIR services at IPD Nutritional Laboratory, including the idea, paperworks, procedures, installation and running the equipment/software. This is a very valuable service that allows accurate feed formulation with total and digestible aminoacids.
- An insoluble fiber from Germany used in the nutrition of poultry and swine species was researched, and tested in field trials, then developed in the Dominican Market, right now is a successful product in the market.
- A prebiotic (Mannan-oligosacides MOS) and a probiotic (*Bacillus subtilis*) were researched, registered, promoted and developed for the Dominican Market, then a formulation to blend a symbiotic which is now distributed and used in the market.
- Two natural mycotoxin binders, one from Brazil and the other from United States were sought and developed in the Dominican Republic Market; both products are well known and successfully used.
- The procedure to test mycotoxins in feed was developed and put in place at IPD Nutrition Laboratory. The equipments and ingredients to run the test were sought and bought. The procedure in running very well and farmers are actively using the services.
- Raw milk Antibiotic residues testing to implement a traceability system required for the HACCP and ISO 22000 certifications at Nestle, S. A. in the Dominican Republic.
- At Nestle several projects were developed such as wells perforation project in coordination with government to supply water to people and dairy farmer associations.

PROFESSIONAL SOCIETIES AND MEMBERSHIPS

1. American Society of Animal Science, USA
2. Poultry Check-off, Penn State University, PA, USA
3. Poultry Science Association, USA
4. Arkansas Alumni Association, University of Arkansas, USA
5. Fulbright Alumni Association, USA and Dominican Republic
6. ISA Alumni Association, Universidad ISA, Santiago, Dominican Republic
7. Member of the Technical Commission to eradicate the Avian Influenza and Newcastle Diseases in the Dominican Republic
8. Member of the Technical Committee for the Pork Center-American Congress to be held in the Dominican Republic on September 2-5, 2015.

9. Member of the Editorial board of the Sodiaf journal; Dominican Society of Researchers in Agriculture and Forestry. Santo Domingo, Dominican Republic.
10. Member of the Fishery Journal (revista pescado); Universidad ISA, Santiago, Dominican Republic.

BRIAN CAMPBELL



124 Clarkson Drive
York, PA 17403

(717) 300-8118

brian@alumni.colostate.edu

WORK HISTORY

GRAZING SPECIALIST, U.S.D.A.

2018-PRESENT

Provide recommendations, tools, and training to conservation-planning staff and farmers across Maryland about grazing, pasture, silvopasture, and soil health. Serve on board of directors for Maryland-Delaware Forage Council.

INSTRUCTOR & PROGRAM LEAD, SOUTH PIEDMONT C.C.

2015-2017

Built and executed new degree program in agribusiness including training and evaluating part-time faculty, student recruitment and advising, outcomes assessment, articulation agreements, stakeholder meetings, course creation, and teaching on-campus, off-campus, and online.

LAND MANAGER, KINLOCH FARM

2014-2015

Managed 1,500 acres for beef production and wildlife including cattle grazing program, wildlife habitat establishment, invasive species control, and maintaining farm certification.

ACADEMIC ADVISOR, EASTERN UNIVERSITY

2013-2014

Maximized policy adherence, student retention, and degree completion through effective relationships with adult undergraduate and graduate students at Harrisburg, Lancaster, Philadelphia, and online campuses.

PROGRAM COORDINATOR, GOODWILL KEYSTONE AREA

2010-2012

Administered economic development program, teaching classes, hosting stakeholder meetings, and giving presentations for prospective funders. Obtained \$35,000 grant from United Way and managed \$25,000 grant from county government.

YOUTH ADVISOR, COVENANT HOUSE PENNSYLVANIA

2009-2010

Supervised and mentored homeless young adults, enforcing policies to ensure a safe and productive environment, and keeping detailed records of achievements and incidents.

EDUCATION

COLORADO STATE UNIVERSITY

2011-2013

Master of Agriculture in Agricultural Sciences - Integrated Resource Management

- 5 months of full-time internships in agribusiness and on large ranch

EASTERN UNIVERSITY

2005-2009

Bachelor of Arts in Economic Development

- Received \$7,500 Presidential Scholarship annually based on academic performance
- Received 2009 University Alumni Award

DANIEL PEACHEY

164 N Kish St. Belleville, PA 17004 · 814-280-1605

dapeachey@growmarkfs.com

Over 14 years of layered, practical experience have provided me with a unique and specialized understanding of many facets of the agricultural industry, including operations, warehousing, shipping, logistics and retail and farming.

EXPERIENCE

JANUARY, 2013 – PRESENT

FACILITY OPERATIONS MANAGER, GROWMARK, FS – LEWISTOWN, PA

Manage day to day operations of both retail and wholesale business, including shipping, receiving, warehousing and distribution and pricing of various crop nutrient and crop protection products.

Engage and interact with customer farmers

Manage day to day work flow for 18 employees

Coordinate inbound and outbound trucking for the logistics arm of Growmark FS, Mid-Atlantic Ag Logistics, which handles shipping needs for numerous Growmark FS locations as well as wholesale and third party receivers.

MARCH 2008 – JANUARY 2013

OPERATIONS MANAGER, SYLCO SERVICE AND TERMINAL AND SYLVITE SALES, USA

Manage day to day operations of wholesale crop nutrient business, including shipping, receiving, warehousing and distribution and pricing.

Engage and interact with wholesale customers

Manage day to day work flow for on-site staff and drivers

SKILLS

- Industry-specific knowledge
- Practical logistical experience
- Strong customer relations
- Passion for agriculture

April 8, 2022

Mr. Karl G. Brown
Executive Secretary
Pennsylvania State Conservation Commission
2301 North Cameron Street
Harrisburg, PA 17110-9408

Dear Mr. Brown:

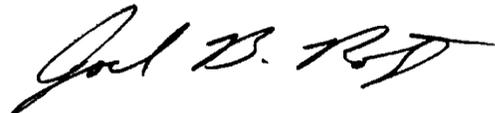
The Pennsylvania Farm Bureau is pleased to nominate Mr. James Adams as the Livestock Swine Producer Representative to the Nutrient Management Advisory Board.

James resides in Snyder County and is the owner/operator of JMA Farms LLC in Beavertown Pa, which is a 12,150-space swine finishing site, consisting of 4 barns. The units are contracted with Country View Family Farms (CVFF) to finish over 30,000 hogs annually. At this site, he also maintains and operates a waste recycling business paired with a methane digester to generate enough electricity for the farm. Prior to purchasing the finishing site in 2018, James worked for CVFF for over 15 years in several roles including various management positions.

James grew up on a 160-acre dairy farm in Perry County, PA where his parents still actively farm today. From there he attended Pennsylvania State University for a bachelor's degree of Animal Science, Agri Business and Management.

A biographical summary of Mr. Adams is enclosed for your reference.

Sincerely,



Joel B. Rotz
Pennsylvania Farm Bureau
Manager, Government Affairs and Communications
Division

510 S. 31st Street, P.O. Box 8736 | Camp Hill, PA 17001-8736 | 717.761.2740 | www.pfb.com

James Adams
1078 Iron Bridge Rd.
Middleburg, PA 17842
(570) 837-3123
Jca165@yahoo.com

James grew up on a 160-acre dairy farm in Perry County, PA where his parents still actively farm today. From there he attended Pennsylvania State University for a bachelor's degree of Animal Science, Agri Business and Management. During college he was employed at the Penn State Meats Lab and swine barns and interned with Country View Family Farms (CVFF). It was at PSU where he met his wife, Megan.

Today, James resides in Snyder County, PA with his wife and their 4 children. He is the owner/operator of JMA Farms LLC in Beavertown Pa, which is a 12,150-space swine finishing site, consisting of 4 barns. The units are contracted with Country View Family Farms to finish over 30,000 hogs annually. At this site, he also maintains and operates a waste recycling business paired with a methane digester to generate enough electricity for the farm. Prior to purchasing the finishing site in 2018, James worked for CVFF for over 15 years in several roles including various management positions. When free time allows, he enjoys duck hunting and attending PSU sporting events.

John Clune

1434 Keller Ave.
Williamsport, PA 17701

(717) 903-9281

jwclune@outlook.com

EDUCATION

B.S. Civil Engineering, University of Pittsburgh (2000)

M.S. Biology, East Stroudsburg University (2008)

Ph.D. Ecosystem Science/Management, Penn State University (Spring 2021)

* Dissertation focused on nutrient criteria development for Pennsylvania

RESEARCH SUMMARY

Research interests include 1) environmental drivers and responses of nutrients and sediment in streams with an emphasis on the effectiveness of conservation practices, 2) geochemical studies of groundwater focusing on quality of drinking water for the protection of public health, and 3.) climatic effects on stream temperature

PROFESSIONAL EXPERIENCE

U.S. Geological Survey - Pennsylvania (2006-2008) & (2015-Present)

Current research in the Chesapeake Bay watershed includes 1.) forecasting and hindcasting of nitrogen from 1950-2020, 2.) drivers of nutrients and sediment trends to inform conservation, 3.) effectiveness of conservation management in focus watersheds and 4.) data compilation/model development of stream temperature. Additionally, working on a geomorphic study to assess the effectiveness of stream restoration practices for reducing sediment fluxes. Lead studies for characterizing groundwater in areas with Marcellus Shale development (Bradford & Clinton County) and updated regional curves for glaciated regions of Pennsylvania. Previously provided research for nitrogen source tracking in agricultural areas, pesticides in glaciated areas of Pennsylvania, emerging contaminants and fish health in PA waters, causes of Susquehanna River small mouth bass mortality, and acid mine drainage research in the Schuylkill River

U.S. Geological Survey - Maryland, Delaware & Washington D.C. (2008-2014)

Provided research for the National Water-Quality Assessment (NAWQA) Program, USGS Priority Ecosystems, Chesapeake Bay Presidential Executive Order Small Watershed Studies, Bucks Branch Nitrate Contamination, Principal Aquifer Assessment (PAA), Conservation Effects Assessment Project (CEAP) and Lake Linganore Sediment and Phosphorus Study.

Other Related Experience

Adjunct professor for a stream ecology course at York College, PA. Previous work assignments included the National Park Service (Grand Teton), US Army Corps of Engineers, University of Pittsburgh, IAESTE Queens University Belfast, UTC Pratt and Whitney, Lackawanna Conservation District and family farm managing cattle, crops and machinery.

AFFILIATIONS/AWARDS

American Geophysical Union, American Society of Civil Engineers, North American Benthological Society, Chi Epsilon Honor Society, Pennsylvania Academy of Science, USGS Star/Performance, IIE-NSEP / David L. Boren Scholarship (Tajikistan), University Dean's List

PUBLICATIONS

Clune, J.W., Capel, P.D., Miller M.P., Burns, D.A., Sekellick, A.J., Claggett, P.R., Coupe, R.H., Fanelli R.M., Garcia, A. M., Raffensperger, J.P., Terziotti, Silvia, Bhatt, G., Blomquist, J.D., Böhlke, J.K, Hopkins, K.G., Keisman J.L., Linker, L.C., , Shenk, G.W., Smith, R.A., Soroka, A.M., Webber, J.S., Wolock, D.M. and Zhang, Q., 2021, Nitrogen in the Chesapeake Bay Watershed: A Century of Change, 1950 - 2050: U.S. Geological Survey Circular (currently in review)

Clune, J.W., Crawford, J.K., Charles, D., and Boyer, E.W., 2021, Stressor-response relationships for streams of Pennsylvania, Journal of the American Water Resources Association (JAWRA) (currently in review)

Clune, J.W., Crawford, J.K., and Boyer, E.W., 2020, Nitrogen and phosphorus thresholds toward establishing water quality criteria for Pennsylvania, USA: Water, 12, 3550

- Clune, J.W., Crawford, J.K., Chappell, W.T., and Boyer, E.W., 2020, Differential effects of land use on nutrient concentrations in streams of Pennsylvania: Environmental Research Communications, v. 2, no. 11, p. 115003.
- Clune, J.W., and Cravotta III, C.A., 2020, Groundwater quality in relation to drinking water health standards and geochemical characteristics for 54 domestic wells in Clinton County, Pennsylvania, 2017: Scientific Investigations Report 2020–5022, 84 p.
- Clune, J.W., and Cravotta III, C.A., 2019, Drinking water health standards comparison and chemical analysis of groundwater for 72 domestic wells in Bradford County, Pennsylvania, 2016: Scientific Investigations Report 2018–5170, 76 p.
- Clune, J.W., Chaplin, J.J., and White, K.E., 2018, Comparison of regression relations of bankfull discharge and channel geometry for the glaciated and nonglaciated settings of Pennsylvania and southern New York: Scientific Investigations Report 2018–5066, 30 p.
- Clune, J.W., Zimmerman, T., and Langland, M., 2018, Monitoring the Effectiveness and Prioritization of Conservation Practices, Soil Water Conservation Society International Conference, Albuquerque, New Mexico (2018)
- Hyer, K.E., Denver, J.M., Langland, M.J., Webber, J.S., Böhlke, J.K., Hively, W.D., and Clune, J.W., 2016, Spatial and temporal variation of stream chemistry associated with contrasting geology and land-use patterns in the Chesapeake Bay watershed—Summary of results from Smith Creek, Virginia; Upper Chester River, Maryland; Conewago Creek, Pennsylvania; and Difficult Run, Virginia, 2010–2013: Scientific Investigations Report 2016–5093, 1–211 p.
- Gellis, A.C., Noe, G.B., Clune, J.W., Myers, M.K., Hupp, C.R., Schenk, E.R., and Schwarz, G.E., 2014, Sources of fine-grained sediment in the Linganore Creek watershed, Frederick and Carroll Counties, Maryland, 2008–10: U.S. Geological Survey Scientific Investigations Report 2014–5147, 56 p.
- Denver, J.M., Ator, S.A., Lang, M.W., Fisher, T.R., Gustafson, A.B., Fox, R., Clune, J.W. and McCarty, G.W., 2014, Nitrogen fate and transport through palustrine depression wetlands along an alteration gradient in an agricultural landscape, Upper Choptank Watershed, Maryland: Journal of Soil and Water Conservation vol. 69, p 1-16.
- Clune, J.W., and Denver, J.M., 2012, Residence Time, Chemical and Isotopic Analysis of Nitrate in the Groundwater and Surface Water of a Small Agricultural Watershed in the Coastal Plain, Bucks Branch, Sussex County, Delaware: U.S. Geological Survey Scientific Investigations Report 2012-08, 18 p.
- Clune, J.W., Gellis, A.C., and McKee, L.G., 2010, Agricultural Soil Erosion Rates for the Linganore Creek Watershed in the Piedmont Physiographic Province of the Chesapeake Bay Watershed: 2nd Joint Federal Interagency Proceedings, Las Vegas, NV, June 27 – July 1, 2010.
- Loper, C.A., Breen, K.J., Zimmerman, T.M., and Clune, J.W., 2009, Pesticides in ground water in selected agricultural land-use areas and hydrogeologic settings in Pennsylvania, 2003–07: U.S. Geological Survey Scientific Investigations Report 2009–5139, 121 p.
- Clune, J.W., Nutrient Supply Rates Relationships for Primary Production of Shallow Streams in the Mid-Atlantic States. 2009. NABS 57th Annual Meeting (16-23 May, 2009).
- Clune, J.W., Nutrient Supply Rates Relationships for Primary Production of Shallow Streams in the Mid-Atlantic States. 2008. Master's Thesis, East Stroudsburg University, East Stroudsburg, PA.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: June 23, 2022

TO: Members
State Conservation Commission

FROM: Karl J. Dymond, OM Program Coordinator
State Conservation Commission

THROUGH: Karl G. Brown, Executive Secretary
State Conservation Commission

SUBJECT: Odor Management Plan Review
Samuel Glick – Veal Farm, Clinton County

A handwritten signature in black ink that reads "K. Dymond".

Action Requested

Action to approve is requested on the Samuel Glick – Veal Farm odor management plan.

Background

This farm is located at 3997 Pine Mountain Road, Jersey Shore, PA 17740; Crawford Township, Clinton County.

I have completed the required review of the subject odor management plan (OMP) listed above. Final corrections to the plan were received by the State Conservation Commission on June 23, 2022. The plan is considered to be in its final form for consideration of action.

The operation described in this plan is considered the following designations:

- A Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act
- A Voluntary Agricultural Operation (VAO) under the PA Nutrient and Odor Management Act
- A Concentrated Animal Feeding Operation (CAFO) under the Department of Environmental Protection Chapter 92 National Pollution Discharge Elimination System permitting, monitoring and compliance program

A brief description of the operation, concluding with the staff recommendation, is attached. Also attached is a copy of the complete odor management plan for the operation.

Request for Action Memo: Samuel Glick – Veal Farm OMP

Farm Description

The Samuel Glick – Veal Farm agricultural operation is an existing cattle and small animal group operation which is proposing a new veal operation. Special agricultural land-use designations for this operation include the following:

- Agricultural Security Area.
- Agricultural Zoning.
- Preserved Farm status under Pennsylvania’s Farmland Preservation Program.
- This operation does not meet any special agricultural land-use designations.

Distance to Nearest Property Line – The distance to the nearest property line is proposed to be 218 feet for the Veal Barn (animal housing facility) and 254.6 feet for the manure storage facility.

- A property line setback waiver is not required to meet the Nutrient Management Program regulations.

Other Livestock Operations – Other Livestock Operations (≥ 8 AEUs) located within the Evaluation Distance Area include:

- Veal & Cattle Operation in the East 1200’ – 1800’ quadrant.
- Veal & Cattle Operation in the North 1200’ – 1800’ quadrant.

Surrounding Land Use – The surrounding land use for this area is rural including the predominant terrain features of open farmland with homes along the road frontage.

Assessment**Animal Housing Facilities:**

Existing Facilities – This site includes 4 beef cattle (3.8 AEUs), 5 sheep (0.88 AEUs), 6 goats (0.95 AEUs), 2 horses (2.2 AEUs), 2 peacocks (0.02 AEUs), and 15 pigeons (layers) (0.02 AEUs) in the following existing animal housing facilities:

- Horse Barn – 62’ x 45’ – all current animals except the poultry are housed here
- Cow Barn – 112’ x 45’ – no animals housed in this barn for over 3 years
- Pigeon Coop 1 – 8’ x 12’ – 15 pigeon capacity
- Pigeon Coop 2 – 8’ x 12’ – 15 pigeon capacity

Proposed Regulated Facilities – This plan proposes the expansion of the operation with 300 veal (77.32 AEUs) in the following animal housing facility:

- Veal Barn – 48’ x 212’

Manure Storage Facilities:

Existing Facilities – This site does not include any existing manure storage facilities on the operation; pen-pack is used in the Horse Barn.

Proposed Regulated Facilities – This plan proposes the expansion of the operation to include the following manure storage facility:

Request for Action Memo: Samuel Glick – Veal Farm OMP

- Concrete Circular Pit – 40’ x 10’ – 338,410-gallon capacity
- A property line setback waiver is not required to meet the Nutrient Management Program regulations.

Odor Site Index

On May 27, 2022, as part of the pre-plan submission program requirements, I met on-site with the operator, the plan writer and Dr. Mikesell, PSU OM Program Technical Advisor, to review the site conditions, proposed Level II Odor BMPs, and management characteristics of the operator. After this meeting, the plan writer and I performed a site assessment of the surrounding houses and businesses in the ‘Evaluation Distance Area’ to confirm the buildings identified on the plan map.

The confirmed Odor Site Index value for this proposed barn and liquid manure storage facility indicates a high potential for impacts with a score of 184.7. Due to the high potential for impacts, the appropriate Level I Odor BMPs for a veal operation are required and are properly identified in the plan. The proposed plan provides adequate detail and direction for facilitating the operator’s Implementation and Operation & Maintenance of these required Odor BMPs, as well as the necessary documentation needed to demonstrate compliance with the plan and regulations.

Also due to the high potential for impacts, one or more specialized Level II Odor BMPs are required, in addition to the Level I Odor BMPs. This plan includes the following required Level II Odor BMPs:

- Manure Additives – Manure Additives will be used in the under-barn manure gutters (temporary manure conveyances), so that they and the permanent manure storage facility will be addressed.
- Vegetative Buffers for Filtering – This will include 3 or more rows of trees on both sides of the creek (a 35’ wide, per side, Riparian Buffer) from the southwest corner area to the northeast property line (closest to Heck Road). This will also help on the Nutrient Management side of things...
- Vegetative Buffers for Screening – This will include a row of trees along the property lines along Davidson Road and Pine Mountain Road up to the existing tree line in the southwest corner of that property line.

Recommendation

Based on staff reviews, the OMP for the Samuel Glick – Veal Farm operation meets the planning and implementation criteria established under the PA Nutrient & Odor Management Act and Facility Odor Management Regulations. I therefore recommend the plan for State Conservation Commission approval.

The Commission acted to approve / disapprove this odor management plan submission at
the public meeting held on _____.

Karl G. Brown, Executive Secretary

Date

Odor Management Plan

Prepared For:

Samuel Glick - Veal Farm

**Samuel Glick
3997 Pine Mountain Road
Jersey Shore, PA 17740
570-660-4314**

County/ Municipality: Clinton County / Crawford Township

Mailing Address (if Different from Site Address)

Prepared By:

**Austin Hanssen
OM Certification # OMC-171
TeamAg Incorporated
120 Lake Street
Ephrata, PA 17522
717-721-6795
AustinH@teamaginc.com**



For Official Use Only	
Date of Plan Submission:	<u>June 2, 2022</u>
Date of Plan Approval:	_____
Date(s) of Plan Updates (not requiring SCC action):	

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Act 38 of 2005, Odor Management Plan

Planner and Operator Commitments & Responsibilities

Plan Development Requirements

This odor management plan (OMP) has been developed to meet the requirements of Pennsylvania's Nutrient and Odor Management Act, Act 38 of 2005 (Act 38), for the State Conservation Commission's (Commission) Odor Management Program for the following farm type(s): **NOTE: Select all check-boxes that apply.**

- Pennsylvania Act 38 Concentrated Animal Operation (CAO)
- Pennsylvania CAFO (Concentrated Animal Feeding Operation (CAFO) program
- Odor Management Program Volunteer Animal Operation (VAO)

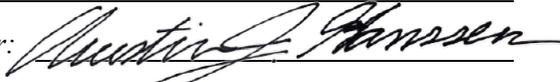
Planner Signature & Agreement

The planner's signature below certifies that this plan was developed in conjunction with, and reviewed by the operator, prior to submitting it for review. The plan cannot be submitted until the operator understands and agrees with all the provisions of the plan. If the reviewer finds that the planner has not reviewed at least the Plan Summary with the farmer, then the plan reviewer is to relay that information to the certification program staff for their consideration.

The planner's signature and below date(s) certifies that a site visit(s) was conducted **by an Act 38 Certified Odor Management Specialist** to verify the criteria within the evaluation distance area at the time of developing the plan, specifically for the odor source(s), for locating houses, churches, businesses and public use facilities within the evaluation distance, as well as for the site land use and the surrounding land use factors.

The information contained in this plan is accurate to the best of my knowledge. This plan has been developed in accordance with the criteria established for the Act 38 Odor Management Program indicated above. I affirm the foregoing to be true and correct, and make these statements subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Planner Name: Austin Hanssen Certification number: 171-OMC

Signature of Planner:  Date: 6/23/2022

Date(s) Evaluation Distance Area Site Visit Conducted: May 11, 2022

Act 38 of 2005, Odor Management Plan

Odor Management Plan Name: Samuel Glick - Veal Farm

Operator Requirements

Plan Implementation & Documentation: Odor Management Plans developed under Act 38 are required to be implemented as approved in order to maintain compliance. Implementation includes: adherence to installation of listed Odor Best Management Practices (Odor BMPs) within implementation schedule timeframes and conditions; maintenance of the Odor BMPs consistent with the operation and maintenance schedule timeframes; conditions contained in this plan; and record keeping obligations of the program. Agricultural operations are also required to keep and maintain accurate records of the Odor BMPs consistent with the schedules and are required to allow the Commission access to those records in order to determine the compliance status.

Post Construction Inspection: Prior to utilizing a new or expanded animal housing facility or manure storage facility addressed in this plan, the operation must receive written approval from the Commission confirming implementation of the plan. **In order to obtain this written approval the operator, upon completion of construction activities, must inform the Commission in writing via certified mail of their desire to begin using the new or expanded regulated facilities.** At that time the Commission will send out a representative to assess and verify the implementation of the approved Odor Management Plan.

Compliance Inspections: Plans developed under this program also require agricultural operations to allow periodic access by the Commission for status review and complaint inspections, in order to determine the status of the operation's compliance and whether a plan amendment is required. Inspections will be scheduled at least annually. Agricultural operations will provide the operation's biosecurity contact and protocols to the Commission.

Odor Management Plan Signature Requirements

In accordance with §83.741(i), plans shall be signed by the *Operator/ Authorized Representative* of the agricultural operation indicating concurrence with the information in the plan and acceptance of responsibilities under the plan. The following signature requirements apply:

- (i) For sole proprietorships, the proprietor.
- (ii) For partnerships, a general partner.
- (iii) For corporations, a vice president or president. For any other authorized representative, the plan must contain an attachment, executed by the secretary of the corporation, which states that the person signing on behalf of the corporation is authorized to do so.

NOTE: When using a business name for the plan, the business name must be registered with the Pennsylvania Department of State.

Operator Signature & Agreement

In accordance with §§83.751 (content of plans) and 83.762 (operator commitment statement), the *Signature of Operator/ Authorized Representative* below certifies that I was involved with the development of this plan, that the plan writer reviewed the plan with me, and that I am agreeable to the provisions outlined in this plan. All the information I provided in this odor management plan is accurate to the best of my knowledge and I will implement the practices and procedures outlined in the odor management plan in order to manage the potential for impacts from the offsite migration of odors associated with the operation for which this OMP is written.

Indicate business entity type: Sole Proprietor Partnership/ LP/ LLP Corporation/ LLC

Signature of Operator/ Authorized Representative:

Samuel Glick Date: 5-27-22

Print Name of Operator/ Authorized Representative:

Samuel Glick

Title of Operator/ Authorized Representative:

Owner/Operator

Business Legal Name of the Operation:

NA

Plan Summary

A. Operation Summary (see Appendix 1 to view complete Operation Information)

Proposed Facilities:

Detail the Animal Type associated with the Proposed Facilities and that is consistent with the Animal Type detailed in the OSI. If animal numbers (AEUs) from existing facilities are voluntarily being added to the plan, detail the AEUs number; otherwise state "None", "Zero (0)" or "Not Applicable".

***NOTE:** AEU calculations and AEUs per acre calculation must reflect those in the most current Act 38 NMP, otherwise explain the difference and submit the calculations in Appendix 5: Supporting Documentation.*

Proposed OSI Animal Type:	Veal
Proposed Animal Numbers:	300 Veal
Proposed AEUs (per animal type):	77.32 AEUs
Voluntary Existing Animal Type:	0 AEUs
Voluntary Existing AEUs (per animal type):	0 AEUs
Total AEUs Covered by this Plan:	77.32 AEUs
AEUs per acre for the operation:	4.26

Is there an approved Act 38 NMP for this operation? Yes No

***NOTE:** If No, explain in Appendix 5: Supporting Documentation.*

B. Odor Site Index Summary (see Appendix 3 to view complete Index)

***NOTE:** If multiple Geographic Centers are used, you must provide scores for each geographic center. Scores listed here must match the final scores in the OSI.*

Score: 184.7475

C. Odor BMP Implementation, Operation & Maintenance Schedule

Level I Odor BMPs Principles

1. Steps taken to reduce dust and feed accumulation in pens, aisles, and on animals.
2. Manage ventilation to provide sufficient fresh airflow throughout the facility to keep animals and facility surfaces clean and dry.
3. Manage manure to minimize damp, exposed manure that contributes to odor generation.
4. Remove mortalities daily and manage appropriately.
5. Manage feed nutrients to animal nutrient requirements in order to avoid excess nutrient excretion.
6. Manage manure storage facility to reduce exposed surface area and off-site odor transfer.

Act 38 of 2005, Odor Management Plan

Definitions:

- **Required Odor BMPs** – In accordance with §§83.771, 83.781-83.783, Required Odor BMPs are the Odor BMPs required for implementation when there is a neighboring facility or a public use facility in the evaluation distance area, or when the OSI score is 50 or more points (Level I Odor BMPs), and when the OSI score is 100 or more points (Level II Odor BMPs).
- **Voluntary Odor BMPs** – The operator has voluntarily chosen to include Odor BMPs in the plan. Voluntary Odor BMPs must meet the same program standards that Required Odor BMPs do for implementation, operation, maintenance, and documentation.
- **Supplemental Odor BMPs** – In accordance with §83.781(e), Supplemental Odor BMPs are implemented in addition to the approved Odor BMPs in the plan and are also associated with plan updates.

NOTE: Odor BMPs must be relevant to the site specific factors and must be maintained for the lifetime of the regulated facility unless otherwise approved.

Level I Odor BMPs to be Implemented

Select each check-box that applies; if more than one category applies, clearly detail the respective Level I Odor BMPs criteria with each respective category. Detail below all Level I Odor BMPs Principles, adapted from the PA Odor BMP Reference List, that are applicable to the site specific factors of this animal operation and the regulated facilities.

- None Required**
- Voluntary Level I Odor BMP:**
- Required Level I Odor BMP:**
- Supplemental Level I Odor BMP:**

Steps taken to reduce dust and feed accumulation in pens, aisles, and on animals:

Feed Cleanup – Calve feed (milk) will be delivered to each calf pen via pressurized hose. A grain mixture will be placed in each feed bowl by hand. Leaks in the milk hose will be repaired and spilled milk cleaned up promptly.

Dust Control of Ventilation Components – Natural ventilation system components (roof vents, air chimneys, curtains and doors) will be cleaned between each group of calves during facility wash-down.

Feed Preparation and Handling – Formula feed ingredients for veal calves will be stored in a dry location. Any reconstituted feed not consumed will be removed or washed from feeders.

Feed Wastage – Aisles in front and back of the veal calf pens will be scraped weekly to keep free of spilled feed. Spilled feed will be cleaned up promptly.

Cleaning and Sanitation – The entire inside of the veal barn will be power washed and disinfected between each group of calves.

Manage ventilation to provide sufficient fresh airflow throughout the facility to keep animals and facility surfaces clean and dry:

Ventilation Components – Natural ventilation system components (roof vents, air chimneys, curtains and doors) will be checked daily for functionality.

Natural Ventilation – The veal calf barn ventilation system will be designed to provide adequate fresh air while minimizing drafts so that aisles, pen surfaces, and animals remain relatively free of manure. Inlet openings are checked and adjusted if needed to provide adequate air distribution daily. Curtains are manually controlled by hand crank winches and cables and are adjusted based on ambient air temperature fluctuations. Curtains, cables, winches, and other components of the ventilation system are inspected daily.

Manage manure to minimize damp, exposed manure that contributes to odor generation:

Controlling Accumulated Manure – Pens, stalls and aisles in front and back of the veal calf pens will be scraped or swept daily to keep free of manure. Manure deposited on the wooden and plastic slats over the manure gutters should naturally fall into the gutter system, but if manure accumulates on these slats they will be scraped as well, then manure will gravity flow into the bottom of the Circle Pit

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Cleaning and Sanitation – The entire inside of the veal calf barn will be power washed and disinfected between each group of calves.

Water System Management – Calve feed (milk) will be delivered to each calf pen via pressurized hose. Leaks in the milk hose will be repaired and spilled milk cleaned up promptly. Repairs will be performed as needed.

Mortalities will be managed properly by being removed daily and managed through burial.

Feed is formulated to provide animal nutrient requirements in order to avoid excess nutrient excretion.

Phase Feeding – Veal calf feed is formulated to match animal nutrient requirements. Nutrient content in the diet will be closely matched to the weight and age of the veal calves. Purchased feed provided for the remaining livestock housed in the veal barn will be formulated specifically for their consumption.

Manage manure storage facility to reduce exposed surface area and off-site odor transfer:

Reduce liquid manure exposure to air – Manure deposited in the veal barn gutters is gravity flowed to the concrete circle pit. This manure will then gravity flow into the circular manure storage and will bottom load into the pit. This will allow for minimal agitation of the manure.

Minimize agitation odors – Manure is not agitated and is bottom loaded into the Circle Pit, the only time the pit will be agitated is when hauling will occur.

Manure Storage Cleanliness - A visual inspection of the manure storage areas will be completed weekly to ensure that there is no manure leaking / not in the storage.

Level II Odor BMPs to be Implemented:

Select each check-box that applies; if more than one category applies, clearly detail the respective Level II Odor BMPs criteria with each respective category. Detail below all Level II Odor BMPs criteria addressing the following:

1. *the general construction and implementation criteria*
2. *the corresponding timeframes of when each Odor BMP will be implemented*
3. *all operation and maintenance procedures for each Odor BMP along with the corresponding timeframes for carrying out those procedures*
4. *the lifespan of each Odor BMP.*

NOTE: *NRCS Conservation Practice Standards and Job Sheets that are in existence for the Level II Odor BMP are encouraged to be used for construction, implementation, and operation and maintenance criteria.*

None Required

Voluntary Level II Odor BMP:

Required Level II Odor BMP:

Supplemental Level II Odor BMP:

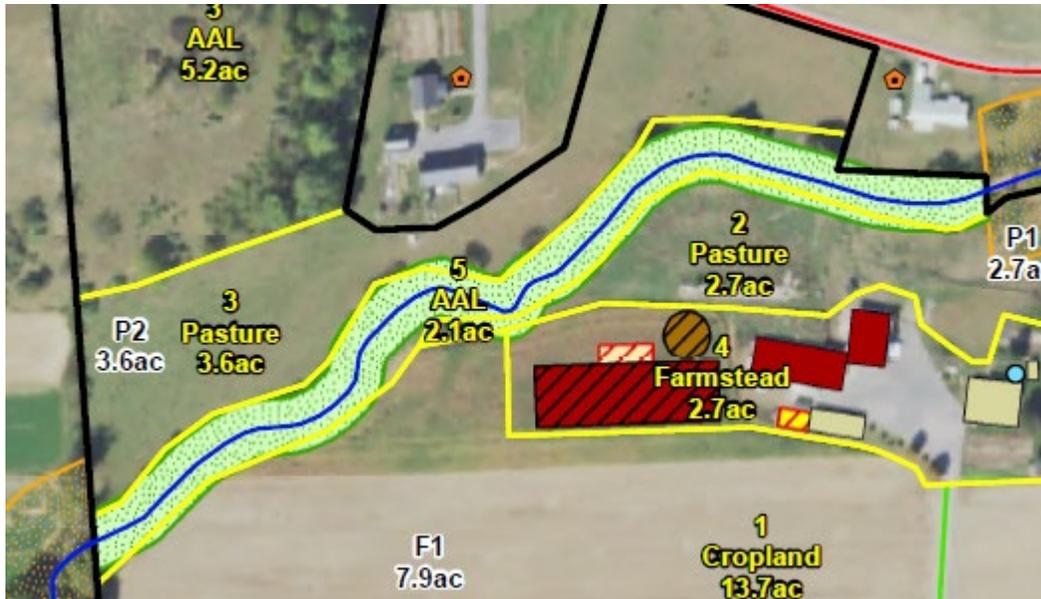
Refer to Operation Maps in Appendix 2 showing legends for all practices on the farm

Vegetative Buffer for Filtering – *multiple rows of trees and fast-growing vegetation planted near the exhaust stream from livestock facilities. This serves to increase turbulence and mixing with fresh air to help dilute odorous compounds before they travel downwind from the facility, and the foliage on some species has been shown to absorb certain compounds, including ammonia*

1. **Implementation** - Plant 3 or more rows (for 35') on each side of the stream, going from the southwest corner of the property line to the northeast property line adjoining the neighboring home along Heck Road. Planting Timeframe – the vegetative buffer shall be established immediately after the construction of the Circle Pit and Veal Barn in the fall of 2022, or if it is too late in the fall to plant, then no later than Spring 2023.

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2. Plant Materials Information Chart – Types of trees and shrubs are still being discussed and will be decided prior to planting, trees will be fast growing and established and will have properties similar to “*Streamco Willow*,” along with shrubs that will establish and grow tall quickly that have properties similar to Prairie Cordgrass “*Spartina pectinate*” or Miscanthus “*Miscanthus giganteus*.” Samuel will work with Penn State, the State Conservation Commission & TeamAg to help determine which tree/grasses will be best for the buffer.
3. Location and Layout – See Facility Layout map (portrayed as a Green dotted buffer surrounding stream).



4. Site Preparation & Planting Methods Notes
 - a. Site Prep – Remove debris and control competing vegetation to allow enough spots or sites for planting or planting equipment. Soil tests will be conducted, and soil amendments added, as to recommendations.
 - b. Irrigation System – Installation of a trickle or emitter irrigation system is highly recommended for all plantings. Install and begin supplemental irrigation for a minimum of three years.
 - c. Weed Control Barriers – Artificial weed control barrier cloth can be placed over the planting area, along with natural wood products. Apply mulch to a depth of 3” – 4”, at a minimum of 3’ wide mulch strip, or a 3’ diameter circle of mulch around each plant.
 - d. Planting Methods – For container and bare root stock, plant stock to a depth even with the root collar in holes deep and wide enough to fully extend the roots. Pack the soil firmly around each plant. Cuttings are inserted in moist soil with at least 2 to 3 buds showing above ground.

B. Operation and Maintenance

1. Inspections

- a. Year 1 – Inspect Vegetative Buffer components biweekly during the growing season (spring to fall). Identify damaged areas and protect plants from damage so proper function is

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maintained. Replant during growing season. A higher level of care is required until 3 years after plant establishment.

- b. Years 2 – 4 – Inspect Vegetative Buffer components monthly during the growing season (spring to fall). Identify damaged areas and protect plants from damage so proper function is maintained. Replant during growing season. A higher level of care is required until 3 years after plant establishment.
 - c. Years 5 & on – Inspect Vegetative Buffer components at least annually. Protect plants from damage so proper function is maintained. Replant during growing season.
2. Maintenance Activities –
- a. Replace Deadstock – Replace dead or dying plants as discovered or if discovered during the non-growing season, replace as soon as conditions permit during the next planting season.
 - b. Prune, Fertilize, Protect from Damage – Prune to maintain function, only after plants are established. Apply nutrients based on soil test results. Protect plants from damage so proper function is maintained.
 - c. Weed Control – Control competing vegetation either mechanically, chemically, or with a mulch bed to allow proper establishment and growth. Replace woody mulch; reapply mulch to a depth of 3” – 4”.
 - d. Irrigation – Provide supplemental irrigation for a minimum of three years post plant-establishment. Ensure irrigation equipment is properly working; replace components as needed

- C. **Odor BMP Lifespan** - The Vegetative Buffer will be implemented for the life of the liquid manure storage facility Circle Pit and Veal Barn or until the plan is amended to replace this Level II Odor BMP with another.

Manure Additives – Manure additives are intended to reduce the production of odorous compounds, usually by enzymatic or bacterial action.

a. **Implementation**

- i. Select Product – *(Product information for these amendments are provided in Appendix 5-Supporting Information)*
 1. Microbe-Lift/DFP - Liquid
 2. Pit Charger Manure Digester - Liquid
 3. Inhibodor – Liquid
- ii. Application Rates
 1. Apply the manure additive product at a timing and rate according to the product label. Labels/Instructions of use of the product are available in appendix 5 of this plan. Also refer to directions for use on the product packaging as formulations of products can change.

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2. Should another brand of manure additive be used than what is identified, the application rates and methods should change to follow manufacturer's specifications. The plan will be Updated to reflect the change in that brand, rates and methods.

b. Operation & Maintenance -

- i. Odor BMP Lifespan – Manure pit additives will be used for the life of the Veal barn, unless the plan is amended to change this requirement
- ii. Should another brand of manure pit additives be used than what is identified, the application rates and method should change to follow manufacturer's specifications. The plan will be updated to reflect the change in that brand, rate and method.

Vegetative Buffer for Screening

Vegetative Buffers for Screening are one or two rows of fast-growing vegetation planted sufficiently to visually enhance and beautify the facility it is planted near. Vegetative Buffers also serve to increase turbulence and mixing with fresh air to help dilute odorous compounds before they travel downwind from the facility, and the foliage on some species has been shown to absorb certain compounds, including ammonia.

Implementation

1. Planting Timeframe –

- Upon completion of the Veal Barn and Circle Pit, Samuel will begin planting trees on the edge of the property to help screen odors leaving the farm. The tree line will be placed on the edge of Samuel's property and will be alongside Pine Mountain Road and Davidson Road. If trees cannot be established immediately they will be in no later than Spring of 2023.

2. Plant Materials Information

- Specific species have not been fully determined, Samuel intends to plant fast growing cover that will be able to quickly establish and start screening odor. Samuel will be planting shrubs along with different types of trees with similar properties of "Streamco willow."

3. Location and Layout (include drawing):

- The tree line will be placed on the edge of Samuel's property and will be alongside Pine Mountain Road and Davidson Road. The Level II BMP is portrayed as a dashed red line along the road.



4. Site Preparation & Planting Methods Notes

- e. **Site Prep** – Remove debris and control competing vegetation to allow enough spots or sites for planting or planting equipment. Soil tests will be conducted, and soil amendments added, as to recommendations.
- f. **Irrigation System** – Installation of a trickle or emitter irrigation system is highly recommended for all plantings. Install and begin supplemental irrigation for a minimum of three years.
- g. **Weed Control Barriers** – Artificial weed control barrier cloth can be placed over the planting area, along with natural wood products. Apply mulch to a depth of 3” – 4”, at a minimum of 3’ wide mulch strip, or a 3’ diameter circle of mulch around each plant.
- h. **Planting Methods** – For container and bare root stock, plant stock to a depth even with the root collar in holes deep and wide enough to fully extend the roots. Pack the soil firmly around each plant. Cuttings are inserted in moist soil with at least 2 to 3 buds showing above ground.

Operation and Maintenance

3. Inspections –

- a. **Year 1** – Inspect Vegetative Buffer components biweekly during the growing season (spring to fall). Identify damaged areas and protect plants from damage so proper function is maintained. Replant during growing season. A higher level of care is required until 3 years after plant establishment.
- b. **Years 2 – 4** – Inspect Vegetative Buffer components monthly during the growing season (spring to fall). Identify damaged areas and protect plants from damage so proper function is maintained. Replant during growing season. A higher level of care is required until 3 years after plant establishment.
- c. **Years 5 & on** – Inspect Vegetative Buffer components at least annually. Protect plants from damage so proper function is maintained. Replant during growing season.

4. Maintenance Activities –

- a. **Replace Deadstock** – Replace dead or dying plants as discovered or if discovered during the non-growing season, replace as soon as conditions permit during the next planting season.

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- b. **Prune, Fertilize, Protect from Damage** – Prune to maintain function, only after plants are established. Apply nutrients based on soil test results. Protect plants from damage so proper function is maintained.
 - c. **Weed Control** – Control competing vegetation either mechanically, chemically, or with a mulch bed to allow proper establishment and growth. Replace woody mulch; reapply mulch to a depth of 3” – 4”.
 - d. **Irrigation** – Provide supplemental irrigation for a minimum of three years post plant-establishment. Ensure irrigation equipment is properly working; replace components as needed
5. **Odor BMP Lifespan** –The Vegetative Buffer will be implemented for the life of the liquid manure storage facility Circle Pit and Veal Barn or until the plan is amended to replace this Level II Odor BMP with another.

D. Documentation Requirements

The following information will be documented by the Operator for each Odor BMP to ensure compliance with the plan. Documentation is needed to demonstrate implementation of the plan as well as for corrective actions taken for significant maintenance activities needed to return an Odor BMP back to normal operating parameters.

Level I Odor BMP Documentation Requirements

Select each check-box that applies; if more than one category applies, clearly detail each documentation criterion.

None Required – (*NOTE: Delete the Odor BMP Implementation Commitment Statement and the Level I Maintenance Log*)

Level I Odor BMPs – Odor BMP Implementation Commitment Statement Only

The Operator will annually complete the Odor BMP Implementation Commitment Statement.

Level I Odor BMPs Documentation Criteria:

The Operator will annually complete the Odor BMP Implementation Commitment Statement. The Operator will also complete the Level I Odor BMPs Maintenance Log upon any of the following occurrences:

Steps taken to reduce dust and feed accumulation in pens, aisles, and on animals:

Feed Clean Up – Document discrepancies with the timeliness of cleaning up spilled feed (typically due to circumstances outside of normal daily operating procedures) and the corrective actions taken.

Dust Control of Ventilation Components – Document if the natural ventilation system components (roof vents, air chimneys, curtains and doors) require cleaning more than between each group of veal calves and the corrective actions taken.

Feed Wastage – Document if aisles in front and back of the veal calf pens are not scraped weekly due to circumstances outside of normal daily standard operating procedures and the corrective actions taken. Document occurrences of damage to the veal calf feed delivery system, and the corrective actions taken, as well as occurrences when the accumulation of spilled feed was not able to be addressed in a timely manner and the corrective actions taken.

Cleaning and Sanitation – Document discrepancies with the cleaning procedures (change in wash-down and /or sanitation procedures) and the corrective actions taken.

Manage ventilation to provide sufficient fresh airflow throughout the facility to keep animals and facility surfaces clean and dry:

Ventilation Components – Document discrepancies with any ventilation components components (roof vents, air chimneys, curtains and doors) and the corrective actions taken to correct it.

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Manage manure to minimize damp, exposed manure that contributes to odor generation:

Controlling Accumulated Manure – Document discrepancies with manure cleanup and the corrective actions taken. If pens are not cleared weekly this should be documented and corrected

Cleaning and Sanitation – Document discrepancies with the cleaning and sanitation process and the corrective actions taken. Document the dates of the between-groups maintenance activities actions taken.

Water System Management – Document any occurrences of the veal calf barn liquid feed system components not working correctly or leaking, and the corrective actions taken. Document the between-groups maintenance activities actions taken.

Mortalities will be managed properly by being removed daily and managed through burial.

Document any discrepancies with daily disposal of mortalities and corrective actions taken. It should be noted how quickly the veal are removed from the barn in order to help make sure that the bodies are not in the pens for longer than they need to be.

Feed nutrients will be matched to animal nutrient requirements to avoid excess nutrient excretion through the use of a total mixed ration specifically designed by a dairy herd nutritionist.

Document any discrepancies with receiving and applying managed ration and the corrective actions taken. By staying on the planned schedule for feeding the veal will be able to live healthier lives and maintain a better environment in the barns.

Manage manure storage facility to reduce exposed surface area and off-site odor transfer:

Minimize agitation odors – Document any discrepancies with proper veal calf manure gutter management (for example if the gutters must be agitated), and the corrective actions taken. Document any issues with manure storage and any corrective actions taken.

Level II Odor BMP Documentation Requirements

Select each check-box that applies; if more than one category applies, clearly detail each documentation criterion.

None Required – *(NOTE: Delete the Level II Quarterly Observation Log)*

Level II Odor BMP Documentation Criteria:

The Operator will complete the Level II Odor BMPs Quarterly Observation Log, at least on a quarterly basis, detailing the proper implementation of the Odor BMPs as identified in the Implementation, Operation & Maintenance Schedule. The Operator will also complete the Level II Odor BMPs Quarterly Observation Log upon any of the following occurrences:

Vegetative Buffer for Filtering & Screening Documentation Requirements

1. Implementation - Document that you inspected the Vegetated Buffers in accordance with the OMP Plan Summary, C. Odor BMP Implementation, Operation & Maintenance Schedule details, and document any corrective actions taken.
2. Maintenance Activities : Inspection - Document that you inspected the Vegetated Buffers in accordance with the OMP Plan Summary, C. Odor BMP Implementation, Operation & Maintenance Schedule details, and document any corrective actions taken.
3. Pruning, Fertilize, & Plant Protection - Document that you inspected the Vegetated Buffers in accordance with the OMP Plan Summary, C. Odor BMP Implementation, Operation & Maintenance Schedule details, and document any corrective actions take.
4. Weed Control - Document that you inspected the Vegetated Buffers in accordance with the OMP Plan Summary, C. Odor BMP Implementation, Operation & Maintenance Schedule details, and document any corrective actions taken.

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5. Irrigation - Document that you inspected the Vegetated Buffers in accordance with the OMP Plan Summary, C. Odor BMP Implementation, Operation & Maintenance Schedule details, and document any corrective actions taken.

Manure Additive Documentation Requirements

1. Document application timing and use rates of the selected manure additives. Retain itemized delivery slips or invoices of additive products for use verification.
2. Document any discrepancies with the manure additive schedule and any corrective actions taken.

Odor BMP Implementation Commitment Statement

To be completed and signed annually by operators which have a neighboring facility or a public use facility in the evaluation distance area. This form is an attestation of the operator for the daily implementation of the Odor BMPs, and in accordance with §83.791, it is to be kept on site for at least 3 years.

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Odor Management Plan Name: Samuel Glick - Veal Farm

Level I Odor BMPs Principles

1. Steps were taken to reduce dust and feed accumulation in pens, aisles, and on animals.
2. Ventilation was managed to provide sufficient fresh airflow throughout the facility to keep animals and facility surfaces clean and dry.
3. Manure was managed to minimize damp, exposed manure that contributes to odor generation.
4. Mortalities were removed daily and managed appropriately.
5. Feed nutrients were matched to animal nutrient requirements to avoid excess nutrient excretion.
6. Manage manure storage to reduce exposed surface area and off-site odor transfer.

Odor Management Plan Requirements

In accordance with §§83.762 operator commitment statement), 83.771 (managing odors), 83.781 – 83.783 (Odor BMPs and schedules), 83.791 – 83.792 (documentation requirements) and 83.802 (plan implementation), I affirm that all the information I provided in the odor management plan is accurate to the best of my knowledge.

In order to manage the potential for impacts from the offsite migration of odors associated with the operation, I affirm that I have implemented the specific practices and procedures detailed in the odor management plan Odor BMP Implementation, Operation & Maintenance Schedule (principles identified above) from DATE: _____ to DATE: _____ (CY/ FY, etc.).

I affirm the foregoing to be true and correct, and make these statements subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Signature of Operator: _____ *Date:* _____

Name of Operator: Samuel Glick

Title of Operator: Owner / Operator

Level I Odor BMPs – Maintenance Log YEAR _____

(NOTE: The operator will record occurrences of mechanically related maintenance activities or for any corrective actions taken.)

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<i>List ODOR BMPs</i>	<i>DATE</i>	<i>NOTES</i>

Level II Odor BMPs – Quarterly Observation Log YEAR _____

(NOTE: The operator will record observations relating to 1) the implementation of each Level II Odor BMP at least on the first day (approximately) of each quarter of the year or in accordance with the Implementation, Operation & Maintenance Schedule, and 2.) for mechanically related maintenance activities, as soon as possible upon the observation that maintenance is needed, or upon each occurrence of any corrective actions taken.)

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*Select
Quarter:*

1st Quarter
(January)

2nd Quarter (April)

3rd Quarter (July)

4th Quarter
(October)

LEVEL II ODOR BMP NAME: Vegetative Buffers for Screening

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Implementation</i>		
<i>Maintenance Activities: Inspections</i>		
<i>Pruning, Fertilize & Plant Protection</i>		
Weed Control		
Irrigation		
Replacing Deadstock		

Level II Odor BMPs – Quarterly Observation Log YEAR _____

(NOTE: The operator will record observations relating to 1) the implementation of each Level II Odor BMP at least on the first day (approximately) of each quarter of the year or in accordance with the Implementation, Operation & Maintenance Schedule, and 2.) for mechanically related maintenance activities, as soon as possible upon the observation that maintenance is needed, or upon each occurrence of any corrective actions taken.)

(Copy This Page For Future Use)

<i>Select Quarter:</i>	<input type="checkbox"/> 1 st Quarter (January)	<input type="checkbox"/> 2 nd Quarter (April)	<input type="checkbox"/> 3 rd Quarter (July)	<input type="checkbox"/> 4 th Quarter (October)
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LEVEL II ODOR BMP NAME: Vegetative Buffer for Filtering

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Implementation</i>		
<i>Maintenance Activities: Inspections</i>		
<i>Pruning, Fertilize & Plant Protection</i>		
Weed Control		
Irrigation		
Replacing Deadstock		

Level II Odor BMPs – Quarterly Observation Log YEAR _____

(NOTE: The operator will record observations relating to 1) the implementation of each Level II Odor BMP at least on the first day (approximately) of each quarter of the year or in accordance with the Implementation, Operation & Maintenance Schedule, and 2.) for mechanically related maintenance activities, as soon as possible upon the observation that maintenance is needed, or upon each occurrence of any corrective actions taken.)

(Copy This Page For Future Use)

<i>Select Quarter:</i>	<input type="checkbox"/> 1 st Quarter (January)	<input type="checkbox"/> 2 nd Quarter (April)	<input type="checkbox"/> 3 rd Quarter (July)	<input type="checkbox"/> 4 th Quarter (October)
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LEVEL II ODOR BMP NAME: Manure Additive

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Manure Additive Application</i>		
Manure Additive Application Error		

Appendix 1: Operation Information

Part A: Odor Source Factors

1. **Site Livestock History:** 7.82

Detail the Maximum AEU's of Livestock on the site within the past 3 years.

Existing Facilities Description:

NOTE: If the facilities or animal information differ from the most current Nutrient Management Plan, detail the differences in Appendix 5: Supporting Documentation.

Definitions: Existing facilities are those animal housing facilities or manure storage facilities constructed before February 27, 2009, and are not subject to Odor Management program requirements.

2. **List the Existing Animal Types:** Cattle, Sheep, Goats, Horses

Existing Animal Numbers:

Beef Cows: 4

Sheep: 5

Goats: 6

Horses 2

Peacock: 2

Pigeons (layer): 15

3. **Existing Animal Equivalent Units (AEUs) per Animal Type:**

Beef Cows: 3.80 AEU's

Sheep: 0.88 AEU's

Goats: 0.95 AEU's

Horses: 2.20 AEU's

Peacock: 0.02 AEU's

Pigeon: 0.02 AEU's

4. **Existing Animal Housing Facility(ies):**

Describe all existing animal housing facilities including their dimensions, capacity and existing Odor BMPs used to address potential impacts.

Animal Housing Facility	Dimensions	Livestock Capacity	Existing Odor BMPs
Horse Barn	62' x 45'	4 Beef Cows, 5 Sheep, 6 Goats, 2 Horses, 2 Peacocks	Bedded Pack
Cow Barn	112' x 45'	None	NA
Pidgeon Coop 1	8' x 12'	15 Pigeons	NA
Pidgeon Coop 2	8' x 12'	15 Pigeons	NA

5. Existing Manure Storage Facility(ies) and Manure Handling Systems:

- a. Describe all existing manure storage facilities and manure treatment technology facilities, including their dimensions, capacity and existing Odor BMPs used to address potential impacts.

Manure Storage Facility	Dimensions	Usable Capacity	Existing Odor BMPs
Horse Barn Pen Pack	62' x 45' x 2'	5580 ft ³	Pen Pack

- b. Provide a narrative description detailing the manure handling systems, including manure storage facilities, manure stacking areas, and manure treatment technology facilities.

All animals currently housed in the Horse barn are on a traditional Bedded Pack system and they are fully confined to the barn between the months of November-March. There is not a lot of manure generated by this annually and most is applied onto Samuel’s garden or to neighboring gardens. If this manure is land applied it is applied onto Samuel’s exporters fields in accordance with their Nutrient Balance Sheet. Manure generated from the peacocks and chickens is also utilized in Samuel’s garden.

Proposed Regulated Facility (ies) Description:

Detail the information below, clearly indicating:

- 1) The animals that will be housed in the proposed animal housing facility (ies), which include expansions onto existing facilities;
- 2) The manure type (animal type detailed in the OSI) that will be stored in the proposed storage facility and identifying the Act 38 Nutrient Management Program requirements that must be followed for the proposed manure storage facility(ies);
- 3) If Voluntary Existing Animal Numbers and AEUs or Transferred Existing AEUS do not apply, state “None”, “Zero (0)” or “Not Applicable” for that criterion.

NOTE: The Animal Type associated with the Proposed Facilities must be consistent with the Animal Type detailed in the OSI.

NOTE: If the proposed facilities, animal information, and AEU calculations differ from the most current Nutrient Management Plan (NMP), detail the differences in Appendix 5: Supporting Documentation.

Definitions:

- **Proposed AEUs** are the new additional AEUs associated with the proposed regulated animal housing facility (ies).
- **Voluntary Existing AEUs** are the AEUs associated with the existing animal housing facility (ies).
- **Proposed AEUs** and **Voluntary Existing AEUs** are used for determining the Odor Site Index evaluation distance area.
- **Transferred Existing AEUs** are existing AEUs on the site that will be transferred into the animal housing facility being evaluated.
- **Total AEUs** are used for determining significant change of the regulated facility (ies); a significant change will require an amendment to the plan. A significant change is defined as a net increase of equal to or greater than 25% in AEUs, as measured from the time of the initial plan approval.

6. (a) Proposed Facility OSI Animal Types: Veal

Proposed Animal Numbers per animal type: 300

Proposed AEUs per animal type: 77.32

(b) Voluntary Existing Animal Types: None

Voluntary Existing Animal Numbers: 0

Voluntary Existing AEUs per animal type: 0 AEUs

(c) Total AEUs Covered by this Plan: 77.32

(d) Acres for the operation associated with an approved Act 38 NMP or acres utilized for the CAO calculation: 20 acres

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(e) **Total AEU's/ Acre for the operation:** 4.26

NOTE: The AEU's per acre calculation is only used to verify CAO status. AEU's per acre calculation must reflect the calculations in the most current NMP, otherwise explain the difference and submit the calculations in Appendix 5: Supporting Documentation.

(f) **Transferred Existing Animal Types:** Check only when Applicable

NOTE: Detail the following information in Appendix 5: Supporting Documentation when 0 "Proposed AUEs" are proposed due to transferring existing animals on the site into the animal housing facility being evaluated:

- 1) The OSI Animal Type associated with the Proposed Facilities,
- 2) The numbers of animals transferred, and
- 3) The AEU's. This information will be used for determining a significant change which will require an amendment to the plan.

7. **Proposed new or expanded animal housing facility(ies):**

Detail all proposed animal housing facilities, or portions thereof, including their dimensions and livestock capacity.

NOTE: If the proposed facilities differ from the most current NMP, detail the differences in Appendix 5: Supporting Documentation.

Animal Housing Facility <input type="checkbox"/> None Proposed	Dimensions	Livestock Capacity
Veal Barn	48' x 212'	300 Veal

8. **Proposed new or expanded manure storage facility(ies):**

NOTE: If the proposed facilities differ from the most current NMP, detail the differences in Appendix 5: Supporting Documentation.

- (a) *Provide a narrative description detailing all manure handling systems (including all manure storage facilities, manure stacking areas, and manure treatment technology facilities) after the addition of the proposed facilities.*

All animals currently housed in the Horse barn are on a traditional Bedded Pack system and they are fully confined to the barn between the months of November-March. There is not a lot of manure generated by this annually and most is applied onto Samuel's garden or to neighboring gardens. If this manure is land applied, it is applied onto Samuel's exporters fields in accordance with their Nutrient Balance Sheet. Manure from the Veal Barn will be gravity flowed into the bottom of the Circle Pit and will be stored there. The pit will hold manure until the manure will be exported. Currently there are pigeons and peacocks that are on the farm that have all collected manure spread onto Samuel's garden, these animals will not be on the farm once the Veal Barn is built so once the proposed building is constructed the last of the manure will be spread.

- (b) *Detail all proposed manure storage facilities, manure stacking areas, and manure treatment technology facilities.*

NOTE: If a waiver is required, it must be attached in Appendix 5: Supporting Documentation for the plan to be administratively complete.

Manure Storage Facility <input type="checkbox"/> None Proposed	Dimensions	Usable Capacity
Circle Pit	40' x 10'	338,410 gallons

Act 38 NM Program Setback Requirements Verification

NOTE: When manure storage facilities are proposed, N/A cannot be detailed for both c & d

- (c) **Existing Operations** Not Applicable.

Select all check-boxes that apply for Existing Operations proposing manure storage facilities.

In accordance with planning provisions of the Commission's Nutrient Management Program regulations, the proposed manure storage(s) is part of an existing operation (operation that produced livestock or poultry on or before October 1, 1997) and will be located having a minimum setback distance of the following:

- i) 100' minimum setback distance (in accordance with §83.351(a)(2)(v)(A)-(E)) from wetlands, water bodies and wells (public and private). Yes Not Applicable
- ii) 100' minimum setback distance (in accordance with §83.351(a)(2)(v)(F)) a from the property line;

Act 38 of 2005, Odor Management Plan

otherwise an executed Manure Storage Setback Waiver from the Neighboring Landowner, must be attached. Yes Not Applicable

iii) 200’ minimum setback distance (in accordance with **§83.351(a)(2)(v)(G)** from wetlands, water bodies and wells (public and private) for a manure storage facility of 1.5 million gallons or larger capacity or that is located on slopes exceeding 8%. Yes Not Applicable

iv) 200’ minimum setback distance (in accordance with **§83.351(a)(2)(v)(H)** from the property line for a manure storage facility of 1.5 million gallons or larger capacity or that is located on slopes exceeding 8% and the slope is toward the property line; otherwise an executed Manure Storage Setback Waiver from the Neighboring Landowner, must be attached. Yes Not Applicable

(d) **New Operations/ New Animal Enterprises** Not Applicable.

Select all check-boxes that apply for New Operations/ New Animal Enterprises proposing manure storage facilities.

If the proposed manure storage(s) is part of a new operation (operation that produced livestock or poultry after October 1, 1997), or a new animal enterprise (an existing operation that expanded after October 1, 1997, via producing different livestock or poultry than what was previously produced – see NM Tech Manual, Section III) and in accordance with planning provisions of the Commission’s Nutrient Management Program regulations the proposed storage will be located having a minimum setback distance of the following:

i) 100’ minimum setback distance (in accordance with **§83.351(a)(2)(vi)(A)-(E)** from wetlands, water bodies and wells (public and private). Yes Not Applicable

ii) 200’ minimum setback distance (in accordance with **§83.351(a)(2)(v)(F)** from the property line; otherwise an executed Manure Storage Setback Waiver from the Neighboring Landowner, must be attached. Yes Not Applicable

iii) 200’ minimum setback distance (in accordance with **§83.351(a)(2)(v)(G)** from wetlands, water bodies and wells (public and private) for a manure storage facility of 1.5 million gallons or larger capacity or that is located on slopes exceeding 8%. Yes Not Applicable

iv) 300’ minimum setback distance (in accordance with **§83.351(a)(2)(v)(H)** from the property line for a manure storage facility of 1.5 million gallons or larger capacity or that is located on slopes exceeding 8% and the slope is toward the property line; otherwise an executed Manure Storage Setback Waiver from the Neighboring Landowner, must be attached. Yes Not Applicable

9. Construction activities of the proposed regulated facilities:

NOTE: Construction activities must be started within 3 years of the plan approval date.

a. *Detail the proposed construction sequence timeframes for each proposed regulated facility (or portions thereof) Upon approval of the Odor Management plan Samuel will begin building. The plan is that the Veal Barn and Circle pit will begin construction by September of 2022 and will be finished by the winter of 2022.*

b. *Have construction activities started on any of the proposed regulated facilities?* Yes No *If yes, please detail:*

Part B: Site Land Use Factors

1) Select the applicable check-box below for each special agricultural land use designation, and

2) Provide written verification in Appendix 5: Supporting Documentation for each agricultural land use designation claimed.

NOTE: Documentation verifying each claimed land use must be attached for the plan to be administratively complete.

Agricultural land use designations applicable to the site being evaluated:

1. Agricultural Security Area Yes / No

2. Agricultural Zoning Yes / No

3. Preserved Farm

 Yes / No **Part C: Surrounding Area Land Use Factors***NOTE: Detail applicable criteria for 1 and 2 on the Operational Map in Appendix 2.*1. Other Livestock Operations (≥ 8 AEUs) within the evaluation distance area Yes / No *If yes, then list the type of operation, the direction (N, S, E, W) and quadrant (distance range from the facility). There are veal and cattle operations that are to both the North (1200-1800 zone) and East (1200-1800) zone.*

2. Distance to nearest property line measurement:

*NOTE: Measured from nearest corner of the proposed animal housing facility and/or manure storage facility to the property line. Measurements must also be detailed on the Operational Map in Appendix 2.*a. Animal Housing Facility measurement 218.1 (ft.) Not Applicableb. Manure Storage Facility measurement 254.6 (ft.) Not Applicable3. If nearest property (from the nearest property line measurements indicated in "2" above) is less than 300', is this neighboring property a Preserved Farm? Yes / No / NA*NOTE: Documentation verifying this claimed status must be attached for the plan to be administratively complete.*(a) *If "Yes" is indicated, detail the name and address in Appendix 5: Supporting Documentation of the nearest neighboring property owner who has a Preserved Farm.*

Appendix 2: Operational Maps

Topographic Map

Odor Management Plans must include a topographic map drawn to scale with a map legend, identifying:

- Operation boundaries;
- Location of existing and proposed animal housing and manure storage facilities on the operation;
- Location of operation-related neighboring facilities;
- Location of neighboring facilities (normally occupied homes, active businesses and churches) and public use facilities within the evaluation distance area;
- Local topography (as indicated by the topographic lines);
- Geographic center with concentric circles drawn at 600' intervals for the entire evaluation distance area;
- Identification of the various map quadrants to include North, South, East and West;
- Distance to nearest property line from the nearest facility;
- Road names within the evaluation distance area; and
- All neighboring facilities and public use facilities that are being given credit for the Intervening Topography and Vegetation Factor.

In order to distinguish the following criteria from the other neighboring facilities and public use facilities, the Operational Map and the associated map legend must have separate symbols detailing the following:

- All operation-related neighboring facilities, and
- All neighboring facilities and public use facilities which are being given credit for the Intervening Topography and Vegetation Factor.

NOTE: *The scale chosen must be reasonable and practical for use in evaluating the OMP. For example:*

- *A scale of 1" = 600' is an example of a scale that is reasonable for use in determining evaluation distances, setbacks, etc., but may not be practical for larger evaluation distance areas for fitting the map on one 8 1/2' x 11' sheet of paper.*
- *A scale of 1.37" = 267.5' is an example of a scale that may be practical for fitting on one 8 1/2' x 11' sheet of paper, but in a scale that is not reasonable or very useful.*
- *Maps need to be to a scale that shows sufficient detail to be reasonable and useful. Planners are encouraged to use a scale that can be divided evenly by, or into, 600' by a round whole number*
- *Multiple maps are encouraged to be provided for the purpose of facilitating specific details, i.e. aerial maps, etc.*

Site Map

The purpose of the site map is to facilitate the plan review process of identifying specific details about the operation being evaluated. Odor Management Plans must include a site map of the operational related facilities drawn to scale with a map legend, identifying at a minimum the following:

- Operation boundaries;
- Location of existing and proposed animal housing and manure storage facilities on the operation;
- Geographic center with concentric circles drawn at 600' intervals; and
- Distance to nearest property line from the nearest facility

If there are multiple facilities on the site, detail the name of each of the facilities as per what the operator refers to them as, i.e. Layer #1 – Layer #5, mortality composting facility, etc.

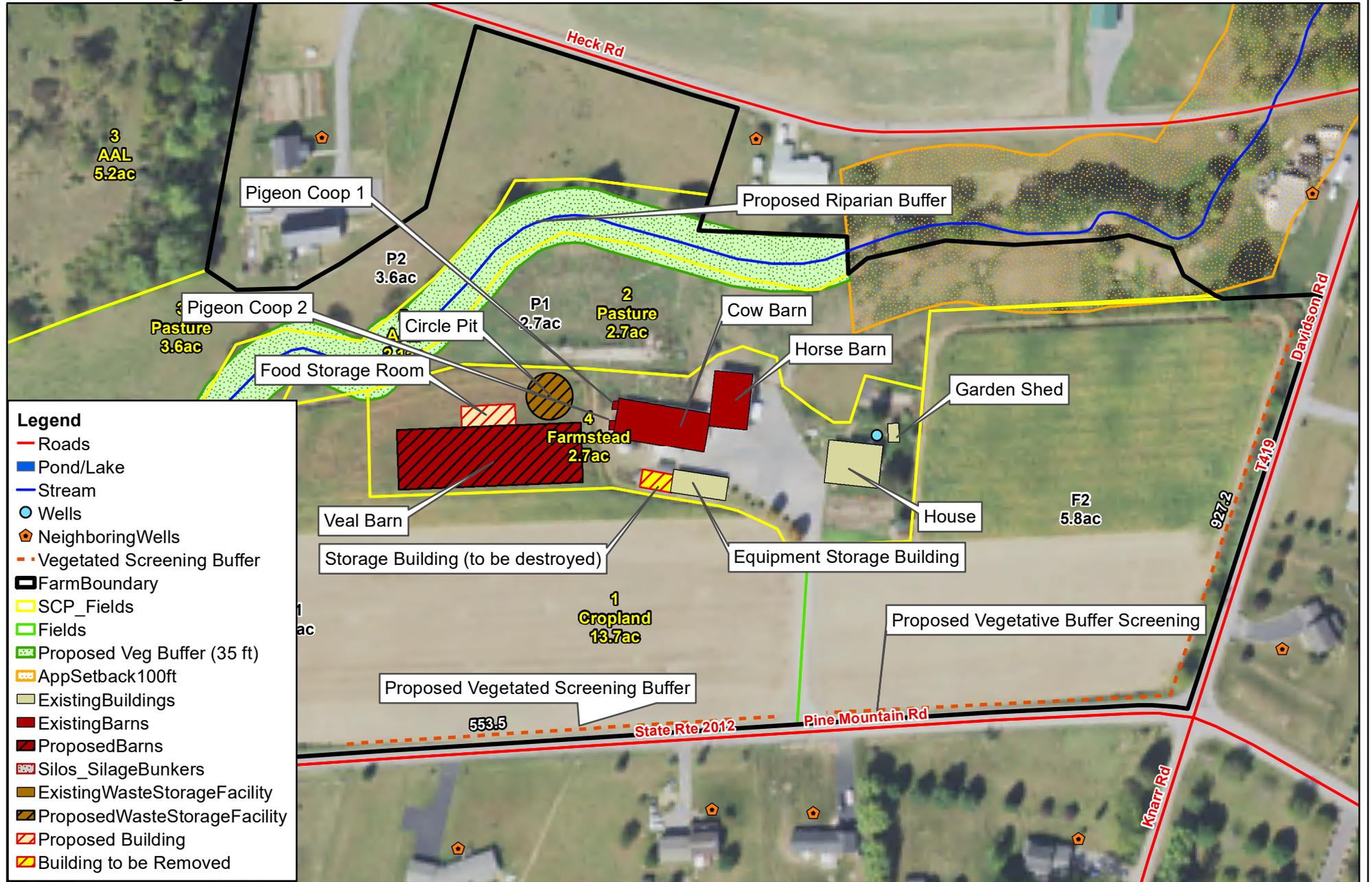
If the evaluation distance area is small enough, i.e. a 1200' evaluation distance area, to clearly identify the specific details required, then a separate map will not be required.

Samuel Glick

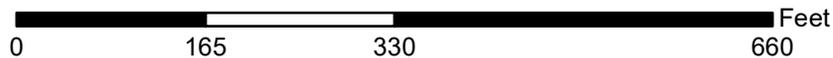
Odor Management Plan

Assisted By: Austin Hanssen
 Agenda Item B.7.b
 Agency: TeamAg, Inc.

Date: 6/20/2022



- Legend**
- Roads
 - Pond/Lake
 - Stream
 - Wells
 - ⬮ NeighboringWells
 - - - Vegetated Screening Buffer
 - ▭ FarmBoundary
 - ▭ SCP_Fields
 - ▭ Fields
 - ▭ Proposed Veg Buffer (35 ft)
 - ▭ AppSetback100ft
 - ▭ ExistingBuildings
 - ▭ ExistingBarns
 - ▭ ProposedBarns
 - ▭ Silos_SilageBunkers
 - ▭ ExistingWasteStorageFacility
 - ▭ ProposedWasteStorageFacility
 - ▭ Proposed Building
 - ▭ Building to be Removed



Field verification of application setbacks and buffers is required prior to land application of manure.

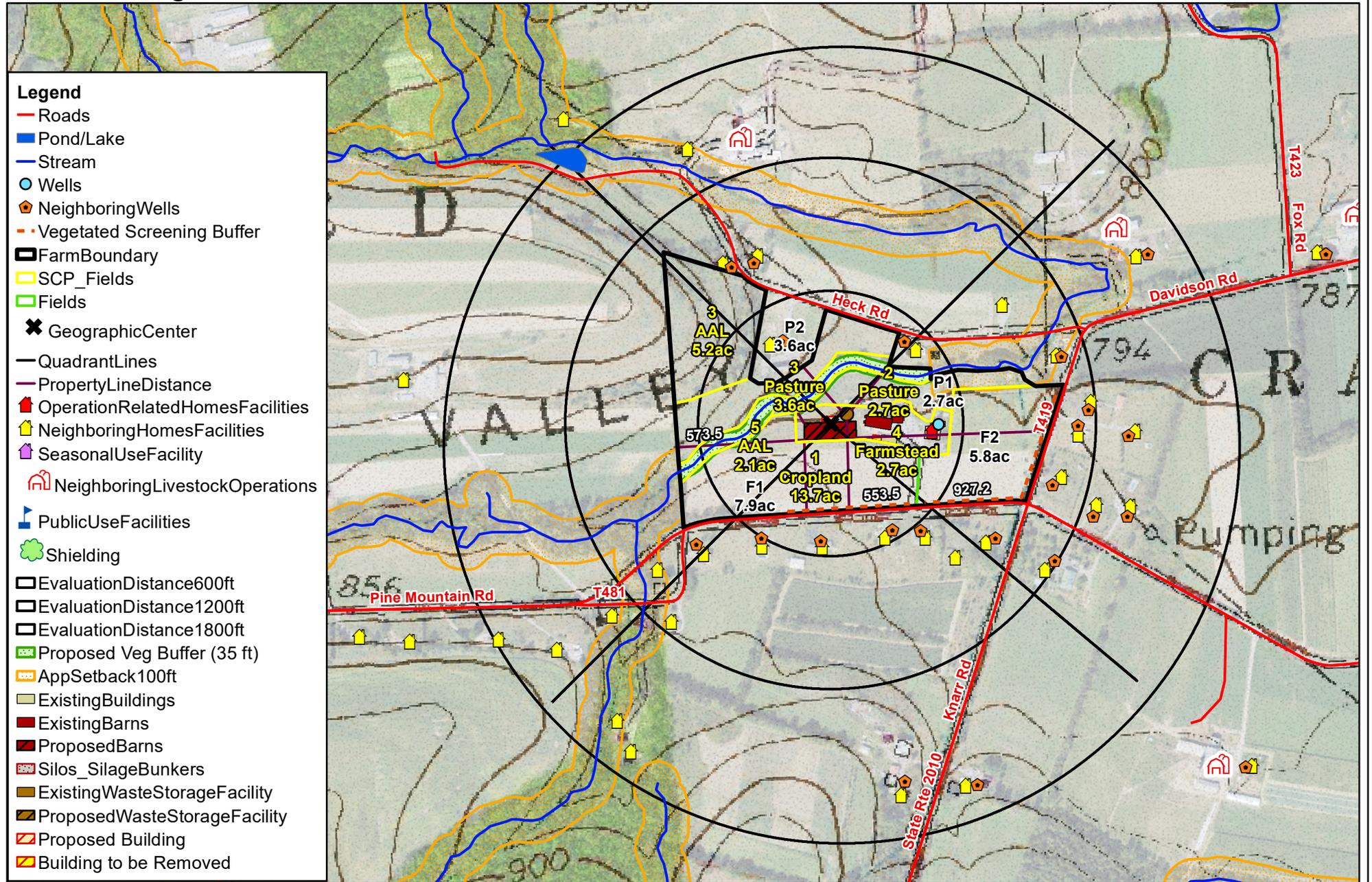


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Odor Management Plan

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Date: 6/20/2022



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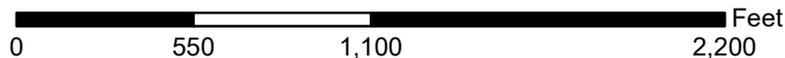
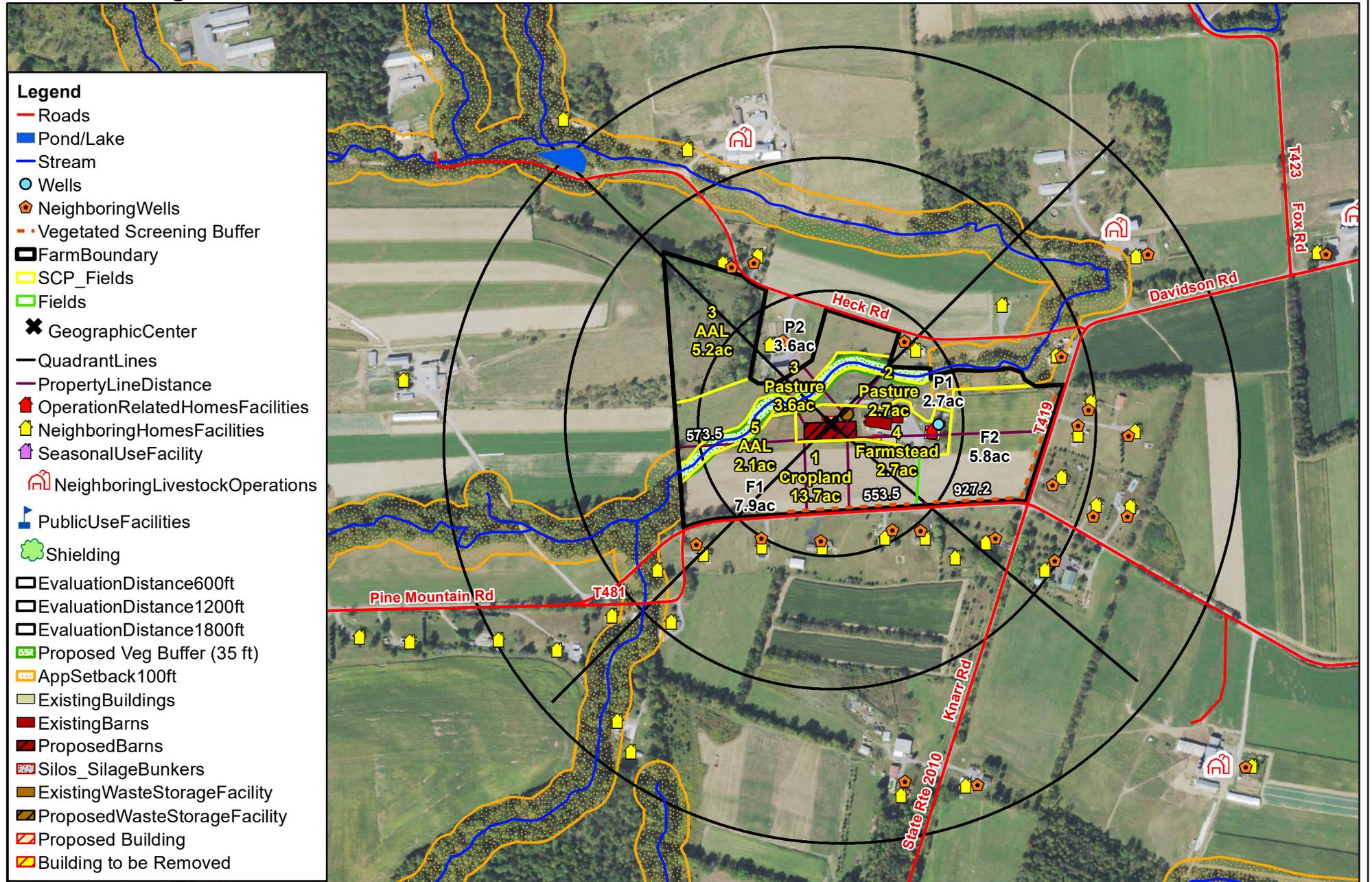


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Date: 6/20/2022



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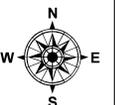
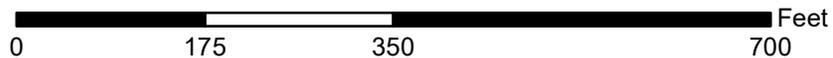
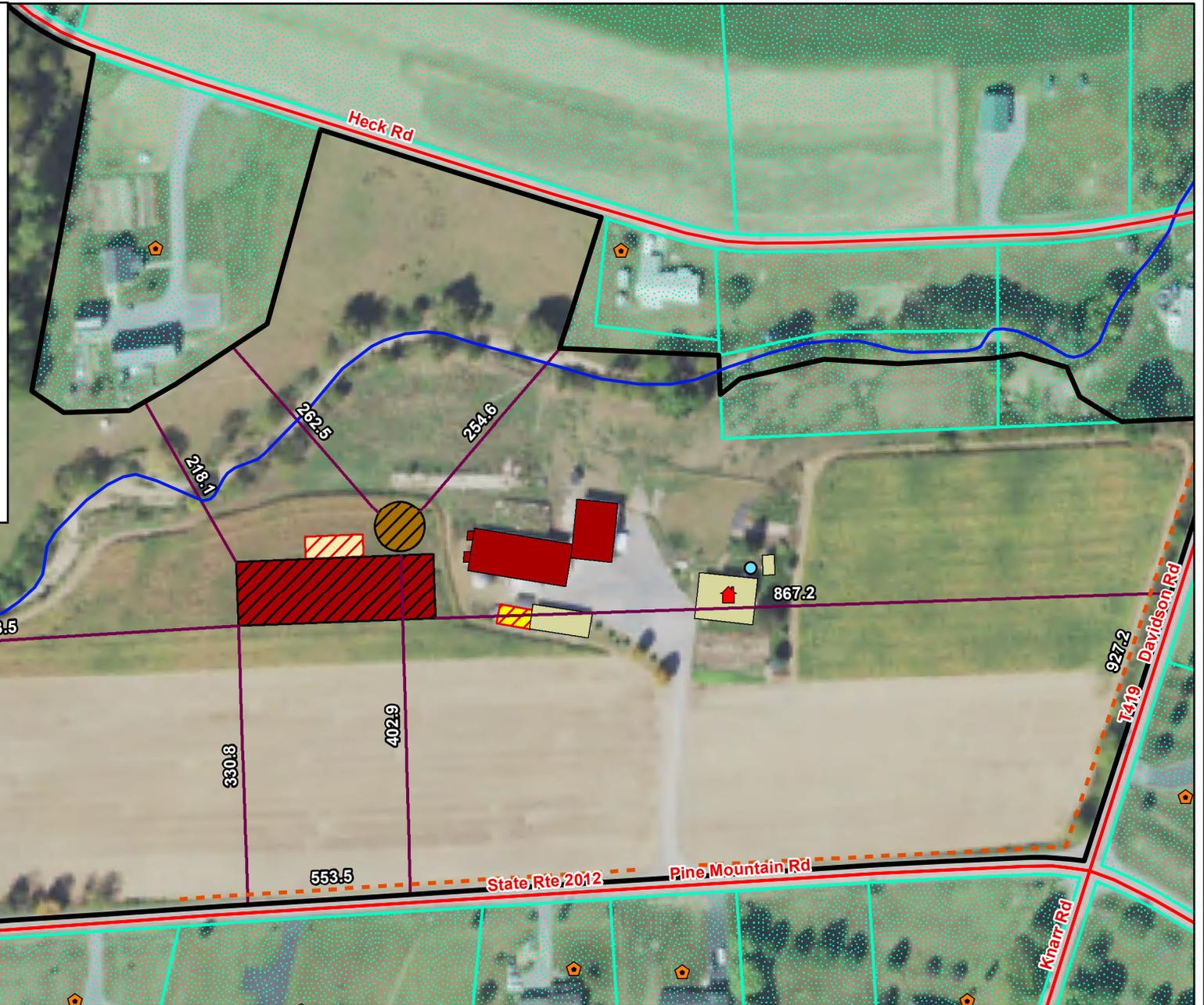
Samuel Glick

Odor Management Plan

Assisted By: Austin Hanssen
 Agenda Item B.7.b
 Agency: TeamAg, Inc.

Date: 6/20/2022

- Legend**
- Roads
 - Pond/Lake
 - Stream
 - Wells
 - 🏠 Neighboring Wells
 - - - Vegetated Screening Buffer
 - ▭ Farm Boundary
 - ▭ Neighboring Parcels
 - Property Line Distance
 - 🏠 Operation Related Homes/Facilities
 - Existing Buildings
 - Existing Barns
 - Proposed Barns
 - Silos_Silage Bunkers
 - Existing Waste Storage Facility
 - Proposed Waste Storage Facility
 - Proposed Building
 - Building to be Removed



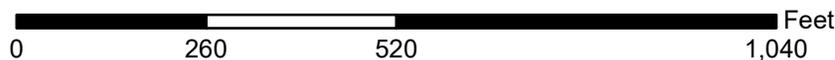
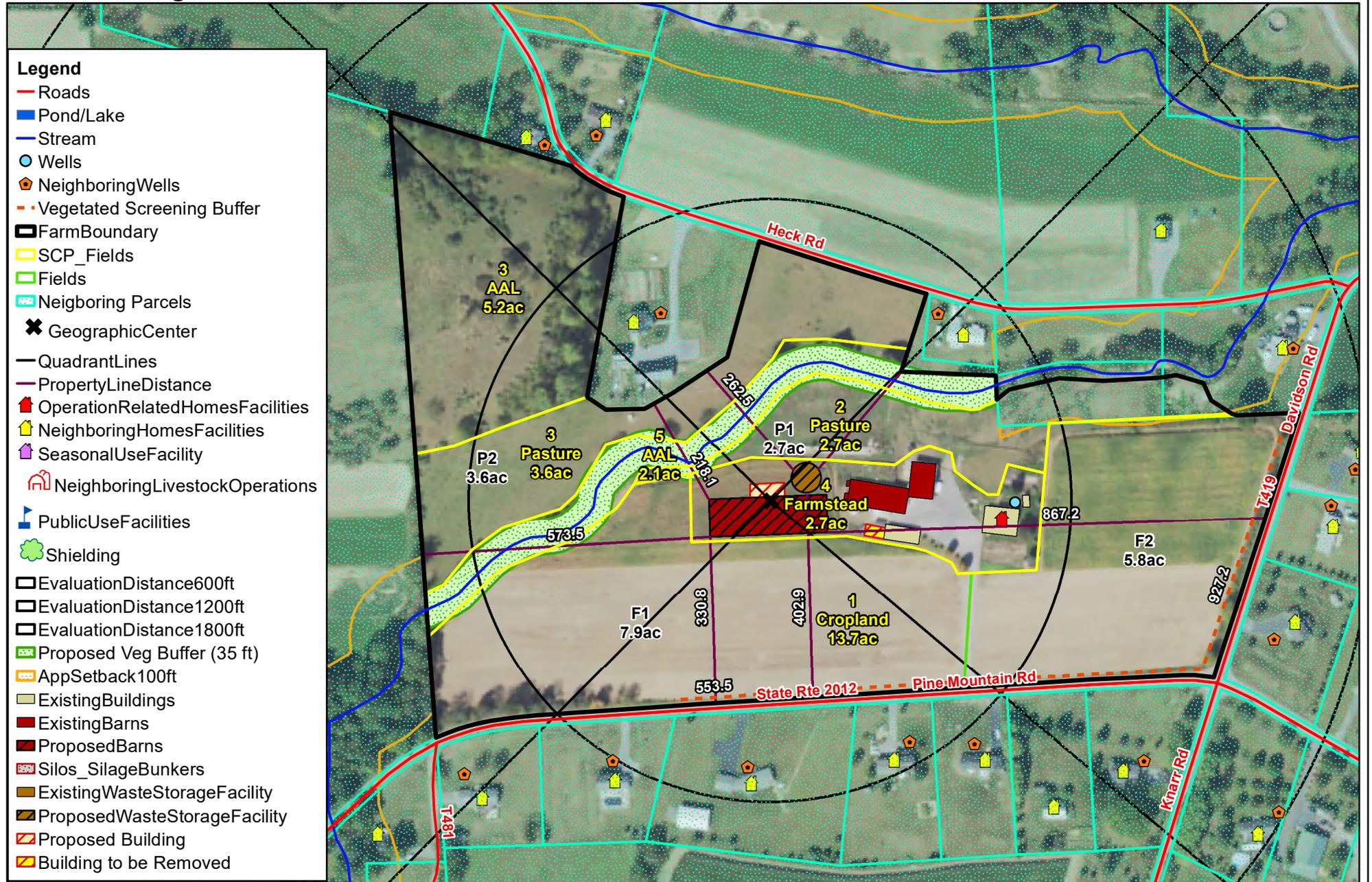
Field verification of application setbacks and buffers is required prior to land application of manure.

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Odor Management Plan

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 Agenda Item B.7.b
 Agency: TeamAg, Inc.

Date: 6/20/2022



Field verification of application setbacks and buffers is required prior to land application of manure.

Appendix 3: Plan Evaluation – OSI

Act 38 Odor Management Plan - Odor Site Index

Agenda Item B.2.b

Operator Name	Samuel Glick - Veal Farm		
Planner Name	Austin Hanssen		
Type of Operation	Veal		
Voluntary Existing AEUs	0		
Proposed AEUs	77.32		
Previously Approved AEUs	0		
AEUs Covered by OMP	77.32		
Evaluation Distance	1800'		
Part A: Odor Source Factors			OSI Score
Facility Size Covered by OMP	77.32		2
Site Livestock History	1-49 AEUs _9pts		9
Manure Handling System	All - Outdoor uncovered liquid, no crust expected_ 16pts		16
			27.00
Part B: Site Land Use			
Ag Security Zone	No (0 pct)		0
Ag Zoning	Yes (-10 pct)		-17.85
Preserved Farm	No (0 pct)		0
			-17.85
Part C: Surrounding Land Use			
Other Livestock >8 AEU in evaluation distance	1 or more (0 pts)		0.00
Distance to Nearest Property Line	151' to 300' (5 pts)		5.00
If nearest property is <300', is it preserved farmland	No (0 pts)		0.00
Neighboring Homes			146.50
Public Use Facilities			0.00
			151.50
Species Adjustment Factor	Swine,duck,veal (.15)		184.7475
Final OSI Score			184.7475
Level 2 BMPs Required			

Act 38 Odor Management Plan - Odor Site Index

East Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	1	7	4	None	None	
Facility Value	15	7	3	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total Facilities 76.0
# Public Use Facilities	0	0	0	0	0	Total Public 0.0
Public Use Value	40	20	10	5	3	
Public Use Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total East 76.0
South Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	2	5	4	None	None	
Facility Value	10	5	2	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total Facilities 53.0
# Public Use Facilities	0	0	0	0	0	Total Public 0.0
Public Use Value	30	15	7	4	2	
Public Use Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total South 53.0
North Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	1	2	2	None	None	
Facility Value	6	3	0.5	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total Facilities 13.0
# Public Use Facilities	0	0	0	0	0	Total Public 0.0
Public Use Value	25	13	6	3	1	
Public Use Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total North 13.0
West Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	1	3	None	None	
Facility Value	6	3	0.5	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total Facilities 4.5
# Public Use Facilities	0	0	0	0	0	Total Public 0.0
Public Use Value	25	13	6	3	1	
Public Use Shielding	<600 None (1)	600-1200 None (1)	1200-1800 None (1)	1800-2400 None (1)	2400-3000 None (1)	Total West 4.5
						Grand Total 146.5

Appendix 4: Biosecurity

Biosecurity Protocol Contact Information

Detail the point of contact for information on this operation's biosecurity protocols:

Name:	<u>Samuel Glick</u>	Phone:	<u>570-660-4314</u>
E-mail:	<u>NA</u>	Relationship:	<u>Owner / Operator</u>

Appendix 5: Supporting Documentation

This section is reserved for the plan writer when developing this plan to have a dedicated area to include supporting documentation such as for agricultural land use designation verification, Nutrient Management program setback waiver verification, AEU calculation verification when no NMP is available, etc.

Provide a heading for each topic discussed in this Appendix.

Attached is a map detailing the Ag Zoning in Crawford Township.

Act 38 Nutrient Management Plan Clarification:

There is no Act 38 plan that is currently approved but there is a plan being developed by Austin Hanssen (2634-NMC) for the crop years of 2023-2025. The plan is currently deemed **administratively complete** and is being reviewed by Samantha Zaner. Attached is Appendix 3 of the Nutrient Management Plan.

Existing Animals Clarification:

Peacocks and Pigeons will be removed from the farm once the veal barn is completed. Animal weights for the peacocks were found on the website <https://animalcorner.org/animals/peafowl/>. A standard fully grown peacock on average is 11 lbs (this is the number that was used for the AEU calculation). A full grown pigeon weighs about 1.5 lbs.

Existing Operations Clarification:

Cattle was raised on the farm prior to October 1, 1997, the cattle are no longer on the farm now that Samuel operates the farm but the farm has been active since prior to October 1, 1997.

Operational Maps Clarification:

Along the south and west quadrant line there is a road labeled T481 which is an appropriate name for the road, the road signs show School Road. Both names for the road are correct, T481 is the only text that appears at a zoomed-out overview of the road. Attached below is a map zoomed in showing the labeling of School Road.

Manure Pit Additive Use Rates

Samuel Glick – Veal Farm

All Manure pit additive rates are estimates, when Samuel decides on which product, he will be choosing he will determine exact rates through speaking with the distributor directly. These rates are set as guidance to give estimations to what the final rate may look like. If rates are significantly different an update maybe made to the plan. All data found on these products were compiled by Lewis Frame and Austin Hanssen.

Microbe-Lift/DFP – Liquid

- a. Initial Application – If the manure pit is completely emptied, or for initial use, add 4 gallons of this product to the barn scraper system to be conveyed to the manure storage.
- b. Maintenance Application – Apply 2-3 quarts per month to the barn scraper system to be conveyed to the manure storage.
- c. Refer to: <https://microbelift.com/product/dfp/> for additional product details

Pit Charger Manure Digester - Liquid

- a. Initial Application – ½ Gallon for 300 Veal – With Barn at full capacity as shown in NMP, applying approximately ½ gallons of Pit Charger Manure Digester to barn scraper system to be conveyed to the manure storage when pit is completely emptied or for 1st use.
- b. Maintenance application – 0.25 Gallon/ for 300 Veal – With Barn at full capacity as shown in NMP, apply approximately 0.25 gallons of Pit Charger per month to the barn scraper system to be conveyed to the manure storage.
- c. Refer to: <https://www.pitcharger.com/pitcharger-bacterial-manure-products/> for additional product details

Inhibodor - Liquid

- a. Initial application - Apply Inhibodor at .2oz per Animal Units. With 77.32 animal units in barn, 15.5 ounces of inhibitor should be used and added to the barn scraper system to be conveyed to the manure storage. Inhibodor should be diluted with 5 -10 gallons of water and add to flush system or distribute over pit surface.
- b. Maintenance application – Same as above monthly or divide application equally and apply every two weeks.
- c. Refer to: <https://www.conklin.com/product-catalog/animal-products/inhibodor> for additional product details

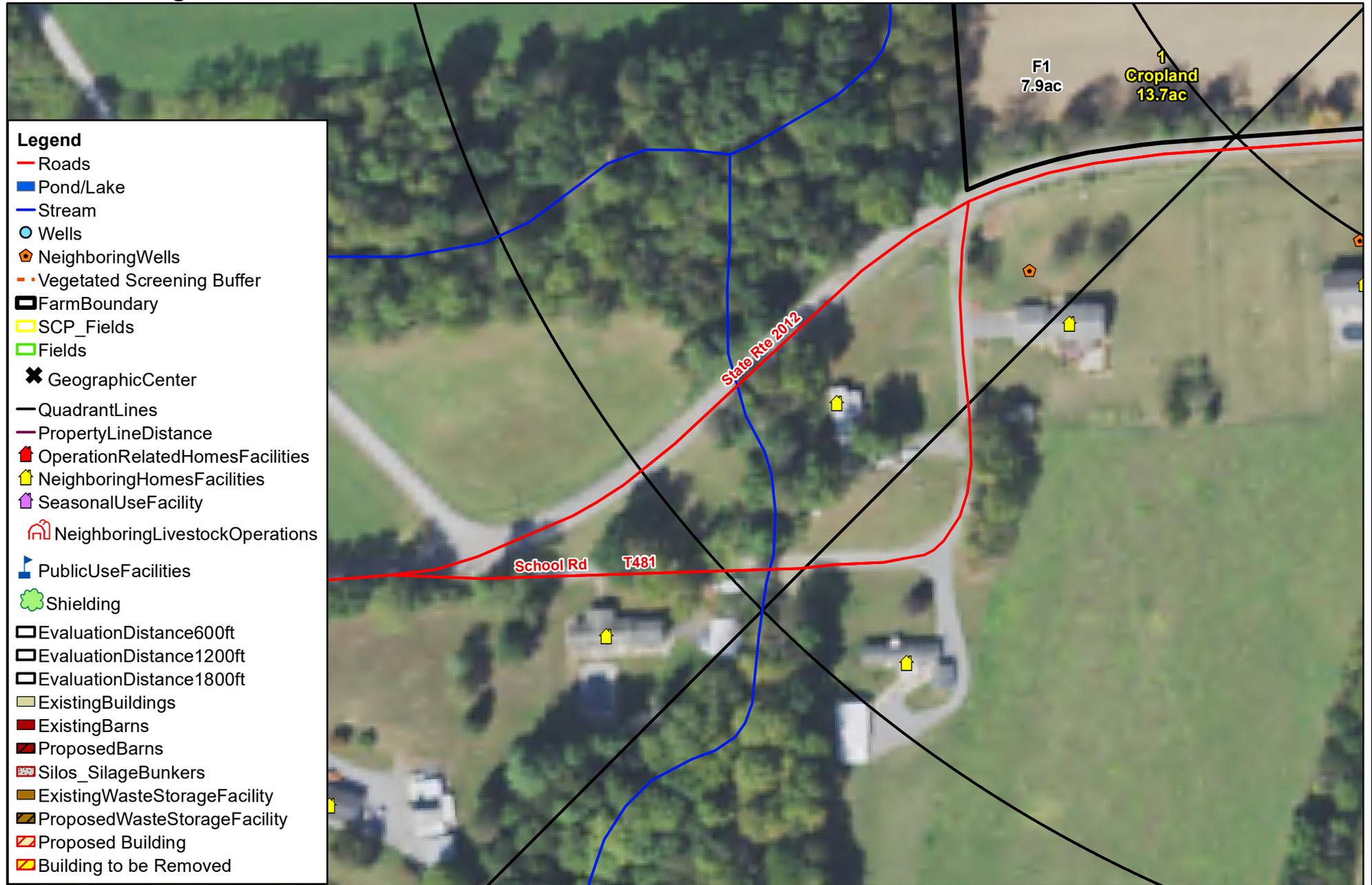
*Consult individual product labels on packaging before each use as product labels are subject to change.

Samuel Glick

Odor Management Plan

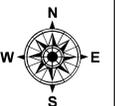
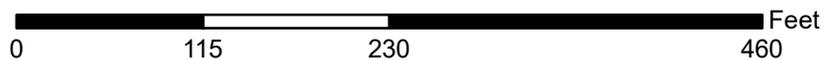
Assisted By: Austin Hanssen
 Agenda Item B.7.b
 Agency: TeamAg, Inc.

Date: 6/16/2022



Legend

- Roads
- Pond/Lake
- Stream
- Wells
- ⬠ NeighboringWells
- - Vegetated Screening Buffer
- FarmBoundary
- SCP_Fields
- Fields
- ✕ GeographicCenter
- QuadrantLines
- PropertyLineDistance
- ⬠ OperationRelatedHomesFacilities
- ⬠ NeighboringHomesFacilities
- ⬠ SeasonalUseFacility
- ⬠ NeighboringLivestockOperations
- ⬠ PublicUseFacilities
- ⬠ Shielding
- EvaluationDistance600ft
- EvaluationDistance1200ft
- EvaluationDistance1800ft
- ExistingBuildings
- ExistingBarns
- ProposedBarns
- Silos_SilageBunkers
- ExistingWasteStorageFacility
- ProposedWasteStorageFacility
- Proposed Building
- Building to be Removed



Field verification of application setbacks and buffers is required prior to land application of manure.

Appendix 3 Manure Group Information Crop Yrs. 2023	Fall Veal Manure		Spring Veal Manure		Pen Pack Manure - Pasture 1		Pen Pack Manure - Pasture 2		Field P1 - Grazing Calculator	
Manure Report Date (note if averaging several reports)	NA		NA		5/11/2022		5/11/2022		Uncollected Book	
Laboratory Name	PSU AASL		PSU AASL		Waypoint Analytical		Waypoint Analytical		PSU Agronomy Guide	
Manure Type	Other		Other		Other		Other		Other	
Manure Unit (lbs/ton or 1000 gal)	lb/1000 gal		lb/1000 gal		lb/ton		lb/ton		lb/ton	
Total Nitrogen (N) (lbs/ton or 1000 gal)	19		19		14.1		14.1		15.74	
Ammonium N (NH ₄ -N) (lbs/ton or 1000 gal)	0		0		1.6		1.6		0	
Total Organic N (lbs/ton or 1000 gal)	19.00		19.00		12.50		12.50		15.74	
Total Phosphate (P ₂ O ₅) (lbs/ton or 1000 gal)	3		3		5.93		5.93		5.9	
Total Potash (K ₂ O) (lbs/ton or 1000 gal)	7		7		15.8		15.8		12.1	
Percent Solids	2		2		20.1		20.1		0	
PSC Value (analytical or book value)	1		1		0.28		0.28		0.8	
Percent Moisture	98.00		98.00		79.90		79.90		100.00	
Manure Group AEU's	38.66		38.66		4.70		3.18		0.00	
Description: Site & Season Applied	Circle Pit	Fall	Circle Pit	Fall	Horse Barn - P1	Fall/Spring	Horse Barn - P2	Fall/Spring	Records	Grazing
Inventory Method	Calculated		Calculated		Calculated		Calculated		Records	
	Collected Calc.	Uncollected Calc.	Collected Calc.	Uncollected Calc.	Collected Calc.	Uncollected Calc.	Collected Calc.	Uncollected Calc.	Collected Calc.	Uncollected Calc.
Manure Group Identification	Fall Veal Manure		Spring Veal Manure		Pen Pack Manure - Pasture 1	Pen Pack Manure - Pasture 1 - uncollected	Pen Pack Manure - Pasture 2	Pen Pack Manure - Pasture 2 - uncollected	Field P1 - Grazing Calculator	
CALCULATED: Total Manure Collected Per Manure Group	106,492.0		111,810.0		25.3	17.4	14.4	14.0	0.0	
Units	gallons		gallons		Tons	Tons	Tons	Tons	Tons	
RECORDS: Total Manure Collected Per Manure Group									17.4	
Unit									Tons	
Manure Used On-Farm	Collected 0.0	Uncollected 0.0	Collected 68,500.0	Uncollected 0.0	Collected 0.0	Uncollected 17.4	Collected 0.0	Uncollected 14.0	Collected 17.4	Uncollected 0.0
Units	Gallons		Gallons		Tons	Tons	Tons	Tons	Tons	
Manure Exported	106,492.0		43,310.0		25.1		14.4		0.0	
Units	gallons		gallons		tons		tons			
Manure Allocation Balance	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0
Units	Gallons		Gallons		Tons	Tons	Tons	Tons	Tons	
Manure Balance as a Percent of Total Manure Collected	0.0%		0.0%		0.8%		0.2%		0.0%	
Total Rainfall and Runoff	7,708		13,026							
	Gallons		Gallons							

Appendix 3 Manure Group Information Crop Yrs. 2023	Fall Veal Manure		Spring Veal Manure		Pen Pack Manure - Pasture 1		Pen Pack Manure - Pasture 2		Agenda Item B.2.b Field P1 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 1	Fall Veal		Spring Veal		Beef Cattle - P1	Beef Cattle - P1 - uncollected Total Nitrogen (N) lbs/ton	Beef Cattle - P2	Beef Cattle - P2 - uncollected Total Nitrogen (N) lbs/ton		
Animal Type	Veal Calf: 0-20 wk.		Veal Calf: 0-20 wk.		Beef Finishing: 8-24 mo.		Beef Finishing: 8-24 mo.			
Animal Number	300		300		4	14.00	4	14.00		
Animal Weight	280 lbs		280 lbs		950 lbs	Total Phosphate (P2O5) lbs/ton	950 lbs	Total Phosphate (P2O5) lbs/ton		
Animal Group AUs	84.00 AUs		84.00 AUs		3.80 AUs	5.00	3.80 AUs	5.00		
Animal Group AEUs	38.66 AEUs		38.66 AEUs		0.62 AEUs	Total Potash (K2O) lbs/ton	3.18 AEUs	Total Potash (K2O) lbs/ton		
Daily Manure Production per AU	7.0 gal		7.0 gal		49.0 lb	8.00	49.0 lb	8.00		
Total Days Manure Produced	168 days		168 days		60 days	PSC Value	305 days	PSC Value		
Total Manure Produced	98,784.00 gal		98,784.00 gal		5.59 tons	0.80	28.40 tons	0.80		
Days On Pasture	0 days		0 days		60 days		150 days			
Hours Per Day On Pasture	0 hrs		0 hrs		16 hrs		24 hrs			
Total Bedding	0.00 gal		0.00 gal		1.38 tons		0.00 tons			
Total Washwater	0.00 gal		0.00 gal		0.00 tons		0.00 tons			
CALCULATED - Total Uncollected Manure Per Animal Group					3.72 tons	3.72 - Tons	13.97 tons	13.97 - Tons		
CALCULATED-Total Manure Collected Per Animal Group	98,784.00 gal		98,784.00 gal		3.24 tons		14.43 tons			
Animal Group 2					Driving Horses	Driving Horses - uncollected Total Nitrogen (N) lbs/ton				
Animal Type					Light Horse Mature					
Animal Number					2	12.00				
Animal Weight					1100 lbs	Total Phosphate (P2O5) lbs/ton				
Animal Group AUs					2.20 AUs	5.00				
Animal Group AEUs					2.20 AEUs	Total Potash (K2O) lbs/ton				
Daily Manure Production per AU					55.0 lb	9.00				
Total Days Manure Produced					365 days	PSC Value				
Total Manure Produced					22.08 tons	0.80				
Days On Pasture					210 days					
Hours Per Day On Pasture					16 hrs					
Total Bedding					0.00 tons					
Total Washwater					0.00 tons					
CALCULATED - Total Uncollected Manure Per Animal Group					8.47 tons	8.47 - Tons				
CALCULATED-Total Manure Collected Per Animal Group					13.61 tons					

Appendix 3 Manure Group Information Crop Yrs. 2023	Fall Veal Manure		Spring Veal Manure		Pen Pack Manure - Pasture 1		Pen Pack Manure - Pasture 2		Agenda Item B.2.b Field P1 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 3					Female Sheep	Female Sheep - uncollected Total Nitrogen (N) lbs/ton				
Animal Type					Medium Breed Ewe					
Animal Number					4	23.00				
Animal Weight					175 lbs	Total Phosphate (P2O5) lbs/ton				
Animal Group AUs					0.70 AUs	8.00				
Animal Group AEUs					0.70 AEUs	Total Potash (K2O) lbs/ton				
Daily Manure Production per AU					40.0 lb	20.00				
Total Days Manure Produced					365 days	PSC Value				
Total Manure Produced					5.11 tons	0.80				
Days On Pasture					210 days					
Hours Per Day On Pasture					16 hrs					
Total Bedding					0.00 tons					
Total Washwater					0.00 tons					
CALCULATED - Total Uncollected Manure Per Animal Group					1.96 tons	1.96 - Tons				
CALCULATED-Total Manure Collected Per Animal Group					3.15 tons					
Animal Group 4					Male Sheep	Male Sheep - uncollected Total Nitrogen (N) lbs/ton				
Animal Type					Medium Breed Ram					
Animal Number					1	23.00				
Animal Weight					225 lbs	Total Phosphate (P2O5) lbs/ton				
Animal Group AUs					0.23 AUs	8.00				
Animal Group AEUs					0.23 AEUs	Total Potash (K2O) lbs/ton				
Daily Manure Production per AU					40.0 lb	20.00				
Total Days Manure Produced					365 days	PSC Value				
Total Manure Produced					1.64 tons	0.80				
Days On Pasture					210 days					
Hours Per Day On Pasture					16 hrs					
Total Bedding					0.00 tons					
Total Washwater					0.00 tons					
CALCULATED - Total Uncollected Manure Per Animal Group					0.63 tons	0.63 - Tons				
CALCULATED-Total Manure Collected Per Animal Group					1.01 tons					

Appendix 3 Manure Group Information Crop Yrs. 2023	Fall Veal Manure		Spring Veal Manure		Pen Pack Manure - Pasture 1		Pen Pack Manure - Pasture 2		Agenda Item B.2.b Field P1 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 5					Female Goats	Female Goats - uncollected Total Nitrogen (N) lbs/ton				
Animal Type					Meat Goat Doe					
Animal Number					5	23.00				
Animal Weight					150 lbs	Total Phosphate (P2O5) lbs/ton				
Animal Group AUs					0.75 AUs	8.00				
Animal Group AEUs					0.75 AEUs	Total Potash (K2O) lbs/ton				
Daily Manure Production per AU					40.0 lb	20.00				
Total Days Manure Produced					365 days	PSC Value				
Total Manure Produced					5.48 tons	0.80				
Days On Pasture					210 days					
Hours Per Day On Pasture					16 hrs					
Total Bedding					0 tons					
Total Washwater					0.00 tons					
CALCULATED - Total Uncollected Manure Per Animal Group					2.10 tons	2.1 - Tons				
CALCULATED-Total Manure Collected Per Animal Group					3.38 tons					
Animal Group 6					Male Goats	Male Goats - uncollected Total Nitrogen (N) lbs/ton				
Animal Type					Meat Goat Buck					
Animal Number					1	23.00				
Animal Weight					200 lbs	Total Phosphate (P2O5) lbs/ton				
Animal Group AUs					0.20 AUs	8.00				
Animal Group AEUs					0.20 AEUs	Total Potash (K2O) lbs/ton				
Daily Manure Production per AU					40.0 lb	20.00				
Total Days Manure Produced					365 days	PSC Value				
Total Manure Produced					1.46 tons	0.80				
Days On Pasture					210 days					
Hours Per Day On Pasture					16 hrs					
Total Bedding					0.00 tons					
Total Washwater					0.00 tons					
CALCULATED - Total Uncollected Manure Per Animal Group					0.56 tons	0.56 - Tons				
CALCULATED-Total Manure Collected Per Animal Group					0.90 tons					

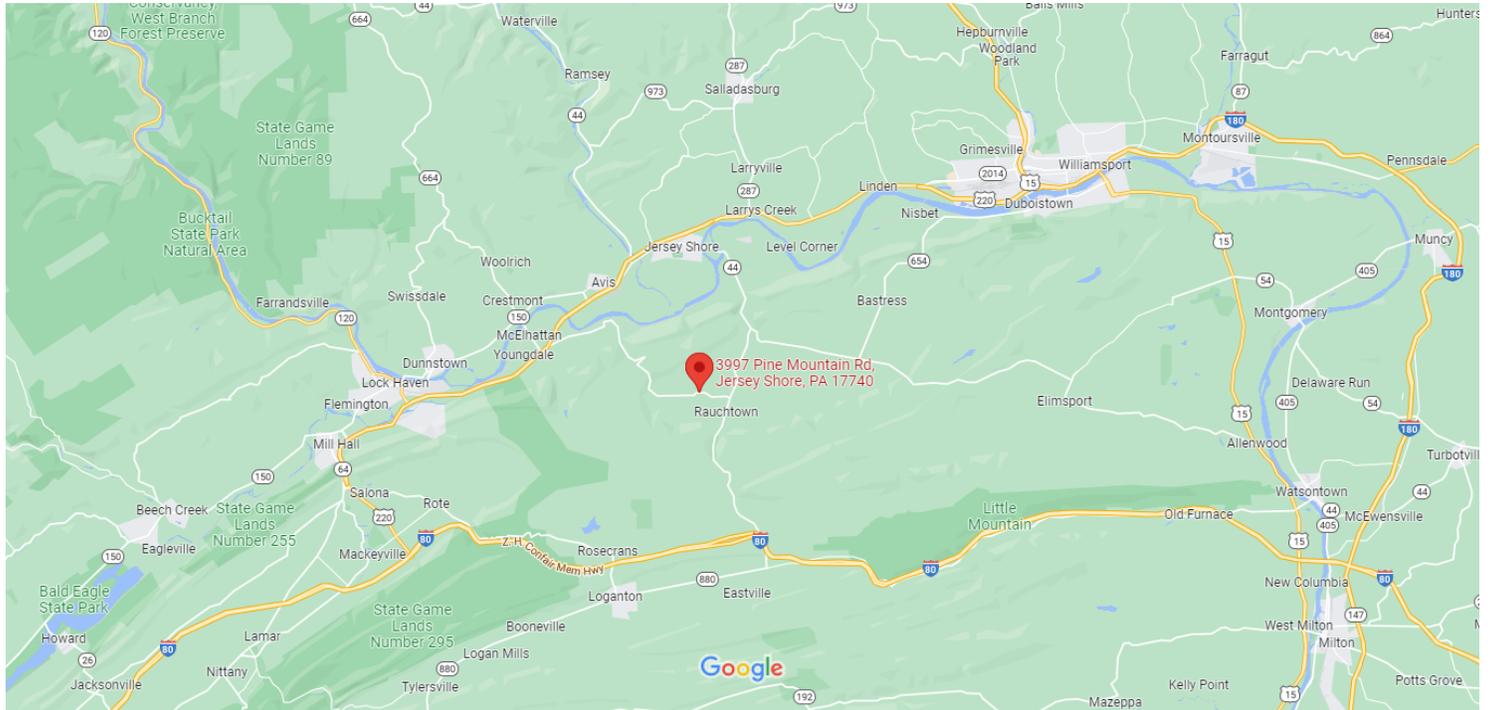
Appendix 3 Manure Group Information Crop Yrs. 2023		Field P2 - Grazing Calculator	
Manure Report Date (note if averaging several reports)	Uncollected Book		
Laboratory Name	PSU Agronomy Guide		
Manure Type	Other		
Manure Unit (lbs/ton or 1000 gal)	lb/ton		
Total Nitrogen (N) (lbs/ton or 1000 gal)	14		
Ammonium N (NH ₄ -N) (lbs/ton or 1000 gal)	0		
Total Organic N (lbs/ton or 1000 gal)	14.00		
Total Phosphate (P ₂ O ₅) (lbs/ton or 1000 gal)	5		
Total Potash (K ₂ O) (lbs/ton or 1000 gal)	8		
Percent Solids	0		
PSC Value (analytical or book value)	0.8		
Percent Moisture	100.00		
Manure Group AEU's	0.00		
Description: Site & Season Applied	Records	Grazing	
Inventory Method	Records		
	Collected Calc.		Uncollected Calc.
Manure Group Identification	Field P2 - Grazing Calculator		
CALCULATED: Total Manure Collected Per Manure Group Units	0.0 Tons		
RECORDS: Total Manure Collected Per Manure Group Unit	14.0 Tons		
Manure Used On-Farm Units	Collected 14.0 Tons		Uncollected 0.0
Manure Exported Units	0.0		
Manure Allocation Balance Units	0.0 Tons		0.0
Manure Balance as a Percent of Total Manure Collected	0.0%		
Total Rainfall and Runoff			

Appendix 3 Manure Group Information Crop Yrs. 2023	Field P2 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 1		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEUs		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		
Animal Group 2		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEUs		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		

Appendix 3 Manure Group Information Crop Yrs. 2023	Field P2 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 3		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEUs		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		
Animal Group 4		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEUs		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		

Appendix 3 Manure Group Information Crop Yrs. 2023	Field P2 - Grazing Calculator	
	Manure Generation per Animal Group	Uncollected Manure: Nutrient Analysis Book Values
Animal Group 5		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEU's		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		
Animal Group 6		
Animal Type		
Animal Number		
Animal Weight		
Animal Group AUs		
Animal Group AEU's		
Daily Manure Production per AU		
Total Days Manure Produced		
Total Manure Produced		
Days On Pasture		
Hours Per Day On Pasture		
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group		
CALCULATED-Total Manure Collected Per Animal Group		

3997 Pine Mountain Rd



Map data ©2022 Google 2 mi



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: June 6, 2022

TO: Members
State Conservation Commission

FROM: Frank X Schneider, Director
Nutrient and Odor Management Programs

Johan Berger, Director
Financial Administration, Policy, Certification & Conservation District Programs

RE: Nutrient Management Program Fiscal Year 2023-23 Budget Proposal

Action Requested

Grant approval for the Nutrient Management Program budget for Fiscal Year 2022-2023 (FY 2022-23).

Background

The proposed FY 2022-23 General Fund Budget provides an appropriation to the Nutrient Management Fund (NMF) of \$6,200,000. The attached proposed budget is based on the ‘appropriation’ to the fund and ‘spending authorization’ of \$6,761,000 under the Governors proposed state budget.

Program staff’s proposed NMF budgets provides funding for the following program elements:

- a. Prioritizes funding to conservation districts recognizing their key role in carrying out the mandates of the Nutrient and Odor Management Act, known as Act 38. The proposed allocation represents a contribution from the NMF towards a delegation agreement outlining combined Nutrient Management Program and Manure Management Program activities. Manure Management Program activities will be funded by Pennsylvania Department of Environmental Protection (Pa DEP) under the Nutrient Management and Manure Management Program delegation agreement between conservation districts, the State Conservation Commission and the Pa DEP. Delegation Agreement funding amounts will be approved under separate correspondence. Note, SCC / DEP staff are proposing an increase of \$10,000 per Full Time Equivalent (FTE). DEP is funding \$5,000 per FTE while the SCC is funding \$5,000 from the Department of Agriculture (PDA) General Government Operations (GGO) for this FY (the rate increase for years 2-5 will be asked to be included in the NMF moving forward). This rate increase is being provided for additional Required Output Measures (ROMs) and to provide a cost-of-living adjustment for the previous 5 year and the upcoming 5 years of this delegation agreement.

- b. Provides funding to farmers for implementation of financial assistance programs, such as, Agri-Link and Conservation Excellence Grants (CEG).
- c. Provides funding for educational and technical support, provided by the Pennsylvania State University (PSU) program partners, Dr. Charlie White, Dr. Robert Mikesell and program staff from the College of Agricultural Sciences. The proposed FY 2022-23 budget provides funding for the 3rd year of a 3-year contract agreement.
- d. Maintains Commission's Personnel and Operational budget for the year, based on anticipated staffing and operational expenditures for FY 2022-23 projected from the PDA budget office.
- e. Provides funding to PaOneStop in the amount of \$125,000 for ongoing maintenance, updates, and support.

A special note: USDA-NRCS staff should be recognized for their continued commitment to support the Nutrient Management Program training and certification courses and field engineering support, without the need for a state contract for their assistance.

Thank you for your consideration of this budget proposal.

Attachment

2021-22 Proposed Act 38 Nutrient Management Program Budget			
	2020-21 Actual	2021-22 Budget	Recommended Budget (22-23)
<i>Authorized Spending Authority</i>	\$6,200	\$6,749	\$6,761
Beginning Cash Balance	\$2,997	\$4,669	\$1,755
Revenue			
<i>Nutrient Management Fund Transfer</i>	\$6,200	\$6,200	\$6,200
<i>Interest</i>	\$9	\$4	\$0
<i>Other (penalties, fees, reimbursements)</i>	\$44	\$67	\$10
Total Revenue	\$6,253	\$6,271	\$6,210
Expenditures			
<i>Conservation District Funding (DEP)</i>	\$1,969	\$2,100 ¹	\$2,345 ^{1a}
<i>Conservation Excellence Grants</i>	\$1,000	\$2,000	\$2,000
<i>Agri-Link</i>	\$0	\$500	\$500
<i>PSU Education & Technical Support</i>			
<i>Nutrient Management</i>	\$252	\$227	\$232 ²
<i>Manure Hauler/Odor Management</i>	\$141	\$150	\$153 ²
<i>Pa OneStop Contract</i>	\$105	\$142	\$125
<i>Personnel</i>	\$759	\$816	\$819
<i>Operational</i>	\$355	\$411	\$554 ³
<i>Information Technology</i>	\$0	\$0	\$0
Total Expenditures	\$4,581	\$6,346	\$6,728
Ending Cash Balance	\$4,669	\$4,594	\$1,237
<i>Prior Year Commitments</i>			
<i>Conservation District Funding (DEP)</i>		\$785	
<i>Conservation Excellence Grants</i>		\$2,345	
		(\$625)	
<i>Operating</i>		\$47	
<i>Agri-Link</i>		\$1,000	
<i>Total Prior Year Commitments</i>		\$2,839	
Available Funding		\$1,755	
¹ DEP (20098) Spending Authority			
^{1a} DEP (20098) Spending Authority + PDA GGO funds (Interagency transfer needed)			
² Contract Year 3 - Certification, Technical and Training Support			
³ Includes Departmental Admin Billing			
<i>Revised (5-26-22)</i>			



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: June 29, 2022

TO: Members
State Conservation Commission

FROM: Frank X. Schneider
Director, Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

SUBJECT: Nutrient Management and Manure Management Delegation Agreement

Action Requested

Staff is requesting the State Conservation Commission (SCC) approved the proposed Act 38 Nutrient Management / Chapter 91 Manure Management Program Fiscal Year 2022 – 2027 Delegation Agreement.

Background

The Commission and the Pennsylvania Department of Environmental Protection (DEP) are currently in a joint five (5) year delegation agreement with select conservation districts for Fiscal Years 2017-2022 for Nutrient Management (NM) and Manure Management (MM). That delegation agreement concludes on June 30, 2022.

The intent of both the Commission and DEP is to enter into another joint 5-year delegation agreement for NM and MM with select conservation districts for Fiscal Years 2022-2027.

In July 2021, the SCC approved the formation of a Nutrient Management (NM) and Manure Management (MM) Delegation Agreement Workgroup to work on a new five (5) year delegation agreement.

The workgroup meet three times by conference call/webinar. The workgroup has agreed to a final form delegation agreement that includes the following:

1. Conservation Districts/Agencies/Organizations agree that a joint delegation agreement for NM and MM makes sense and should be continued.
2. The Required Output Measures (ROMs) have stayed consistent with the current delegation agreement, for the most part, with the following exceptions:
 - a. Nutrient Management Program:

- i. Removed the requirements for an annual planning meeting with partners.
 - ii. Provided clarifying language on what can constitute informal education events and whom DEP and SCC consider consultants for educational training session, etc.
 - iii. Removed the requirement that reciprocal agreements between counties needs to be sent to the SCC.
 - iv. Added that the task of identifying potential CAOs shall be a priority of the District. Districts shall develop a specific county procedure on how they plan to identify existing CAOs that have not yet been identified, as well as, new CAOs resulting from new construction, expansion, or loss of land.
 - v. The District shall identify potential CAOs in the non-traditional Act 38 livestock industry activities such as equine, along with the traditional livestock/poultry industry activities, such as dairy, poultry, swine, beef, sheep, goats, etc., on an ongoing basis
- b. Manure Management Program:
- i. Added that the District's developed and adopted outreach strategy should include inspection ("status review") criteria.

Note: An additional ROMs and change to a proposed ROM was added after the May 10, 2022 SCC meeting, as several conservation districts and commissioners were concerned with the required 10 MMP status review:

- i. The Status Review ROM was changed to reflect that if a conservation district has 1 or more Full Time Equivalent (FTE) funding that they need to perform 10 MMP status reviews or if they are funded at less than 1 FTE, they need to perform 5 MMP status reviews. OR. If a conservation district chooses not to perform status reviews they have the option to write 10 MMPs.

The draft Delegation Agreement and Required Output Measures are made part of this approval package.

The draft delegation agreement was open for a 64-day public comment period. The SCC received 11 comments from 4 commentators. Some comments had merit and changes were made as appropriate. A comment/response document is made part of this approval package. Additionally, DEP/SCC held a listen session with conservation districts on May 23, 2022 and the question/answer documents is made part of this approval package.

The draft delegation agreement has been reviewed by both PDA and DEP policy offices with all comments addressed. The draft delegation agreement has also been thru a first and second legal review by contacting, compliance and regulatory attorneys at DEP.

The workgroup has also started to look at the financial aspects of funding for the new FY22-27 delegation agreement. The financial/workload information and staff determinations on funding will be a separate SCC action item.

ATTACHMENTS:

Draft Final Delegation Agreement (Including Required Output Measures)

Comment / Response Document

Question / Answer Document

**AGREEMENT FOR DELEGATION OF
ADMINISTRATIVE RESPONSIBILITIES
FOR THE PENNSYLVANIA
NUTRIENT MANAGEMENT
AND
MANURE MANAGEMENT PROGRAMS**

THIS DELEGATION AGREEMENT is made this _____ day of _____, 2____, by and between the Commonwealth of Pennsylvania (“Commonwealth”) through its Pennsylvania State Conservation Commission (“Commission”) and its Pennsylvania Department of Environmental Protection (“DEP”), and the _____ County Conservation District (“District”).

WITNESSETH:

WHEREAS, the Commonwealth’s Nutrient Management Program (“Act 38 program”) and Odor Management Program implement the Nutrient and Odor Management regulations at 25 Pa. Code, Chapter 83 as authorized by the Nutrient and Odor Management Act, 3 Pa. C.S.A. §§ 501 *et seq.* (“Act 38”), which includes provisions for nutrient and odor management, the Clean Streams Law, 35 P.S. §§ 691.1 *et seq.* and the Conservation District Law, 3 P.S. §§ 849 *et seq.* The District will be the Commission's designee/agent in administering the Act 38 Program and Odor Management Program, as further outlined in this agreement;

WHEREAS, the Commonwealth’s Manure Management Program (“Chapter 91 program”) implements the provisions of 25 Pa. Code § 91.36 of the Clean Streams Law regulations, relating to pollution control and prevention at agricultural operations, 1920-A of the Administrative Code of 1929, 71 P.S. § 510-20, and the Conservation District Law, 3 P.S. §§ 849 *et seq.* The District will be the DEP’s designee/agent in administering Pennsylvania’s Manure Management Program, and the public notice requirements for Concentrated Animal Feeding Operations (“CAFOs”) under the Clean Streams Law;

WHEREAS, the Commonwealth’s Manure Hauler and Broker Program (“Act 49 program”) implements the provisions of the Commercial Manure Hauler and Broker Certification Act, 3 P.S. § 2010.1 *et seq.* (“Act 49”) which establishes a program to certify commercial manure brokers to develop Nutrient Balance Sheets (“NBSs”) related to exporting and importing manure, and requires brokers to submit copies of the NBSs to county conservation districts (“districts”). The District will be the Commission's designee/agent in administering certain duties and responsibilities of Pennsylvania's Commercial Manure Hauler and Broker Program, as further outlined in this agreement;

WHEREAS, § 850 of the Conservation District Law, 3 P.S. § 850, declares the policy of the Commonwealth to provide for the conservation of soil, water, and related resources of the Commonwealth;

WHEREAS, the Commission is authorized to delegate regulatory and enforcement functions to districts pursuant to § 859(2)(b) of the Conservation District Law, 3 P.S. § 859(2)(b);

WHEREAS, the Commission is authorized to delegate administrative or enforcement authority, or both, to districts that have an adequate program and sufficient resources for Act 38 program implementation pursuant to § 504(9) of Act 38, 3 Pa. C.S.A. § 504(9);

WHEREAS, the program and policies of the District are acceptable to the Commission;

WHEREAS, DEP is authorized to delegate regulatory and enforcement functions to districts under the Clean Streams Law and the rules and regulations promulgated thereunder, including the Chapter 91 program, pursuant to § 859(2)(a) of the Conservation District Law, 3 P.S. § 859(2)(a);

WHEREAS, the administration of program funding under this agreement will be consistent with the statement of policy titled, “Nutrient Management Funding Program,” 25 Pa. Code, Chapter 83, Subchapter E; and

WHEREAS, such laws, regulations, programs and policies provide for the execution of this agreement for the delegation by and between the District, DEP and the Commission for the accomplishment of work by conducting District activities and completing required output measures as described in Attachment A attached hereto.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises contained herein, the parties intending to be legally bound agree as follows:

1. **GENERAL CONDITIONS:**

DELEGATION:

- a. The Commission and DEP hereby delegate to the District certain responsibilities of the Act 38 program and Chapter 91 program, and Act 49 program, in the respective county for program implementation in accordance with all applicable state statutes, rules, regulations, and the requirements set forth in Attachment A;

WORK ELEMENTS:

- b. The District must obtain prior written approval from the Commission and DEP, of changes or additions to the General and Special Conditions of this agreement, including but not limited to the program required output measures contained in Attachment A:

INDEMNIFICATION:

- c. The Commonwealth will defend and indemnify District directors, associate District directors, and District employees when performing delegated duties or functions to the same extent as it defends and indemnifies Commonwealth employees; and all directors and employees shall have all immunities afforded by law to Commonwealth employees, 3 P.S. § 852(2);
- d. At the request of the Commission, the Attorney General and/or Office of General Counsel will provide legal services to districts as required in relation to the duties and functions outlined in the agreement, 3 P.S. § 852(2);

ADDITIONAL TERMS AND CONDITIONS:

- e. The District shall comply with the terms and conditions of Attachment B, Provisions for Commonwealth Contracts; Attachment C, Staff Resources; Attachment D, Proposal; and Attachment E, Federal Requirements, all attached to this agreement. For purposes of Attachment B, all references to the “Contractor” are references to the “District;”

SUSPENSION OF DELEGATION:

- f. When the terms and conditions of the agreement are not materially being met, the Commission and DEP, whichever is the appropriate delegating agency, may, after a 30-day notice, suspend the District's authority under this agreement until corrective action has been taken to the satisfaction of the Commission or DEP, whichever appropriate, or until the agreement is terminated;

TERMINATION:

- g. This agreement may be terminated by either the District or the Commission or DEP, whichever agency is appropriate, upon thirty (30) days prior written notice to the other parties. Within 10 days of such termination, the District shall release to the Commission or DEP, whichever agency is appropriate, all files, records, and unspent funds pertaining to this agreement;

EXAMINATION OF RECORDS;

- h. The Commission and DEP, or its agent, shall have access to and the right to examine any pertinent books, documents, letters, and reports or records involving transactions relating to the District's delegated authorities; and

NO FINANCIAL INTEREST:

- i. No District Director, District employee, Commission member, or staff of the Commission or DEP, is permitted to obtain financial benefits for himself/herself, a member of their family, or a business with which they are associated, though, or as a result of, work under this agreement. This shall not preclude the participation of the above individuals in the financial and technical assistance programs developed under Act 38, as long as their participation follows those procedures outlined in the "Pennsylvania Nutrient Management and Manure Management Manual Program Act 38 and Chapter 91 Administrative Manual" and is in accordance with applicable law, including the Public Official and Employee Ethics Act, 65 Pa. C.S. §§ 1101 et seq.

TERM:

- j. This agreement shall become effective on the date it is fully executed by the Commonwealth. The term of this agreement shall be for five (5) years from the effective date.

2. SPECIAL CONDITIONS:

- a. Duties and Responsibilities of the District. The District shall:
 - (1) Employ or retain certified employees as identified in Attachment C that are necessary to carry out the District's responsibilities as specified in this agreement. If a position becomes vacant due to a change in employment status or job responsibilities, the District shall, without delay, take all necessary actions to fill the vacancy;
 - (2) Perform all administrative functions in conformance with the "Pennsylvania Nutrient Management and Manure Management Manual Program Act 38 and Chapter 91 Administrative Manual" distributed by the Commission;
 - (3) Approve and implement written policies as directed by the Commission or DEP, whichever agency is appropriate, including those related to public access, public comment, conflict of interest, and administration of the programs. The Commission will provide sample policies for the District to consider in their efforts to develop these guidance documents;
 - (4) Provide consultative assistance to the Commission and DEP, and shall make available to the Commission or DEP, all pertinent files and records pertaining to appeals and enforcement cases that the Commission or DEP is handling within the county; and

(5) Follow the guidance of the Commission or DEP on proper biosecurity measures when carrying out their activities under the Act 38, Act 49, or Chapter 91 programs respectively.

b. Duties and Responsibilities of the Commission Relating to the Act 38 and Act 49 Program. The Commission shall:

- (1) Provide technical oversight and training to the District on Act 38;
- (2) Provide the “Pennsylvania Nutrient Management and Manure Management Manual Program Act 38 and Chapter 91 Administrative Manual” to the District, which shall include hard copies of the required reporting forms, and electronic files containing these standardized forms;
- (3) Provide financial assistance to the extent funds are available, to the District for execution of the duties and responsibilities described herein, according to the “Pennsylvania Nutrient Management and Manure Management Manual Program Act 38 and Chapter 91 Administrative Manual” and the statement of policy titled, “Nutrient Management Funding Program (25 Pa. Code, Chapter 83, Subchapter E).”
- (4) Be available to the District for consultation on matters relating to the programs, provide program information regularly and timely through Commission staff, including related correspondence or publications to ensure adequate communications concerning program changes;
- (5) Provide for administrative, technical, and appropriate computer training to the District staff, and be available, as resources allow, to attend District meetings and participate in other circumstances as requested by the District;
- (6) Ensure an adequate enforcement program is in place to process enforcement actions that the District transmits to the Commission;
- (7) Provide to the District informational materials developed for the programs to assist the District in informing the interested public;
- (8) Be responsible to perform those duties required by Act 38 that have not been delegated to the District;
- (9) Provide technical oversight and training to the District for execution of the duties and responsibilities described in Attachment A for Act 49;
- (10) Be available to the District for consultation on matters relating to Act 49; and
- (11) Be responsible to perform enforcement under Act 49 for non-compliant haulers or brokers.

c. Duties and Responsibilities of the DEP Relating to the Chapter 91 Program. The DEP shall:

- (1) Provide technical oversight and training to the District for execution of the duties and responsibilities described in Attachment A;
- (2) Provide financial assistance to the District for execution of the duties and responsibilities described in Attachment A;
- (3) When requested by the District, consult with the District on matters relating to the program;

- (4) Provide to the District informational materials developed for the program to assist the District in informing the interested public; and
 - (5) Be responsible to perform enforcement under 25 Pa. Code § 91.36 for non-compliant operations.
- d. Project Monitoring.
- (1) The District, Commission Staff, and DEP staff, whichever agency is appropriate, shall meet at the request of any of the parties to discuss the progress of work under this agreement and any related issues.
 - (2) The District, Commission staff, and DEP staff, whichever agency is appropriate, shall immediately notify the other parties, in writing, of any unusual development or circumstance which could significantly change or otherwise affect the responsibilities outlined in this agreement.
- e. Payment:.
- (1) Upon full execution of this agreement, delegation work (a) may, at the discretion of the Commission or DEP, be reimbursed from July 1, 2022 through the date of full execution and (b) shall be paid from the date of full execution through June 30, 2027 (the completion date). All work under this agreement shall be completed no later than the completion date. This agreement can be terminated through the arrangement described in Section 1.g.
 - (2) An application for available funds shall be in writing on forms approved by the Commission. The application shall be received by the deadline established by the Commission. The application shall include a budget outlining anticipated expenses.
 - (3) The approved application and budget for the first agreement year is attached to and made part of this agreement as Attachment D. Applications and budgets for subsequent contract years shall be submitted by the District for the review and approval by the Commission without the need to amend this agreement.
 - (4) Claims for reimbursement and associated quarterly reports must be submitted to the Commission, or its designated agent, within twenty-five (25) days of the end of each quarter. The submission deadlines for quarterly claims and reports are as follows: April 25, July 25, October 25, and January 25. Reimbursement shall be in accordance with the attached budget. All claims must include all appropriate reports required by the Commission and DEP.
 - (5) The Commission will suspend claim processing until receipt of required reports or the completion of all conditions of the agreement.
 - (6) Budget modifications between the categories of an approved budget for up to 10 percent of the total annual budget amount must be approved in writing by the Commission prior to expenses being incurred. All other budget modifications shall require the submission of Attachment D with amendments to the district line items. .
- f. Advance Payments
- (1) Advance payments may be requested in accordance with procedures set forth in the statement of policy titled, “Nutrient Management Funding Program” (25 Pa. Code, Chapter 83, Subchapter E).

- (2) All requests for advance payments shall be made on forms approved by the Commission.
- (3) Advance payments to cover expenses for the first quarter of each year may be requested of the Commission. Advance payments will be based on demonstrated need in accordance with the Commission approved District budget submitted with the application.
- (4) Advance payments and unspent funds shall be placed in an insured, interest bearing account. To document the amount of interest to be paid or credited to the Nutrient Management Fund, the District may use methods that are equal to the method used by the account holding the unspent program funds that follow generally accepted accounting principles.
- (5) Requests for advance payments to cover expenses for the first quarter of each year must be submitted to the Commission by January 15, or as established by the Commission.
- (6) Claims may be filed for reimbursement for the first and second quarter. Claims must be submitted to the Commission within fifteen (15) days of the end of the quarter.
- (7) Expenses for the third quarter will be submitted, but no payments will be processed until final claims are submitted at the end of the fourth quarter. A final yearly payment will be made after balancing money provided in the initial advanced payment with claims for the third and fourth quarter. No advancement of funds will be made until final approval of the previous quarterly report of expenditures is given by the Commission.
- (8) The Commission will suspend advance payment processing until receipt of required reports or the completion of all conditions of the agreement.

g. Miscellaneous

- (1) Changes – The parties agree to execute minor adjustments to this agreement through a fully executed letter of mutual consent and significant adjustments to this agreement through a fully executed written amendment. Minor adjustments shall include changes to the Required Output Measures in Attachment A. Significant adjustments shall include:
 - A. Changes to the scope of work involving the addition of specific work tasks.
 - B. Changes in payment terms. However, reallocation of budget category dollar amounts to and from other budget categories shall be considered minor adjustments, provided the maximum contract dollar amount payable by the Commission or DEP to the District is not exceeded.
 - C. Increase in the maximum dollar reimbursement amount to be paid by the Commission or DEP to the District.
- (2) This agreement embodies the entire understanding among the parties with respect to the subject matter hereof, and replaces any and all prior understandings, representations, and discussions relating to the subject matter of this agreement.
- (3) The parties will receive any notice, in writing, to the following individuals at the following addresses:
Commission: Executive Secretary

2301 N Cameron Street, Room 311
Harrisburg, Pa 17110

DEP: Director, Chesapeake Bay Program Office
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

District: _____

ATTACHMENT A
REQUIRED OUTPUT MEASURES

PROGRAM EDUCATION AND OUTREACH:

- A. The conservation district will provide education and outreach on the Nutrient and Odor Management Programs (“Act 38”), encourage participation from the public and expect participation from agricultural operations within their county.**

REQUIRED OUTPUT MEASURES:

1. The District will coordinate nutrient management education and outreach activities with other relevant cooperating agencies and organizations in the county, such as the United States Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA), Pennsylvania State University (PSU). This coordination may take place using a more informal one-on-one or small-group process for discussing education and outreach needs and activities with these parties outside of a formal meeting.
2. The District will participate in a minimum of two informational, educational and/or training programs per calendar year (this could take place through local “crop days,” “dairy days,” etc.). These programs are to provide information on the Nutrient Management Program and incentives provided to support and encourage program participation (both Concentrated Animal Operations (“CAOs”) and Volunteer Animal Operations (“VAOs”). The District may cooperate with other appropriate agencies and/or other conservation districts to sponsor. Joint programs will count as one program for each sponsoring district.
3. Separately or in cooperation with other agencies, the District will develop a minimum of three informal educational efforts per calendar year (e.g. newsletters, newspaper articles, brochures, digital media (social media), presentations, TV and radio public announcements, etc.). These efforts are to provide appropriate information to individuals that operate agricultural operations (“operations”), certified Nutrient Management Specialists (“NMSs”) developing nutrient management plans (“NMPs”) for operations within the county, and the general public.
4. The District will provide information to interested persons on Act 38 financial assistance programs supporting NMP development and implementation and advise agricultural operators (“operators”) of alternative funding sources for nutrient management plan implementation. If funds become available, the State Conservation Commission (“Commission or SCC”) will provide additional information.
5. The District, consistent with the Nutrient Management Program Compliance Strategy, will identify operations which the District believes may be CAOs, and target program outreach and information to these operators. The District will retain a copy of the animal density status for all of the identified operations. The District will assist these operators, when requested, in determining their animal density status. When a district cannot obtain cooperation from potential CAOs or those determined to be CAOs, the district will carry

out the provisions of the Commission’s enforcement strategy contained in the Administrative Manual.

- a. The task of identifying potential CAOs shall be a priority of the District. Districts shall develop a specific county procedure on how they plan to identify existing CAOs that have not yet been identified, as well as, new CAOs resulting from new construction, expansion, or loss of land.
 - b. The District shall identify potential CAOs in the non-traditional Act 38 livestock industry activities such as equine, along with the traditional livestock/poultry industry activities, such as dairy, poultry, swine, beef, sheep, goats, etc., on an ongoing basis.
6. The District will provide information on the Odor Management Program to all identified CAOs and Concentrated Animal Feeding Operations (“CAFOs”), on the requirement for an Odor Management Plan for the new or expanded construction of animal housing or manure storage facilities.
- a. This information may be provided through paragraphs 5(a) and (b), above.
 - b. The District will notify the SCC regional coordinator, in writing (electronic message is acceptable), when they receive a NMP for a new CAO or CAFO and/or when a CAO or CAFO NMP is amended that shows construction of new or expanded animal housing facilities or manure storage facilities.

B. The conservation district will assist agricultural operators and Nutrient Management Specialists with implementing the provisions of Act 38 Program and corresponding regulations.

REQUIRED OUTPUT MEASURES:

1. The District will provide assistance to agricultural operators within the county and private sector NMSs preparing NMPs for use in the county. This will include providing available preprinted resource materials (e.g. manure management manuals, fact sheets, record keeping forms, etc.) to all persons requesting information to develop a NMP within the county.
2. Districts will provide technical assistance as described in Section E below.
3. The District will assist operators of animal operations in determining if they meet the mandatory provisions of the nutrient management program in Act 38 at 25 Pa. Code, Chapter 83.

C. The conservation district is to provide the Commission with the appropriate reports to document efforts planned or completed in the Act 38 Program..

REQUIRED OUTPUT MEASURES:

The District will provide the Commission with quarterly reports that list, at a minimum: number of meetings held, number of people trained, number of educational efforts completed, number of CAO and VAO plans received, number of on-site status reviews

completed, and number of complaints received. Reports will be submitted on forms or databases supplied by the Commission.

PROGRAM COMPLIANCE:

D. The conservation district shall provide the lead role in evaluating Nutrient Management Plans (“NMPs”) to ensure they comply with the Nutrient Management regulations.

REQUIRED OUTPUT MEASURES:

1. The District will review and approve/disapprove submitted NMPs, plan amendments, plan updates, and plan transfers in accordance with those procedures outlined in the Nutrient Management regulations, the Administrative Manual, the Technical Manual and policies and guidelines established by the Commission.
 - a. In relation to reviewing owned and rented lands included in a NMP, the District will perform a site visit to all owned and rented land (crop management units (“CMUs”), included in the plan) to determine if the plan includes all the required information and that the information in the plan adequately represents the operation.
 - b. In relation to Nutrient Balance Sheets (“NBSs”) submitted as part of a NMP, the District will, based on their working knowledge of the importing operation, determine if the NBSs adequately represent the importing lands. If the District does not have a working knowledge of the importing operation, nor other agency staff who can provide this information to the District, the District will perform a site visit to assess the importing site to ensure the accuracy of the NBSs.
 - c. If NBSs for importing operations span multiple counties, the county that is reviewing the NMP shall ask for, and the importing counties shall assist, with the review and verification of the NBSs’ accuracy. The county that is reviewing the NMP will take the lead role in the development of technical comments pertaining to the accuracy of the NBSs in accordance with those procedures outlined in paragraph 1, with the importing county providing input.
 - d. The District Nutrient Management Specialist will coordinate their NMP review effort with District staff involved with the Chapter 102 program, to verify that the operation under review has a current Agricultural Erosion and Sediment Control Plan under 25 Pa. Code § 102.4(a) in accordance with the Act 38 timeframe provided for this requirement
 - e. Where a NMP is submitted for Act 38 review and approval, and that plan will also be used to meet the NRCS Comprehensive Nutrient Management Plan (“CNMP”) or 590 standard or the DEP CAFO program requirements, the District will notify the other relevant agencies of their review and coordinate their review with that agency.

- f. Where a NMP for an agricultural operation identified as a CAFO is received by the District, the District shall submit the required Pennsylvania Bulletin notices to DEP, following the program guidance contained in the Administrative Manual. The District will communicate and cooperate with the DEP in the review of those plans.
2. NMPs and plan amendments developed by the District's personnel will be reviewed by a Publicly Certified Nutrient Management Specialist employed by another district. Two or more districts may enter into a reciprocal cooperative agreement whereby they will each review and comment on the other's plans. The Board of the county where the operation is located will act on the plan for approval or disapproval. Alternatively, the Commission may assist by reviewing plans for those rare instances where the district developing the plan cannot obtain plan review assistance from another district.
3. The District will review all information submitted to implement approved plans, and to assess compliance with approved plans and the regulations. The District shall perform on-site visits at those operations thought to be out of compliance with their approved plan or the regulations based on the review of these submitted materials. Where this visit indicates that the operation is out of compliance with the approved plan or regulations, the District shall attempt to get the operator to voluntarily comply in accordance with the Administrative Manual.
4. The District Board will, based on the District Specialist's recommendation, and in accordance with the Administrative Manual, submit to the Pennsylvania Department of Agriculture (PDA), the names of those NMSs meeting the criteria established for nutrient management specialist certification revocation. These criteria are contained in the Nutrient Management Certification regulations at 7 Pa. Code Chapter 130b. The District will also submit to the PDA any supporting documentation that verifies the basis for submitting these names.
5. The District will provide the Commission with quarterly reports that summarize those activities performed during the report period. Reports will be submitted on forms or databases supplied by the Commission and according to the schedule approved by the Commission.

E. The conservation district will provide technical assistance in accordance with Commission guidelines and consistent with the Pennsylvania Technical Guide published by the USDA Natural Resource Conservation Service.

REQUIRED OUTPUT MEASURES:

1. In accordance with that section of the Administrative Manual regarding Act 38 NMP development for CAOs and CAFOs and Act 38 NMP development for Voluntary Animal Operations VAOs, the District will, to the extent possible, provide technical direction or assistance to private sector specialists and agricultural operators in the development of NMPs or portions of NMPs.
 - a. The Administrative Manual section labeled Act 38 NMP development for CAOs and CAFOs and Act 38 NMP development for VAOs, describes the

policy concerning the District's limited involvement in writing NMPs plans, and the Commission's strong direction to districts to assist operators, their private sector specialists, as well as individually certified agriculture operators in their development of those portions of the plan which the District has expertise. This may include assisting others with developing the Stormwater or Manure Management sections of plans, when requested.

Full plan development by District staff (where the District staff is the person listed in the plan as the planner) is considered a low priority, except for certification purposes. Plan development activities may be provided if the conservation district board of directors approves, resources permit and when all other delegated activities, including assistance with plan implementation, are satisfied. Districts are encouraged to enact a technical assistance policy consistent with the duties described in this section.

- b. The District will complete an animal equivalent unit ("AEU")/acre calculation sheet for any individual requesting that the District write their NMP. This calculation sheet will be signed by the agricultural operator and retained at the District office to document the CAO status of those individuals requesting plan writing assistance from the District.
 - c. The District will provide a letter, within 10 business days, to all applicable agricultural operators who request the District to write their NMP, indicating that the District cannot author NMPs unless extenuating circumstances exist, and recommends utilizing the services of a private sector specialist or becoming certified to develop their own plan. A listing of available certified commercial nutrient management specialists should be provided with this correspondence.
2. To assist in NMP implementation, the District will provide or facilitate, as resources allow, general technical assistance to program participants with approved NMPs. Technical assistance may include inventory and evaluation; developing or assisting in the development of designs; cost estimates; construction monitoring; and certification of the proposed project(s). District technical assistance must be consistent with authority provided under the USDA NRCS Job Approval Rating System or a Pennsylvania professional engineering certification. Where District staff do not hold appropriate authority for a particular project, the District may assist the appropriate agency staff but may not provide final approval for certification of the project.
 3. The District will provide technical assistance, as resources allow, consistent with paragraph 2, above for the Agriculture Linked Investment Program (AgriLink) and the Nutrient Management Plan Implementation Grant Program (Grant Program) where funding for implementation of financial assistance programs is available to the Commission. Additional details will be provided if funding becomes available.

F. The conservation district will perform status reviews on Concentrated Animal Operations, Concentrated Animal Feeding Operations, and Volunteer Animal Operations with approved NMPs to assess plan implementation efforts.

REQUIRED OUTPUT MEASURES:

1. The District will assess NMP implementation by performing annual on-site status reviews on all CAOs and CAFOs with approved plans. All CAOs and CAFOs are to be visited each year according to a formalized process for status reviews established by the Commission. Districts unable to meet this delegation requirement must contact the Commission to discuss a possible alternative schedule.
2. For those operations that are CAFOs, districts are encouraged to coordinate joint inspections with DEP to efficiently utilize program resources.
3. The District shall assist CAOs and CAFOs determined to be out of compliance based on an on-site status review, with the implementation of Best Management Practices (“BMPs”) identified in their approved plan and to comply with the Nutrient Management regulations. Operations that fail to come into compliance under the District’s efforts shall be referred to the Commission for further action, as directed in the Administrative Manual.
4. The District shall perform status reviews on VAOs (non-CAO, non-CAFO) with approved NMPs at least once every 3 years. These site visits should be structured as informal education visits to educate the operator on the advantages of implementing the plan.
5. As part of the status review for an operation the District will assess an operator’s implementation of the Operation and Maintenance plan for the BMPs included in the approved NMP. Additionally, the District will assess an operator’s Operation and Maintenance on existing BMPs that were not contained in the implementation schedule of the NMP.

G. The conservation district will investigate complaints and other instances of non-compliance submitted to the District as they relate to the provisions of the Nutrient Management regulations, and attempt to bring the operation into compliance.

REQUIRED OUTPUT MEASURES:

1. Within 7 business days of receipt of a complaint, the District will either refer the complaint to the appropriate agency if it is outside of this delegation, or if it is a complaint dealing with Act 38, the District will schedule and make a site visit to assess the issue in cooperation with other appropriate agencies or organizations. Complaints and site visits will be documented on forms provided by the Commission, with an account of the visit conveyed back to the complainant. The complaint and the site visit forms shall be retained in the District files.
2. The District will work with those operators found to be in violation of the Nutrient Management regulations to obtain voluntary compliance with these provisions in a timely manner, as specified in the Administrative Manual: SCC

Compliance and Enforcement Strategy. The District shall record any contact with these operators to document attempts to bring the areas of the operation into compliance.

3. For sites involving continued violations, the District will use the criteria established by the Commission for documentation and preparation of enforcement actions. If the District is not able to achieve compliance, it should report those instances to the Commission for further action. All actions, reports and other forms of documentation including personal observations may be used as evidence during any subsequent enforcement actions by the Commission.
4. The District will provide the Commission with quarterly reports detailing accomplishments under this agreement that list at a minimum: number of complaints, and the number and status of complaint related site visits. Reports will be submitted on forms or databases supplied by the Commission.
5. The District will conduct follow up activities consistent with the Commission's compliance and enforcement strategies on operations that the District believes to be CAOs. Activities will include assuring that the CAO status of the operation has been determined, assisting the operator with program requirements, and referring non-compliant CAOs to the Commission for enforcement action.
6. The District will refer all odor management complaints to the Commission, except for an odor management complaint arising from the spreading of manure.

H. The conservation district will be the lead agency in reviewing proposed NMP implementation extensions.

REQUIRED OUTPUT MEASURES:

1. The District will acknowledge receipt of proposed extensions to the implementation schedule of approved NMPs through written correspondence to the operator, within 5 business days of receipt.
2. The District will evaluate the proposed extensions and determine if they are acceptable based on the Nutrient Management regulations and guidance outlined in the Administrative Manual.
3. The District will correspond with the operator proposing the extension, indicating the findings of the evaluation.
4. The District will coordinate with or consult with DEP if the operation is a CAFO or coordinate with or consult with the appropriate agency if an enforcement action has been taken or is being considered.

I. The conservation district will review and approve/disapprove waivers to the manure storage setback requirements in the Nutrient Management regulations.

REQUIRED OUTPUT MEASURES:

1. The District will acknowledge receipt of proposed waivers through written correspondence to the operator requesting the waiver, within 5 business days of receipt of the request.
2. The District will file a copy of the proposed waiver with the operator's approved plan.
3. The District will provide an on-site evaluation of the proposed waiver, within 20 business days of receipt of the request, utilizing the general criteria outlined in the Administrative Manual.
4. The District will, based on the above evaluation and the guidance provided by the Commission, approve/disapprove the proposed waiver, within 90 calendar days of receipt of the request.
5. The District will inform the operator requesting the waiver, in writing, of its decision to approve/disapprove the request, within 95 calendar days of receipt of the request.

J. The conservation district will be involved in the monitoring of NMP implementation in those situations where the emergency criteria are to be used. The district will administer the processing of plan amendments due to unforeseen circumstances.

REQUIRED OUTPUT MEASURES:

1. The District will cooperate with the PDA to assure that those operations subject to Act 38 and quarantined by PDA due to a contagious disease, follow those emergency criteria outlined in the Nutrient Management regulations.
2. The District will process and file all NMP amendments developed due to unforeseen circumstances in accordance with the Administrative Manual.

K. The conservation district will assist the Commission in the administration of financial assistance programs developed by the Commission to support NMP development and implementation where funding for implementation of financial assistance programs is available to the Commission.

REQUIRED OUTPUT MEASURES:

When funding for NMP development and implementation is available to the Commission, additional details will be provided to the District for program implementation and administration..

L. The conservation district will assist the Commission in the implementation of the Act 49 Commercial Manure Hauler and Broker Certification program.

REQUIRED OUTPUT MEASURES:

1. The District will administer the Level 2 Commercial Manure Hauler test to those individuals requesting to take the test at their location. The District will only be

- expected to provide this service as the request conforms to their District office hours, and only if the District has staff and room availability to provide this service. All testing materials will be provided by the SCC/PDA.
2. When performing periodic status reviews, or site visits relating to complaints, the District will determine from the operator or from records on site if commercial manure haulers or brokers are used at the operation. If commercial haulers or brokers are used, the District will determine based on Act 49 program certification listings, whether the commercial haulers or brokers used are properly certified under Act 49.
 - a. Act 38 operations determined by the District to not be following this requirement will be addressed by the District in accordance with the guidance outlined in the Administrative Manual.
 - b. Where the District finds a commercial manure hauler or broker who is found to be in violation of certification requirements established under Act 49, the District will contact the SCC/PDA to address the issue.
 - c. The District will submit to the SCC/PDA any supporting documentation that verifies the basis for identifying a commercial manure hauler or broker under paragraph b, above.
 3. The District will review at a minimum 10% of NBSs that are submitted to the District consistent with the provisions of Act 49. The District should only be reviewing NBSs submitted for the application of manure imported into their county and not NBSs for the export of manure out of their county.
 - a. The District will work with the manure broker that authored the NBS to correct any identified deficiencies. Additional information regarding these procedures is found in the Administrative Manual
 - b. Where the District identifies a commercial manure broker who demonstrates activities inconsistent with the provisions of Act 49 (i.e. lack of submission of NBS where appropriate; continued deficiencies in the content of submitted NBS) the District will contact the SCC/PDA to address the issue. The District will submit to the SCC/PDA any supporting documentation that verifies the basis for identifying these individuals.
 4. The District will provide the Commission with quarterly reports that summarize the NBSs that were received from manure brokers and the activities related to receipt and review performed by the District during the reporting period. Reports will be submitted on forms or databases supplied by the Commission and according to the schedule approved by the Commission.

M: The district will assist the Pennsylvania Department of Environmental Protection (DEP) in the implementation of the Manure Management Program under 25 Pa. Code § 91.36 and The Clean Streams Law.

REQUIRED OUTPUT MEASURES:

1. Overall program development efforts – The District will develop and adopt a strategy to carry out its duties relating to its Manure Management Program outreach, education,

training, planning compliance and, if applicable, agricultural operation inspection, which covers the following:

- a. Identification of assistance efforts the District can provide to operators. Assistance efforts should include but, are not limited to Manure Management Plan (MMP) development, technical assistance for plan implementation and verification of accuracy of MMPs.
 - b. Identification and prioritization of types of agricultural operations the District will support with MMP development and implementation assistance efforts and services.
 - c. A written and District approved fee schedule that will be charged for Section 91.36 services performed by the District, which are beyond the required minimum outreach, education or training output measures.
 - d. Coordination of Section 91.36 Manure Management Program and Act 38 Nutrient Management Program outreach and education efforts described in paragraphs A.1 through A.3 as they pertain to overall Manure and Nutrient Management Program compliance strategies in the county.
 - e. Complaint response and referral activities, consistent with guidance provided by the DEP.
 - f. Identification of procedures to inspect agricultural operations inspection, if performed by the District, that are consistent with guidelines provide by the DEP.
2. Outreach – The District will take the lead role in the coordination of outreach activities providing general awareness on Section 91.36 requirements to the agricultural community and the general public.
- a. Activities must include a minimum of 3 outreach activities per calendar year (e.g. farmer meetings, displays at local events, publication mailings, digital media (social media) etc.).
 - b. Activities will include distribution of materials developed by the District, the DEP or other cooperating agencies or organizations.
3. Education – The District will take the lead role in the coordination of education activities to provide appropriate information pertaining to manure management planning principles and compliance with the requirements under Section 91.36 to the agriculture community.
- a. Activities must include a minimum of 1 education or training activities per calendar year (e.g. farmer meetings or workshops etc.).
 - b. Activities will include distribution of materials developed by the District, the DEP or other cooperating agencies or organizations.
4. Training – The District will facilitate workshops for agricultural operations in the development and the implementation of MMPs separately or in cooperation with other districts or agencies.
- a. The District will conduct a minimum of 1 technical training program per calendar year for operators to guide operators through the development of a MMP for the

operator's operation. Trainings could include electronic/virtual platforms or include one-on-one training opportunities to assist operators in plan development.

- b. The District will conduct a minimum of 1 technical training program targeting consultants assisting operators in the development of a MMPs or providing planning services to operators for MMP development. The target audience of the training program may include certified nutrient management specialists, manure haulers and brokers, and any individual offering manure management planning assistance, such as 4-H educators or students, FFA educators or students, private crop or pesticide consultations, etc., regardless of certification status. The implementation of this activity may be coordinated with technical trainings for operators.

5. Planning and implementation assistance.

- a. The District will provide technical assistance to operators and their consultants in developing MMPs consistent with priorities established in the District's program implementation strategy.
- b. The District will provide technical assistance to operators and their consultants in implementing their MMP consistent with priorities established in the District's program implementation strategy, as resources permit.
- c. The District will write a minimum of 10 Manure Management Plans for operators within the county. These written Manure Management Plans must be entered into PracticeKeeper. This required output measure is waived if the District chooses to perform "status reviews" under #6 below. If a conservation district has accepted Chesapeake Bay Technician Funding, this requirement is being met under that contract
- d. The District may provide full plan development for operators consistent with the District's Manure Management Program strategy and priorities, as resources permit.
- e. The District may perform quality assurance of the accuracy of MMPs and the implementation of plans, when District verification is requested by an operator consistent with the District's Manure Management Program strategy and priorities, as resources permit.

6. Farm Status Review Activities:

- a. The District shall perform status reviews of agricultural operations that use or produce manure to assess compliance with 25 Pa. Code § 91.36.
- b. The District will perform status reviews on a minimum of 10 agricultural operations (1 Fulltime Equivalent Funding or more) or 5 agricultural operations (less than 1 Fulltime Equivalent Funding). Such status reviews will be conducted consistent with guidelines or Standard Operating Procedures (SOPs) provided by DEP. This required output measure is waived if the District chooses to write Manure Management Plans under #5 above. If a conservation district has accepted Chesapeake Bay Technician Funding, this requirement is being met under that contract.

7. Complaint Response and referral

- a. Within 7 business days of receipt of a complaint, the District will either refer the complaint to the appropriate agency if it is outside of this delegation, or if it is a complaint dealing with Section 91.36 activities, the District will schedule and make a site visit to assess the issue in cooperation with other appropriate agencies or organizations. Complaints and site visits will be documented on forms provided by the DEP, with an account of the visit conveyed back to the complainant. The complaint and the site visit forms shall be retained in the District files.
 - b. The District will work with agricultural operators found to be in violation of Section 91.36 to obtain compliance with its provisions as specified in guidance provided by the DEP. The District shall record any contact with agricultural operators to document attempts to bring the operation into compliance.
 - c. Agricultural operations involving continued violations and where compliance cannot be obtained by the District are to be reported to the DEP for further action. The District will use the criteria established by the DEP for documentation and preparation of enforcement actions. All actions, reports and other forms of documentation including personal observations may be used as evidence during any subsequent enforcement actions by the DEP.
8. The District will provide the DEP with quarterly reports detailing accomplishments under this agreement that includes, outreach and educational efforts completed, trainings and workshop provided to operators and consultants, technical assistance activities provided to operators, manure management plans written, status reviews performed, the number of complaints, and the number and status of complaint related site visits. Reports will be submitted on forms or databases (PracticeKeeper) supplied by the Department.
 9. Compliance Inspections_- The District may perform inspections (and additional status reviews above the requirement in #5 above) of any agricultural operation to assess compliance with Section 91.36 and review MMP implementation efforts.
 - a. The District may assess compliance with Chapter 91 and the MMP requirements by performing on-site inspections of any non-CAO, non-CAFO agricultural operation.
 - b. The District may assist operations determined to be out of compliance based on an inspection or implementation of the BMPs required for or identified in their MMP. The District shall follow its agricultural complaint response policy and the guidelines or SOPs provided by DEP for operations that fail to come into compliance through the District's efforts.
 - c. As part of the District's inspection, the District may assess an operator's implementation of the Operation and Maintenance Plan for the BMPs included in the MMP.
 10. Recordkeeping. – The District will retain as separate files: the quarterly reports required by the Department; the District's Manure Management Program outreach, education and training, and compliance implementation strategy, including the date when this strategy was adopted; the District's approved fee schedule, including the date when this

fee schedule was adopted; and MMP development and verification information, as required by the DEP.

ATTACHMENT B

Commonwealth Terms and Conditions (April, 2019)

1. COMMONWEALTH HELD HARMLESS

- a. The Contractor shall hold the Commonwealth harmless from and indemnify the Commonwealth against any and all third party claims, demands and actions based upon or arising out of any activities performed by the Contractor and its employees and agents under this Contract, provided the Commonwealth gives Contractor prompt notice of any such claim of which it learns. Pursuant to the Commonwealth Attorneys Act (71 P.S. Section 732-101, et seq.), the Office of Attorney General (OAG) has the sole authority to represent the Commonwealth in actions brought against the Commonwealth. The OAG may, however, in its sole discretion and under such terms as it deems appropriate, delegate its right of defense. If OAG delegates the defense to the Contractor, the Commonwealth will cooperate with all reasonable requests of Contractor made in the defense of such suits.
- b. Notwithstanding the above, neither party shall enter into any settlement without the other party's written consent, which shall not be unreasonably withheld. The Commonwealth may, in its sole discretion, allow the Contractor to control the defense and any related settlement negotiations.

2. NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

The Contractor agrees:

- a. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Contractor, each subcontractor, or any person acting on behalf of the Contractor or subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
- b. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract.
- c. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the contract.

d. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the *Public Employee Relations Act*, *Pennsylvania Labor Relations Act* or *National Labor Relations Act*, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

e. The Contractor and each subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contracted services are performed shall satisfy this requirement for employees with an established work site.

f. The Contractor and each subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of PHRA and applicable federal laws, against any subcontractor or supplier who is qualified to perform the work to which the contract relates.

g. The Contractor and each subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws, regulations and policies relating to nondiscrimination and sexual harassment. The Contractor and each subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Contractor and each subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the contracting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for purpose of ascertaining compliance with provisions of this Nondiscrimination/Sexual Harassment Clause.

h. The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.

i. The Contractor's and each subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor and each subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the contract, it becomes aware of any actions or occurrences that would result in violation of these provisions.

j. The Commonwealth may cancel or terminate the contract and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this

Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the Contractor in the Contractor Responsibility File.

3. CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania (“Commonwealth”) observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

a. **DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

- 1) **“Affiliate”** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.
- 2) **“Consent”** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.
- 3) **“Contractor”** means the individual or entity, that has entered into this contract with the Commonwealth.
- 4) **“Contractor Related Parties”** means any affiliates of the Contractor and the Contractor’s executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.
- 5) **“Financial Interest”** means either:
 - a) Ownership of more than a five percent interest in any business; or
 - b) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.
- 6) **“Gratuity”** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the [*Governor’s Code of Conduct, Executive Order 1980-18*](#), the 4 Pa. Code §7.153(b), shall apply.
- 7) **“Non-bid Basis”** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

b. In furtherance of this policy, Contractor agrees to the following:

- 1) Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.
- 2) Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.
- 3) Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.
- 4) Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.
- 5) Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:
 - a) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;
 - b) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;
 - c) had any business license or professional license suspended or revoked;
 - d) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and
 - e) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's

obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract if becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

- 6) Contractor shall comply with the requirements of the *Lobbying Disclosure Act (65 Pa.C.S. §13A01 et seq.)* regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the *Section 1641 of the Pennsylvania Election Code (25 P.S. §3260a)*.
- 7) When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.
- 8) Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.
- 9) Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

- 10) For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

4. CONTRACTOR RESPONSIBILITY PROVISIONS (Rev. March 2021)

For the purpose of these provisions, the term Contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term Contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs

shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may search the current list of suspended and debarred Commonwealth contractors by visiting the eMarketplace website at <http://www.emarketplace.state.pa.us> and clicking the Debarment List tab.

5. AMERICANS WITH DISABILITIES ACT

- a. Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C.F.R. § 35.101 et seq., the Contractor understands and agrees that it shall not cause any individual with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the “General Prohibitions Against Discrimination,” 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans With Disabilities Act which are applicable to all benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.
- b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor’s failure to comply with the provisions of subparagraph a above.

6. APPLICABLE LAW

This Contract shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Contractor consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Contractor agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

7. RIGHT TO KNOW LAW

- a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, (“RTKL”) applies to this Contract. For the purpose of these provisions, the term “the Commonwealth” shall refer to the contracting Commonwealth agency.
- b. If the Commonwealth needs the Contractor’s assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal

contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

- c. Upon written notification from the Commonwealth that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:
 - 1) Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and
 - 2) Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.
- d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.
- e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.
- f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth.
- g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

- h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.
- i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

8. OFFSET PROVISION

The Contractor agrees that the Commonwealth of Pennsylvania (Commonwealth) may set off the amount of any state tax liability or other obligation of the Contractor or its subsidiaries to the Commonwealth against any payments due the Contractor under any contract with the Commonwealth.

ATTACHMENT C

Staff resources of the county conservation district to be committed to completion of all Nutrient Management and Manure Management program requirements and responsibilities specified in the delegation agreement executed _____, 2_____, between the _____ County Conservation District and the Pennsylvania State Conservation Commission and the Pennsylvania Department of Environmental Protection.

- A. Name: _____ Title: _____
1. Education: _____ Year: _____
 2. List License And/or Certification: _____

 - 3 License/Certification Expiration Date: _____
 4. Years In Current Position: _____

B. Listing of Act 38/Chapter 91 Work Assignments in Percentage (%) Of Total Employee Work Time:

1. Administration (General) : _____%
2. Education (To Others) : _____%
3. Training (By Others) : _____%
4. Technical Assistance : _____%
5. Review Of Plans : _____%
6. Approval Of Plans : _____%
7. Program Compliance & Inspections: _____%

C. **Other: List Any Other Pertinent Information, Work Experience and Training On Separate Sheets of Paper And Attach To This Sheet:**

ATTACHMENT D

Date: _____

NUTRIENT MANAGEMENT / MANURE MANAGEMENT PROGRAM DELEGATION AGREEMENT PROPOSAL FORM

_____ CONSERVATION DISTRICT

I. Delegation Option:

_____ Single District

or

_____ Multi-district

(List Districts Involved)

_____ Host District

_____ Associate District

_____ Associate District

_____ Associate District

II. Time Period Covered by the Proposal: July 1, 2022 to June 30, 2023

III. Technical Staff Working for the Nutrient and Manure Management Programs

A. _____ Number of Conservation District Staff providing all their time to these programs

B. _____ Number of Conservation District Staff providing a portion of their time to these programs

C. _____ Number of the above staff currently certified under the Act 38 Program

D. _____ Total hours/week doing Nutrient Management/ Manure Management Program work (total for all staff above)

E. _____ Total hours/week the staff included in "A" and "B" above is doing other work (List other work being carried out by these staff)

F. Please complete the following table for each relevant staff person including the name of the staff person, **total salary and benefits cost for the position**, name of the program funding source (list all sources, including Act 38, ACT, county funding, district fees, Chesapeake Bay Program, NRCS cooperative agreements, etc.) and the program funding amount.

Staff Person Name	Total Salary and Benefits Cost	Program or Funding Source Name (use multiple lines or sheets if necessary)	Salary and Benefits Amount Funded

(Use additional page(s) if necessary)

IV. Narrative Description of the Proposal

(Add or modify the description if necessary)

We agree to carry out the responsibilities relating to the Nutrient Management and Manure Management programs and regulations in accordance with the conditions and duties as described in the delegation agreement and appropriate guidelines in the “Pennsylvania Nutrient Management and Manure Management Manual Program, Act 38 and Chapter 91 Administrative Manual”, in accordance with conditions and duties described in the delegation agreement and guidance provided by the State Conservation Commission and the Department of Environmental Protection. Claims for reimbursement will be for the performance of the duties listed in Attachment A in accordance with the approved budget.

V. Budget Proposal

(Please complete the attached budget sheets)

Final Draft
June 2022

VI. Authorization

Action was taken by the _____ District Board on _____
to approve this proposal.

Representative of the Conservation District

Name (type or print) _____

Signature _____

Title _____

Grantee agrees to provide their signature and accept the SCC's and DEP's electronic signatures on the agreement making it a legally binding contract.

Representative of the Conservation District

Name (type or print) _____

Signature _____

Title _____

State Conservation Commission

X _____
Karl G. Brown
Executive Secretary
State Conservation Commission

Department of Environmental Protection

X _____
Jill Whitcomb
Director, Chesapeake Bay Program Office
Department of Environmental Protection

I hereby certify funds in the amount of _____ are available under appropriation

Bay counties (split funded):

7025800000 - 2021 - 3533020000 - V14953000000 - 6600300 (CFDA# 66.466) _____

2009800000 - 2021 - 3533020000- V14953000000 - 6600400 _____

Non-Bay counties

2009800000 - 2021 - 3533020000 - 3530239001 - 6600400 _____

X _____
Comptroller

SAP Doc. No. _____

BUDGET WORKSHEET

FOR

July 1, 2022 - June 30, 2023

DISTRICT _____

Salaries \$ _____

Benefits \$ _____

Travel Costs \$ _____

Equipment Costs \$ _____

Administrative Costs

_____	County \$	_____

Administrative Subtotal

\$ _____

Other/Miscellaneous (list budget items from approved categories)

_____	\$	_____
_____	\$	_____

Budget Total (transfer this total figure to the Budget Sheet page) \$ _____

Final Draft
June 2022

NUTRIENT MANAGEMENT (ACT 38) and MANURE MANAGEMENT (25 Pa. Code
§ 91.36) PROGRAM DELEGATION AGREEMENT BUDGET SHEET

FOR

Fiscal Year: July 1, 2022 - June 30, 2023

CONSERVATION DISTRICT: _____

Delegation Agreement Budget Request \$ _____

ATTACHMENT E

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FEDERAL REQUIREMENTS

If this Agreement is funded in whole or in part with funds from the Federal Government, or by non-Federal funds used to match a Federal grant, the following provisions apply:

1. All work under this Agreement shall be performed in accordance with applicable statutes, rules and regulations of the Federal Government. All applicable Federal statutes and provisions of the Code of Federal Regulations (CFR) in effect on the date of execution of this Agreement are an integral part of this Agreement.
2. All applicable contract provisions specified by the Federal Government are an integral part of this Agreement.
3. If this Agreement is funded in whole or in part by a grant from the United States Environmental Protection Agency (EPA), all applicable provisions of 40 CFR Parts 31 and 35 (Subpart O), in effect on the date of the Assistance Award for this project, are an integral part of this Agreement. Further, Contractor shall comply with the provisions pertaining to conflict of interest set forth at 40 CFR §35.6550(b)(2)(ii).
4. Rights to Inventions Made Under a Contract or Agreement – Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the Federal Grantor Agency. Further this Agreement is subject to Federal Grantor Agency requirements and regulations pertaining to reporting and patent rights if the Agreement involves research, developmental, experimental or demonstration work with respect to any discovery or invention which arises or is developed in the course of or under this Agreement, as well as Federal Grantor Agency requirements and regulations pertaining to copyrights and rights in data.
5. Equal Employment Opportunity – All contracts shall contain a provision requiring compliance with Executive Order 11246, “Equal Employment Opportunity,” as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as supplemented by regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
6. Audit/Compliance Review Requirements

Audit Requirements

The Contractor must comply with all Federal and State audit requirements including: the Single Audit Act Amendments of 1996; Office of Management and Budget (OMB) Circular A-133, “Audits of States, Local Governments and Non-Profit Organizations,” as amended; and any other applicable law or regulation and any amendment to such other applicable law or regulation which may be enacted or promulgated by the Federal government.

If the Contractor is a local government or non-profit organization and expends total Federal awards of \$500,000 or more during its fiscal year, received either directly from the Federal Government or indirectly from a recipient of Federal funds, the Contractor is required to have an audit made in accordance with the provisions of OMB Circular A-133.

If the Contractor expends total Federal awards of less than \$500,000 during its fiscal year, it is exempt from these audit requirements, but is required to maintain auditable records of Federal awards and any State funds which supplement such awards, and to provide access to such records by Federal and State agencies or their designees.

Submission of Audit Information to the Commonwealth

The Contractor shall submit copies of the audit report package to the Commonwealth, which shall include:

1. Data Collection Form.
2. Financial statements and schedule of expenditures of Federal awards.
3. Auditor’s reports on the financial statements and schedule of expenditures of Federal awards, internal control, and compliance as well as a schedule of findings and questioned costs.
4. Summary schedule of prior audit findings.
5. Corrective action plan.
6. Management letter comments.

The number of copies to be submitted shall equal one for the Bureau of Audits (archival copy) plus one for each Commonwealth agency which provided Federal pass-through awards to the entity, as reflected in the entity's Schedule of Expenditures of Federal Awards. The audit report package should be submitted to:

Office of the Budget/Bureau of Audits
Division of Subrecipient Audit Review
Verizon Tower - 6th Floor
303 Walnut Street
Harrisburg, PA 17101
Phone: 717-783-9120 Fax: 717-783-0361

In instances where a Federal program-specific audit guide is available, the audit report package for a program-specific audit may be different and should be prepared in accordance with the audit guide and OMB Circular A-133.

General Audit Provisions

The Contractor is responsible for obtaining the necessary audit and securing the services of a certified public accountant or other independent governmental auditor. Federal regulations preclude public accountants licensed in the Commonwealth of Pennsylvania from performing audits of Federal awards.

The Commonwealth reserves the right for Federal and State agencies or their authorized representatives to perform additional audits of a financial or performance nature, if deemed necessary by Commonwealth or Federal agencies. Any such additional audit work will rely on work already performed by the Contractor's auditor, and the costs for any additional work performed by the Federal or State agencies will be borne by those agencies at no additional expense to the Contractor.

Audit documentation and audit reports must be retained by the Contractor's auditor for a minimum of five (5) years from the date of issuance of the audit report, unless the Contractor's auditor is notified in writing by the Commonwealth or the cognizant or oversight Federal agency to extend the retention period. Audit documentation will be made available upon request to authorized representatives of the Commonwealth, the cognizant or oversight agency, the Federal funding agency, or the Government Accountability Office.

7. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) - Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.). Violations shall be reported to the Regional Office of the EPA.

8. Contractor shall comply with mandatory standards and policies relating to energy efficiency in compliance with the U.S. Energy Policy and Conservation Act (Pub. L. 94-163).
9. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) – Where applicable, all contracts awarded by recipients in excess of \$100,000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
10. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) – All contracts and subgrants in excess of \$100,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal Grantor Agency.
11. Davis-Bacon Act (40 U.S.C. 276a to a-7) – When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination.

The recipient shall report all suspected or reported violations to the Federal Grantor Agency.

12. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Contractors who apply or bid for an award of more than \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
13. Debarment and Suspension (Executive Orders 12549 and 12689) - No contract shall be made to parties listed on the General Services Administration’s List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, “Debarment and Suspension.” This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.
14. This commitment is contingent upon funds being appropriated by the legislature for each succeeding fiscal year and Federal funds being provided to the Commonwealth for the contract purpose.
15. Federal Funding Accountability and Transparency Act (FFATA or Transparency Act)

For all federally funded grants that DEP issues (except ARRA grants):

16. Registration and Identification Information

Grantee must maintain current registration in the System for Award Management (www.sam.gov) at all times during which it has active federal awards funded pursuant to this agreement. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the System for Award Management.

Grantee must provide its assigned DUNS number, and DUNS + 4 number if applicable, to the Commonwealth along with Grantee’s return of the signed grant agreement. The Commonwealth will not process this grant until such time that Grantee provides this information.

17. Primary Location

Grantee must provide to the Commonwealth the primary location of performance under the award, including the city, State, and zip+4. If performance is to occur in multiple locations, then Grantee must list the location where the largest amount of the grant award is to be expended pursuant to this grant agreement.

Grantee must provide this information to the Commonwealth along with Grantee's return of the signed grant agreement. The Commonwealth will not process this grant until such time that Grantee provides this information.

18. Compensation of Officers

Grantee must provide to the Commonwealth the names and total compensation of the five most highly compensated officers of the entity **if**—

- (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards; and
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and

- (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

If the Grantee does not meet the conditions listed above, then it must specifically affirm to the Commonwealth that the requirements of this clause are inapplicable to the Grantee.

Grantee must provide information responding to this question along with Grantee's return of the signed grant agreement. The Commonwealth will not process this grant until such time that Grantee provides the information responding to this question.

ATTACHMENT F

WORKER PROTECTION AND INVESTMENT CERTIFICATION FORM

- A. Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania’s Unemployment Compensation Law, Workers’ Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:
1. Construction Workplace Misclassification Act
 2. Employment of Minors Child Labor Act
 3. Minimum Wage Act
 4. Prevailing Wage Act
 5. Equal Pay Law
 6. Employer to Pay Employment Medical Examination Fee Act
 7. Seasonal Farm Labor Act
 8. Wage Payment and Collection Law
 9. Industrial Homework Law
 10. Construction Industry Employee Verification Act
 11. Act 102: Prohibition on Excessive Overtime in Healthcare
 12. Apprenticeship and Training Act
 13. Inspection of Employment Records Law
- B. Pennsylvania law establishes penalties for providing false certifications, including contract termination; and three-year ineligibility to bid on contracts under 62 Pa. C.S. § 531 (Debarment or suspension).

CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the contractor/grantee identified below, and certify that the contractor/grantee identified below is compliant with applicable Pennsylvania state labor and workplace safety laws, including, but not limited to, those listed in Paragraph A, above. I understand that I must report any change in the contractor/grantee’s compliance status to the Purchasing Agency immediately. I further confirm and understand that this Certification is subject to the provisions and penalties of 18 Pa. C.S. § 4904 (Unsworn falsification to authorities).

Signature	Date
Name (Printed)	
Title of Certifying Official (Printed)	
Contractor/Grantee Name (Printed)	

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**Draft Fiscal Year 2022 – 2026 Nutrient and Manure Management Delegation
Agreement
Required Output Measures
Comment and Response
March 31, 2022**

Commentator:

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Comment / Response

**Draft Fiscal Year 2022 – 2026 Nutrient and Manure Management Delegation
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1. **Comment:** *Removed the requirements for an annual planning meeting with partners* – Historically the conservation districts in the Natural Resources Conservation Service’s (NRCS’) Southeast 6 Field Team would all meet to discuss major resource concerns we were seeing, sharing opportunities for addressing these concerns. This meeting let us meet our delegation agreement requirement, and it helped NRCS meet their local ranking priority meeting requirements. I believe NRCS no longer has the local ranking priorities requirement since they have moved to CART software for ranking.

In a time when Districts/ NRCS / PSU Extension/ Ag Preservation seem to be drifted into more separate work channels, I think it is a mistake to remove this requirement. I realize we can still meet without it being a requirement, however it seems like without it being a requirement, it will get forgotten. I have found this meeting to be helpful in the past in sharing what NRCS/ Districts/ PSU/ Ag Preservation are all working on, struggling with, and ways to complement each other. We are a field team where nobody is co-located. (1)

Response: The State Conservation Commission (SCC) appreciates this comment. As mentioned in the comment, although an annual planning meeting is no longer required under the agreement, the conservation district and other partners may meet voluntarily. The SCC is no longer requiring the meeting since not all conservation districts have adequate resources to participate in such a meeting.

2. **Comment:** Section E 1 a says the District should have “limited involvement” in writing plans, E 1 a I says it’s a “low priority” and E 1 c says to write a letter saying Districts “cannot” write plans. I know what you’re trying to say, but these three statements don’t quite mesh. (2)

Response: The SCC appreciates this comment and appropriate edits have been made to this section of the agreement.

Comment / Response

Draft Fiscal Year 2022 – 2026 Nutrient and Manure Management Delegation Agreement Funding Formula

1. **Comment:** The formula factors seem appropriate, clarity on where the data is pulled from and the actual formula would be helpful. (1)

Response: The SCC appreciates this comment and will provide the data sources when asking for approval by the SCC

2. **Comment:** How are number of animal farms in a county counted? Just wondering if equine farms are being counted. (1)

Response: The number of animal farms comes from the 2017 United States Department of Agriculture (USDA) National Agriculture Statistic Service (NASS) Census of Agriculture. This category includes horses, ponies, mules, burros, and donkeys.

3. **Comment:** Formula factors weight - When comparing Bucks’ 0.25 Full Time Equivalent (FYE) Nutrient Management (NM) rate to other counties with the same 0.25 FTE rate, it seems like Bucks have [sic] a much higher Act 38 Nutrient Management / Chapter 91 complaints workload. Not sure if all the formula factors are weighted equally? (1)

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Response: Complaint workload was not included in the funding formula. Since the number and complexity of complaints received by a district depends on several factors and the workload necessary to respond to these complaints cannot be predicted, workload was not included in the formula.

4. **Comment:** Even though the total number of NMPs provides a significant workload, it should not be the only determining factor for funding. Total number of animal operations should also play a role in this determination as this is an indication of how much NM/MM work there should be in a county. (3)

Response: The SCC appreciates this comment. The number of animal operations is part of the funding formula.

5. **Comment:** Total number of horse/pony farms may be misleading based on the amount of NM/MM work they require. For example, does the number of horse farms in Lancaster County include all the Amish farms that are dairy (or poultry) operations with 4 work horses? Do these horse operations include all the backyard horse owners with 1-2 horses on an acre? In addition, most horse operations do not have a large amount of crop fields (with multiple crops and multiple manure applications). Horse operations will typically have grass hay fields and pastures, but may have a number of Nutrient Balance Sheets for exporting their manure. (3)

Response: The SCC appreciates this comment and has removed the number of equine operations for the funding formula.

6. **Comment:** Dairy operations with MMPs and NMPs tend to be more work due to multiple manure groups and a large amount of double cropping.
- a. If NMPs no longer have to be amended due to adding new acreage, the workload for dairy NMPs may be a little less.
 - b. Most dairies do not export a lot of their manure, which means each of their fields is listed separately in Appendix 4 (not in NBSs where 1,000 acres can be combined together under one crop group). A lot of dairies in the southern part of the state double crop and have multiple manure groups, which means that each field has numerous entries into Appendix 4. (3)

Response: The SCC appreciates this comment. At this time, one of the only matrices that could be used to compare counties would be the number of acres subject to NMPs and MMPs. It would not be appropriate to simply consider acres that are part of agricultural operations within the county since districts must utilize additional resources for those subject to NMP and MMP requirements. .

Additionally, if the formula was altered to only consider acres, the work associated with the number of NMPs for operations within an integrated industry would be discounted since these operations are located on smaller acreages.

7. **Comment:** If two counties have the same amount of NMPs, but one has mostly CAFOs/CAOs and the other has mostly VAOs, the county with the higher number of CAFOs/CAOs is going to have a larger workload.
- a. VAOs only require a status review once every 3 years, and CAOs/CAFOs require a status review every year.
 - b. VAOs typically have smaller NMPs and do not take as much time to review when they are amended and updated. (3)

Response: The SCC appreciates this comment. The number of CAOs, CAFOs, and VAOs are accounted for separately, with VAOs receiving the least amount of credit as one of the three types of operations factored into the formula.

8. **Comment:** Using Nutrient Balance Sheet reviews as a guide to determine the level of NM funding may not be the most accurate.
- a. If NBSs are produced by brokers under Act 49, only 10% of those NBSs must be reviewed (not all of them).
 - b. Act 49 NBSs are supposed to be reviewed by the importing county, not the exporting county (according to the NM Administrative Manual).
 - c. Act 38 NBSs will be part of the overall NMP and will be reviewed by the county where the operation is located (which could increase the workload). (3)

Response: The SCC appreciates this comment and was not included in the workload analysis. In regards to a., although only 10% of the NBSs must be reviewed, all NBSs are entered into PracticeKeeper. In regards to b., the exporting county's workload is minimal since they only need to file the NBSs in the exporter's file. In regards to c., the commentator is correct that NBSs are part of the NMP, which will be reviewed by the county where the operation is located. However, the funding formula takes the manure broker's workload into account, not the county's workload in reviewing the NMP, which contains the NBS.

9. **Comment:** If Districts do not write Manure Management Plans (MMPs), maybe they should not receive as much MMP funding. Completing a MMP for 2 horses is going to be a lot less work than completing a MMP for a dairy operation with 800 acres. (3)

Response: The SCC acknowledges this comment. MMP instances and acres were not part of the workload analysis

10. **Comment:** Are Animal Equivalent Units (AEUs) considered when you look at CAOs and CAFOs? For example, Hillandale with 21,241.89 AEUs isn't

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comparable with Mason Dixon (3,446.00 AEUs) which isn't comparable to a small CAFO with 300 AEUs. All 3 would operate under one CAFO permit and one NM plan each. If AEUs aren't part of the funding equation, we wonder if it should?

Response: The SCC appreciates this comment. At this time, number of AEUs is not part of the funding formula. The relevant workload factor is the number of NMPs and MMPs within the district since the work associated with NMPs and MMPs requires additional resources from districts.

11. **Comment:** Explain or give an example of what a manure management plan activity is

Response: The draft Required Output Measures (ROMs) provide detail on MMP activities and provide examples and guidance.

May 23, 2022
DEP/SCC Listening Session on Nutrient Management / Manure Management Delegation Agreement
Questions and Answers

Question: The opening statement of Section 9 of the CDL states "The directors of a district shall have the following powers in addition to those granted in other sections of this act." Does not say must execute the powers.

Answer: It is clear that the CDL contemplates "Inspections" and the preservation of natural resources, as underlined below (pay specific attention to Section 19 (17)):

Section 2 of the CDL law states:

Declaration of Policy.--It is hereby declared to be the policy of the Commonwealth:

(1) To provide for the conservation of the soil, water and related resources of this Commonwealth, and for the control and prevention of soil erosion, and thereby to preserve natural resources; assist in the control of floods; assist in developing and implementing plans for storm water management; prevent impairment of dams and reservoirs; assist in maintaining the navigability of rivers and harbors; protect air quality; preserve wildlife; preserve the tax base; protect public lands; and protect and promote the health, safety and general welfare of the people of the Commonwealth.

(2) To designate conservation districts as a primary local government unit responsible for the conservation of natural resources in this Commonwealth and to be responsible for implementing programs, projects and activities to quantify, prevent and control nonpoint sources of pollution.

(3) To authorize and encourage conservation districts to work in close cooperation with landowners and occupiers, agencies of Federal and State Government, other local and county government units and other entities identified and approved by the commission for the purposes of effectuating programs and policies under this act.

Section 9 of the CDL states:

Powers of Districts and Directors.--The directors of a district shall have the following powers in addition to those granted in other sections of this act:

(1) To conduct surveys, investigations and research relating to the character of soil erosion and the preventive control measures needed and to publish the results of such surveys, investigation or research, and disseminate information concerning such preventive and control measures after securing approval from the commission and to provide notification and documentation to the commission to avoid duplication of existing work;

(2) To employ the necessary personnel to properly conduct the operations of the district and provide adequate and necessary insurance coverage for directors and employees, and appropriate fringe benefits for employees, provided funds are available for such purposes;

(3) To carry out preventive and control measures within the district, including but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land and drainage operations on lands owned or controlled by this Commonwealth or any of its agencies with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the written consent of the owner and occupier of such lands or the necessary rights or interests in such lands;

(4) To cooperate or enter into agreements with, and to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district in carrying on erosion and sediment control and prevention operations and other best management practices, for effective conservation and utilization of the lands within the district, subject to such

conditions as the directors may deem necessary to advance the purposes of this act: Provided, however, That such agreements are within the limits of available funds or within appropriations made available to it by law;

(5) To obtain options upon, and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property real or personal or right or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; to sell, lease or otherwise dispose of any of its property or interests therein; and to borrow and invest money and to apply for, receive and use low-interest loans in furtherance of the purposes and the provisions of this act;

(6) To make available on such terms as it shall prescribe to land occupiers within the district, agricultural and engineering machinery and equipment; fertilizer, seeds and seedlings and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the effective conservation and utilization of soil resources; and for the prevention and control of soil erosion;

(7) To construct, improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this act;

(8) To assist and advise owners and occupiers of land in developing and/or implementing plans for storm water management, water use, water management and water pollution control, soil erosion control and conservation of water and soil resources, including recommended engineering practices, cultivation methods, cropping programs, tillage practices and changes of land use;

(9) To assist and advise county and municipal governments in subdivision and land development reviews, developing and implementing storm water management plans and programs and in administering programs for flood control, flood plain management, water use, water management and water pollution control and other natural resource concerns;

(9.1) To engage in any of the following activities: wetland construction and maintenance; reclamation of mine lands; reclamation of soil erosion; water management; management of parks, trails and related facilities; management of forest lands and roads; road maintenance; odor management and air quality; development of alternative energy resources; or any other natural resource program approved by the commission. Nothing in this subsection is intended to diminish, limit or interfere with the authority provided State agencies under other laws of this Commonwealth;

(10) To conduct educational programs relating to any natural resource program approved by the conservation district and to publish related educational materials;

(11) To accept, upon approval by the commission, any authority delegated by municipal or county governments, the Commonwealth or Federal Government;

(12) To sue and be sued in the name of the district; to have perpetual succession unless terminated as hereinafter provided; to make policies and procedures necessary or convenient to the exercise of its powers and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this act to carry into effect its purposes and powers; (13)

(a) As a condition to extending any benefits under this act, or to the performance of work upon any lands not owned or controlled by the Commonwealth or any of its agencies, the board of directors may require contributions in money, services, materials or otherwise to any operations conferring such benefits and may require land occupiers to enter into and perform such agreements or covenants as to the long-term use of such lands as will tend to prevent or control accelerated erosion thereon.

(b) On lands owned or controlled by the Commonwealth or any of its agencies, the Commonwealth, at its sole discretion, may agree to fee schedules for work performed by the district for State-delegated program duties specifically related to earth disturbance, erosion and sediment control or stream encroachments.

(c) To enter into a contract or agreement with Federal, State, county and local Governments for payment for work performed or services rendered by the district consistent with this act.

(14) No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the Legislature shall specifically so state;

(15) To accept contributions of any character from any source whatsoever, but only by and with the consent and approval of the commission, unless the funding is from the Federal, State or local Government or unless specifically authorized so to do by this act;

(16) To sponsor projects under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended, and the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended;

(17) To enter public or private property to make such inspections as are necessary to determine compliance with the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law"; the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act," and any rules, regulations, permits or orders issued thereunder, to the extent that such inspection authority has been delegated to a district by the department;

(18) To establish a program of assistance to environmental advisory councils which may include, but not be limited to, educational services, exchange of information or assignment of administrative and/or technical personnel; and

(19) No agent or employee of a conservation district or other Commonwealth agency or political subdivision engaged in the planning, design, construction or regulatory review of soil and water conservation projects and practices under the authority of this act, "The Clean Streams Law," or delegations pursuant to paragraph (2) of section 11 of this act shall be considered to be engaged in the practice of landscape architecture.

Question: We don't have any planners that reside within our County, so who would we invite to a training for "consultants?" And what would that training look like?

Answer: Consultants is spelled out in the Required Output Measures (ROMs), it's not just certified NM folks but anyone helping a farmer like seed sales, crop consultants, manure haulers, etc. Specific language from the ROMs state:

The District will conduct a minimum of 1 technical training program targeting consultants assisting operators in the development of a MMPs or providing planning services to operators for MMP development. The target audience of the training program may include certified nutrient management specialists, manure haulers and brokers, and any individual offering manure management planning assistance, such as 4-H educators or students, FFA educators or students, private crop or pesticide consultations, etc., regardless of certification status. The implementation of this activity may be coordinated with technical trainings for operators.

Question: Is the expectation the same on a quarter funded district for status reviews as for a full-time funded District or does a quarter funded go down to 2 or 3 reviews a year to meet the funding level?

Answer: After discussion amongst DEP and the SCC the updates ROMS require 10 status reviews for 1 FTE or more and 5 status review for a ¾ FTE or less OR the choice to write 10 MMPs.

Question: When it comes to the Ag community. It does not matter what word your use, inspection, status review, investigation. It's all regulatory enforcement to them.

Answer: Agree, but each word does have a specific definition that differentiates them. The manner and tone (messaging) for each could be very different. The agricultural community should not fear a status review, as the purpose of the state review is to gauge compliance with an existing regulation, and if compliance is not found, direct them on how to come into compliance.

Question: Please explain the process of adding this additional information into the Delegation Agreement after the workgroup signed off and after the public comment period had closed.

Answer: SCC and DEP admit that the 10-status review requirement was added after the workgroup had completed its work and we did not clearly communicate the new requirement. After looking at the data in PracticeKeeper and hearing from many Conservation Districts that educational and outreach activities were waning in participation, it was determined that they next logical step was the status the process of status reviews to gauge compliance with the regulation and if an operation is not complaint to assist that operator to come into compliance.

Question: Please verify that District's currently with Bay Tech Contracts will not be required to complete the 10 additional status reviews - will that be spelled out in the revised ROM's?

Answer: Correct, if a Conservation District has a Chesapeake Bay Technician Contract, the 10 status reviews detailed in the ROM would be covered under the Chesapeake Bay Technician contract. Guidance will be provided in the Policy and Standard Operating Procedures, still to be developed.

Question: So what happens when they aren't implementing the plans?

Answer: The Policy and Standard Operating Procedures, still to be developed, will be modeled after the Act 38 status reviews that Conservation District are already performing. It is anticipated that a three-step approach to compliance will be prescribed.

Question: I would like to ask a simplified question just in the interest of taking a look at the time consumption for the status reviews...what is the typical review going to entail from your vision? Obviously correspondence to make an appointment with the farmer, various travel time to and from, review on-site of the plan they currently have in place whether it be in the field or the operator can provide it ahead of time and checking to see if the operator is following the plan. In the case that they aren't following the plan, then there would be follow-up correspondence with other agencies to carry out the enforcement actions and follow-up. I just want to make sure I am looking at it fairly.

Answer: It is difficult to quantify "typical" but with Act 38 experience, it is believed that a status review, including set up, interview, and follow-up, would take approximately 8 hours or less.

Question: How effective do you feel this will be on water quality? Will this really make an impact on water quality and will this be measured?

Answer: It is hard to qualify the effectiveness but when looking at the Chesapeake Bay Model, which is one of the leading model on non-source points of pollution, planning and implementation of those plans does have a positive effect on water quality. Additional, plans and their implementation are required by regulation and the status review is being used as a method to assist landowners in knowing of they are in compliance and if not, bringing them into compliance.

Question: Is, or in the future will , the landowner/operator information entered into practice keeper be provided to EPA? The April 20 press release on EPA inspections stated the second phase would involve checking listed current animal operations. Is PK the database from which EPA will be provided this information?

Answer: DEP has not given EPA any landowner/operator information or personal identifying information from the PracticeKeeper database, and DEP does not intend to do so in the future. To date, DEP has provided EPA only aggregate BMP data stored within the PracticeKeeper Database for the purposes of reporting WIP implementation. DEP intends to continue to provide only aggregate data in the future.

Question: If I understand these "status reviews" will be on non CAFO/ACT 38 farms that only have NMP or MMPs....is that correct?

Answer: Correct, status reviews on CAO and CAFO NMPs are already performed yearly.

Question: I appreciate DEP and SCC providing additional funding but it still doesn't cover full program costs. We all have overhead, travel, insurance, legacy benefit costs, etc. Just covering salary/benefits costs still requires districts to provide local resources to do a state program.

Answer: In the request for delegation funding, the Conservation District fills out a detailed budget form that allows the conservation district to detail the following costs: Salary; Benefits; Training, Travel, Administration; Other/Miscellaneous. Details on those categories are provided in the program administrative manual. When providing funding in a statewide program, we are aware that the FTE funding level may not match with employment costs (either higher or lower) for all conservation districts and the funding is set as an average across the state to provide equality.

Question: Why wouldn't we gear these requirements based on ag impaired streams? And leave the delegation agreement alone. If you have impaired streams for Ag then this is required. This is the only time this makes sense.

Answer: As mentioned previously, these are statewide requirements that all must follow. If only looking at impaired stream areas, it does not allow the same for those in non-ag impaired watershed, which could leave that farm out of compliance if a status review could not be performed. It has to be noted that we hear many times from Act 38 farms that they get status reviews each year, yet their non-CAO neighbor never receive a status review, and where is the fairness in that approach.

Question: Is the additional money dependent on the budget? I was a little confused on that point.

Answer: Correct. SCC/DEP prepare the Nutrient management Fund proposal based off the Governor's proposed budget. When the SCC approves the budget, their motion always contains the caveat that the budget is based on the Governor's proposed budget and if the final budget is different, staff will be any revision need back to the Commission.

Question: As explained previously, the changes in this agreement are nominal, but the long-term impact of expanding compliance responsibilities to the programs is hurting our ability retain staff and attract directors to help lead local efforts. If districts decide to drop positions or the program who will complete the inspections?

Answer: If a conservation district would drop the delegation the respective programs would fall back to either SCC or DEP (or their designated group) to implement the program.

Question: When did DEP's stance on inspections change? In the past DEP Staff stood in front of the Districts at the Bay meeting and told the Districts that DEP would not be making Districts do Ag inspections because "that is DEP's Job, not Districts"

Answer: Conservation districts have been conducting inspections for a number of years. Conservation districts conduct inspections on Act 38 regulated operations. Many other non-CAO inspections have been complaint-driven, or related to the Chapter 102 E&S Control and Post-construction Stormwater Management requirements. Beginning in 2016, Conservation districts that participate in the Chesapeake Bay Technician Agreement conduct inspections through the Chesapeake Bay Agriculture Inspection Program. As with most programs, there are incremental changes that are made to better assess the performance of the program, and conducting inspections, site visits, status reviews, and verifications are means by which we can assess if plans are being implemented to meet regulatory requirements.

Question: Could you please re-state the proposed allocation increases for the partial positions?

Answer: It is proposed that 1 FTE = \$70,000; $\frac{3}{4}$ FTE = \$52,500; $\frac{1}{2}$ FTE = \$35,000; $\frac{1}{4}$ FTE = \$17,500

Question: Technical assistance and compliance is TOTALLY different animals. Totally disagree with Jill assumptions.

Answer: We will agree to disagree. Technical assistance and compliance go hand-in-hand to assist landowners stay or achieve compliance with the regulations.

Question: Our board is very upset with these changes and this is the same reason we no longer participate in the Bay Program. They believe our assistance with Nutrient Management Plans is really important but they do not believe we should be doing inspections and not spending time looking to get grants implemented and actual projects on the ground.

Answer: Nutrient Management Plans and Manure Management Plans serve the same purpose, to protect surface and groundwater. To perform status reviews on one sector and not the other sector of nutrient/manure management does not make logical sense. These new status reviews could be used as another means to identify Best Management Practices that may be needed, which would provide the conservation district a good list when searching for grants. In addition, most funding programs require that those receiving funds are in regulatory compliance, so if a status review is performed, that part of the implementation of the grant is complete. If a conservation district chooses to not perform status reviews, they will have the option to write 10 MMPs

Question: 1. Technical assistance and compliance are two different things. Look at the national Extension model. 2. There have been farmer needs assessments in SWPA, that report is available to share. The non-bay counties need support with ag marketing, value chain development, access to and creation of markets, food safety. Diversified products on the small farm scale. Also, FYI, Allegheny county only has a handful of horse farms, no CAFO's. We do provide technical assistance on non-animal, erosion BMP's. Non bay ag is as important as bay ag and needs supported.

Answer: Agreement that non-bay agriculture is as important as bay agriculture, which is one reason that the regulations and this delegation agreement do not differentiate between the two. In regards to support for marketing, value chain development, access and creation of market, food safety, etc., one needs to ask if these are functions of a conservation district when looking at the conservation district law or is it more of an extension or some other entity to handle. As mentioned above, a strategic planning session may be necessary to lay out where a conservation district is at and where it wants to see the conservation district go.

Question: In our case we have already inspected all the operations we are aware of that have MMPs back when we participated in the Bay Program. Are we supposed to re-inspect 10 of these farms yet again? Our producers are tired of being inspected again over and over and my board is also not very happy with these changes.

Answer: During the initial inspection phase of the CBAIP, CCDs were checking for plan completeness. The intention of the status reviews conducted as part of the NM/MM delegation is to assess plan implementation. Because you should have record of complete plans verified during your participation in the CBAIP, you will have the necessary resources to expedite the process of the status review. However, as a CCD not participating in the CBAIP, you will be expected to complete 5-10 status reviews (depending on the level of the delegation) or write 10 MMPs.

Question: Armstrong's Board is also not happy with these changes and feels it will degrade ACD's relationship with the Ag community

Answer: Nutrient Management Plans and Manure Management Plans serve the same purpose, to protect surface and groundwater. To perform status reviews on one sector and not the other sector of nutrient/manure management does not make logical sense. These new status reviews could be used as another means to identify Best Management Practices that may be needed, which would provide the conservation district a good list when search for grants. In addition, most funding programs require that those receiving funds are in regulatory compliance, so if a status review is performed, that part of the implementation of the grant is complete. If a conservation district chooses to no perform status reviews, they will have the option to wrote 10 MMPs

Question: A small family hobby farm with 6-12 beef cows and 100 acres available for manure application is very different that a 500 head dairy CAFO completely different situation and environmental risk related to resource concerns.

Answer: Both operations as listed above have regulatory requirements to meet and the status review process will assist the operations in confirming that they meet regulatory compliance or if they don't, provides a path forward to get to compliance.

Question: Public perception is key. There is a farm that is a non-CAO / non-CAFO in our county that has had outstanding compliance issues for years with no movement forward.. the board has concerns with how DEP will handle compliance in the future as it grows with more compliance checks.

Answer: Regular status reviews for non-CAOs and non-CAFOs establishes a workflow to document non-compliance on these operations regardless of if a complaint had been filed. After continued non-compliance, and if voluntary compliance cannot be obtained locally, the CCD may refer the case to DEP for enforcement. The roles and responsibilities of the CCD and DEP during the referral process will be described in detail in the relevant guidance.

Question: Bottom line is District boards are very concerned with doing more enhanced regulatory compliance within the Ag community and the district relationship with that community. Remember District board majority are farmer directors. Mine have been supportive up to this point. However, they see our role as being more able to provide tech assistance and not actively pursuing regulatory compliance.

Answer: It is not logical to provide oversight/compliance/etc. on one sector while not performing the same functions on a different sector. One would think that farmer district directors would welcome status review to (1) assist operator to make them aware if they are in compliance or not and provide a path to compliance and (2) to help tell the story and provide proof that the agricultural sector is "doing its job".



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: June 15, 2022

TO: Members
State Conservation Commission

TROUGH: Karl G. Brown, Executive Secretary
State Conservation Commission

FROM: Frank X. Schneider, Director
Nutrient & Odor Management Programs

SUBJECT: Proposed Nutrient Management/Manure Management Delegation Agreement
Funding Levels for the 2022-23 Fiscal Year

Action Requested

Grant approval of funding levels for participating conservation districts for Fiscal Year 2022-23 (FY 2022-23) for the Act 38 Nutrient Management / Chapter 91.36 Manure Management delegation agreement. This approval is consistent with the final proposed FY 2022-23 Nutrient Management Fund (NMF) budget, that approval is being asked for under separate correspondence, and commitment of funds from the Pennsylvania Department of Environmental Protection (DEP).

Background

In 2021, Commission and DEP staff, along with the NM/MM delegation workgroup, worked on a process to distribute funding to counties that will accept delegation..

This process utilized a program workload analysis that considered the number of farmers in each county implementing current Act 38 and CAFO nutrient management plans. The workload analysis incorporated realistic staff resources for program implementation activities, reflecting a practical workload history for each county and subsequently producing appropriately adjusted district funding levels.

As in the last 5-year delegation agreement, additional financial resources will be provided by DEP, through a grant under the Chesapeake Bay Regulatory and Accountability Program (CBRAP), in the amount of \$1,272,000, in order for conservation districts to accomplish Chapter 91.36 activities,

The NMF and CBRAP funds combined will provide the resources to conservation districts for implementation of Act 38 and Chapter 91.36 program activities under the delegation agreement.

Total available funds for allocation to conservation districts under the delegation agreement would be \$3,220,000.

The FY 2021-23 General Fund budget proposed an appropriation of \$6,210,000 to the NMF. Based on the proposed Commission approved FY 2022-23 Act 38 Nutrient Management Program budget; \$2,345,000 would be allocated to conservation districts for delegated Act 38 activities.

The distribution of combined NMF and CBRAP funding was determined utilizing the following factors:

1. Number of Concentrated Animal Operation = 30%
2. Number of Concentrated Animal Feeding Operations = 30%
3. Number of Voluntary Animal Operation = 15%
4. Number of Animal Operations = 15%
5. Number of Total Ag Acres = 10%
 - a. This information is based on the current agricultural statistic data for Pennsylvania counties as published in reports developed by the National Agricultural Statistics Service (NASS) (2017) and Act 38 numbers from Calendar Year 2021.

The inclusion of animal operations and total agricultural acres data, along with Act 38 program workload, accomplishes a reasonable workload analysis and proportional distribution of funds to all conservation districts eligible for delegation agreement funding.

Funding under this proposal is available to any conservation districts that has expressed interest in a NM/MM delegation agreement with the Commission and DEP.

Proposal

The attached chart ‘*Proposed*’ FY 2022-2023 *Nutrient Management/Manure Management Delegation Agreement Funding*’, illustrates the suggested funding allocations for conservation districts implementing Act 38 and Chapter 91.36 activities under the 1st year of the delegation agreement.

Conservation districts receiving ‘zero’ dollars under this proposal are currently designated as “non-delegated” districts under the Act 38 program. If a “non-delegated” district is interested in implementing Chapter 91.36 activities, the Commission and DEP would have to consider funding of a petitioning district on a ‘case-by-case’ basis, as resources permit.

Thank you for your consideration of the proposed delegation agreement funding levels as this will assist conservation districts, DEP and the Commission in the implementation of the nutrient and manure management programs in Pennsylvania.

Enclosure

Proposed

May 1, 2022

1/4 = \$17,500

1/2 = \$35,000

3/4 \$52,500

full = 70,000

**Final FY 2022-2023
Nutrient Management Program Delegation Agreement Funding**

County	Total Grant
Adams	\$ 87,500.00
Allegheny	\$ 17,500.00
Armstrong	\$ 17,500.00
Beaver	\$ 17,500.00
Bedford	\$ 35,000.00
Berks	\$ 210,000.00
Blair	\$ 35,000.00
Bradford	\$ 52,500.00
Bucks	\$ 35,000.00
Butler	\$ 17,500.00
Cambria	\$ 17,500.00
Cameron	\$ -
Carbon	\$ -
Centre	\$ 52,500.00
Chester	\$ 70,000.00
Clarion	\$ 17,500.00
Clearfield	\$ 17,500.00
Clinton	\$ 70,000.00
Columbia	\$ 17,500.00
Crawford	\$ 17,500.00
Cumberland	\$ 70,000.00
Dauphin	\$ 70,000.00
Delaware	\$ -
Elk	\$ -
Erie	\$ 17,500.00
Fayette	\$ 17,500.00
Forest	\$ -
Franklin	\$ 175,000.00
Fulton	\$ 52,500.00
Greene	\$ 17,500.00
Huntingdon	\$ 52,500.00
Indiana	\$ 17,500.00
Jefferson	\$ 17,500.00

County	Total Grant
Juniata	\$ 140,000.00
Lackawanna	\$ -
Lancaster	\$ 560,000.00
Lawrence	\$ 17,500.00
Lebanon	\$ 210,000.00
Lehigh	\$ 17,500.00
Luzerne	\$ -
Lycoming	\$ 52,500.00
McKean	\$ 17,500.00
Mercer	\$ 17,500.00
Mifflin	\$ 70,000.00
Monroe	\$ -
Montgomery	\$ 17,500.00
Montour	\$ 17,500.00
Northampton	\$ 17,500.00
Northumberland	\$ -
Perry	\$ 87,500.00
Pike	\$ -
Potter	\$ 17,500.00
Schuylkill	\$ 70,000.00
Snyder	\$ 175,000.00
Somerset	\$ 35,000.00
Sullivan	\$ 17,500.00
Susquehanna	\$ 17,500.00
Tioga	\$ 35,000.00
Union	\$ 105,000.00
Venango	\$ 17,500.00
Warren	\$ 17,500.00
Washington	\$ 17,500.00
Wayne	\$ 17,500.00
Westmoreland	\$ 17,500.00
Wyoming	\$ 17,500.00
York	\$ 87,500.00
Total:	\$ 3,220,000.00

4/4/2022 - Final

County Break Downs

FY22-26 Workload Analysis

Formula / CAOs @ 30%; VAO @15%, CAFOs @30%, Total ag acres@ 10%; Total Animal Operations @ 15%

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
ADAMS	15	1	12	166,227	828	1.5	1.25
Formula	4.5	0.15	3.6	5	4		

9

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
ALLEGHENY	6	1	0	28,970	326	0.25	0.25
Formula	1.8	0.15	0	2	3		

3

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
ARMSTRONG	0	7	0	126,655	576	0.25	0.25
Formula	0	1.05	0	4	4		

2

BEAVER

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	0	0	53,832	470	0.25	0.25
0.3	0	0	3	3		

1

BEDFORD

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	1	9	222,224	1,134	0.5	0.5
0.3	0.15	2.7	6	5		

5

BERKS

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
33	0	43	224,722	1,504	3	3
9.9	0	12.9	6	5		

24

BLAIR

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
3	5	4	78,923	473	0.5	0.5
0.9	0.75	1.2	3	3		

4

BRADFORD

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
1	2	10	303,601	1,241	1	0.75
0.3	0.3	3	7	5		

5

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
BUCKS	12	3	0	77,255	579	0.25	0.5
Formula	3.6	0.45	0	3	4		

5

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
BUTLER	3	2	0	133,954	722	0.25	0.25
Formula	0.9	0.3	0	4	4		

2

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
CAMBRIA	0	1	0	79,341	396	0.25	0.25
Formula	0	0.15	0	3	3		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
CAMERON	0	0	0	5,278	35	0	0
Formula	0	0	0	1	1		

0

CARBON
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	0	0	19,498	116	0	0
0.3	0	0	1	2		

1

CENTRE
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
16	1	2	149,858	910	0.75	0.75
4.8	0.15	0.6	4	4		

7

CHESTER
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
11	0	12	150,414	1,178	1	1
3.3	0	3.6	5	5		

8

CLARION
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	1	0	100,344	454	0.25	0.25
0.3	0.15	0	4	3		

1

CLEARFIELD

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
3	7	0	60,957	354	0.25	0.25

0.9

1.05

0

3

3

3

CLINTON

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
23	0	3	40,057	227	0.75	1

6.9

0

0.9

2

2

8

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
COLUMBIA	2	0	5	106,748	444	0.25	0.25
Formula	0.6	0	1.5	4	3		

3

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
CRAWFORD	0	4	2	194,447	1,011	0.25	0.25
Formula	0	0.6	0.6	5	5		

2

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
CUMBERLAND	9	4	11	169,654	1,181	1.25	1
Formula	2.7	0.6	3.3	5	5		

8

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
DAUPHIN	17	0	11	81,252	502	1.25	1
Formula	5.1	0	3.3	3	4		

9

DELAWARE

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	0	0	2,385	18	0	0
0	0	0	1	1		

0

ELK

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	0	0	22,982	188	0	0
0	0	0	2	2		

1

ERIE

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	3	1	153,403	748	0.25	0.25
0	0.45	0.3	5	4		

2

FAYETTE

Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	0	0	112,285	800	0.25	0.25
0	0	0	4	4		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
FOREST	0	0	0	4,170	35	0	0
Formula	0	0	0	1	1		0

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
FRANKLIN	19	4	35	269,530	1,556	2	2.5
Formula	5.7	0.6	10.5	6	5		18

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
FULTON	4	0	9	100,465	452	0.75	0.75
Formula	1.2	0	2.7	4	3		5

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
GREENE	1	0	0	114,089	611	0.25	0.25
Formula	0.3	0	0	4	4		1

HUNTINGDON
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
1	6	10	120,157	643	0.75	0.75
0.3	0.9	3	4	4		

5

INDIANA
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	3	0	148,288	772	0.25	0.25
0.3	0.45	0	4	4		

2

JEFFERSON
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
5	2	0	80,411	337	0.25	0.25
1.5	0.3	0	3	3		

3

JUNIATA
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
35	4	12	85,640	627	2	2
10.5	0.6	3.6	3	4		

16

LACKAWANNA
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	0	0	36,556	180	0	0
0	0	0	2	2		

1

LANCASTER
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
191	6	109	393,949	5,058	8	8
57.3	0.9	32.7	7	7		

93

LAWRENCE
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
1	1	0	82,125	533	0.25	0.25
0.3	0.15	0	3	4		

1

LEBANON
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
63	5	35	107,577	1,089	3	3
18.9	0.75	10.5	4	5		

31

LEHIGH
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
3	0	1	74,511	238	0.25	0.25
0.9	0	0.3	3	2		

2

LUZERNE
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
2	0	2	49,087	219	0	0
0.6	0	0.6	2	2		

2

LYCOMING
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
12	3	3	186,130	660	0.75	0.75
3.6	0.45	0.9	5	4		

6

MCKEAN
Formula

# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
0	0	0	43,084	180	0.25	0.25
0	0	0	2	2		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
MERCER	0	1	0	156,397	956	0.25	0.25
Formula	0	0.15	0	5	4		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
MIFFLIN	14	2	9	80,970	605	1.25	1
Formula	4.2	0.3	2.7	3	4		

8

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
MONROE	6	0	0	27,607	87	0.25	0
Formula	1.8	0	0	2	1		

2

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
MONTGOMERY	2	0	0	30,896	415	0.25	0.25
Formula	0.6	0	0	2	3		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
MONTOUR	4	1	3	38,635	266	0.25	0.25
Formula	1.2	0.15	0.9	2	2		

3

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
NORTHAMPTON	1	1	0	59,195	313	0.25	0.25
Formula	0.3	0.15	0	3	3		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
NORTHUMBERLAND	15	2	8	124,136	531	0	0
Formula	4.5	0.3	2.4	4	4		

8

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
PERRY	12	4	16	114,746	649	1.5	1.25
Formula	3.6	0.6	4.8	4	4		

10

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
PIKE	0	0	0	24,700	42	0	0
Formula	0	0	0	2	1		0

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
POTTER	0	2	3	97,780	306	0.25	0.25
Formula	0	0.3	0.9	3	3		2

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
SCHUYLKILL	9	1	13	96,886	432	1	1
Formula	2.7	0.15	3.9	3	3		8

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
SNYDER	52	5	16	98,978	740	2	2.5
Formula	15.6	0.75	4.8	3	4		22

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
SOMERSET	0	0	8	219,046	1,119	0.25	0.5
Formula	0	0	2.4	6	5		

4

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
SULLIVAN	0	0	1	43,424	124	0.25	0.25
Formula	0	0	0.3	2	2		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
SUSQUEHANNA	0	1	0	154,409	671	0.25	0.25
Formula	0	0.15	0	5	4		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
TIOGA	2	6	8	212,797	754	0.5	0.5
Formula	0.6	0.9	2.4	6	4		

5

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE*
UNION	34	3	12	65,719	555	1.25	1.5
Formula	10.2	0.45	3.6	3	4		

15

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
VENANGO	0	2	0	53,338	318	0.25	0.25
Formula	0	0.3	0	3	3		

1

	# CAO	# VAO	#CAFO	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
WARREN	0	1	0	68,153	403	0.25	0.25
Formula	0	0.15	0	3	3		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
WASHINGTON	1	6	1	190,447	1,393	0.25	0.25
Formula	0.3	0.9	0.3	5	5		

3

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
WAYNE	1	1	0	100,696	554	0.25	0.25
Formula	0.3	0.15	0	4	4		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
WESTMORELAND	0	4	0	144,278	923	0.25	0.25
Formula	0	0.6	0	4	4		

2

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
WYOMING	1	0	0	61,303	244	0.25	0.25
Formula	0.3	0	0	3	2		

1

	# CAO	# VAO	#CAFO (CAO and VAO)	Total Ag Acres	Total Animal Operation	Current FTE	Proposed FTE
YORK	11	3	18	252,713	1,422	1.25	1.25
Formula	3.3	0.45	5.4	6	5		

11

NOTES:

Totals:						45.75	46
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All NMPs that are shown to be active with an expiration year of 2021 or after

MMP data from 2019 to present because that is when we first started using PK to complete NM quarterly reporting

Total Animal Operations – Same data from the 2019 analysis (2017 ag census)

Total Ag Acres – Same data from the 2019 analysis (2017 ag census)

*SCC Discretion

Total Ag Acres	
Value	Weight
20000	1
20001	-
50000	2
50001	-
100000	3
100001	-
150000	4
150001	-
200000	5
200001	-
300000	6
300001	7

Ag Operations	
Value	Weight
100	1
101	-
300	2
301	-
500	3
501	-
1000	4
1001	-
2000	5
2001	-
5000	6
5001	7

Proposed FTE*	
Value	FTE
0	
3	0.25
4	-
5	0.5
6	-
7	0.75
8	-
9	1
10	-
13	1.25
14	-
15	1.5
16	-
17	1.75
18	-
20	2
21	-
23	2.5
24	-
35	3
36	-
45	4
46	-
55	5
56	-

65	6
76	-
85	7
86+	8

Comment and Response
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Commentator:

1. Kevin Brown
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10. Gary R. Eby
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13. Representative Perry A. Stambaugh
House of Representative, 86Th Legislative District

Comment / Response

Draft Conservation District Delegation Amounts – 2022- 2027 Nutrient and Manure Management Delegation Agreement

Comment: Several Conservation Districts commented that the numbers used in the matrix for plans, activities, etc. were not accurate. (1,2,3)

Response: The SCC worked with individual district to identify data entry issues in PracticeKeeper and rerun the matrix numbers.

Comment: Several Conservation Districts requested that we attend their Board of Director’s meetings to explain the formula and answer questions. (1,3,4,6)

Response: Commission staff attended meetings and answered questions, as available.

Comment: Did the group or the NM Program consider combining counties? I know you got dropped to .75 position, but we have an agreement with another county to do their inspection work for their .25 position. That makes sense to me on both counties position. Why not just have us bumped up to a full position and cover the entire County solely. Also, most of the west region’s counties have 5 or less total plans, why not combine a few positions through attrition when somebody leaves a district? Fayette County has no plans and gets a .25 position funding allocation. Why not roll that into an adjacent county’s contract when Fayette’s NM person moves on? I know that would mean that Fayette would need to come up with a ¼ funding allocation for that person’s replacement, but that’s not the NM Program’s fiscal responsibility. The whole west region could eventually be covered by 3 full time positions instead of 12 1/4 positions. I might be looking at this on a too simplistic level too. (1)

Response: Comment is appreciated. The SCC and DEP do not see an issue utilizing multi-county delegation agreements and, in the past, these have been used. The issues that arose did not specifically deal with delegated work being completed but more in line with did each county feel as if the “shared” employee had spent an “equal amount of time” in the different counties, whom has management oversight of the employee, county’s being in different employment scenarios (county-based system, independent, or combined), etc.

From the experiences learned in the NM delegation, as well as the Chesapeake Bay Program, the SCC/DEP would entertain any multicounty agreements that may be proposed, but would not negotiate provisions between counties, other than to verify that the Required Output Measures (ROMs) could be satisfied.

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Comment: We are assuming “Manure Management Plan (MMP) instances” in your formula are individual MMPs. This may be an issue with how the MMP information is pulled from Practice Keeper for Conservation Districts doing Chesapeake Bay inspections. We have not been entering MMPs that have been verified during Chesapeake Bay inspections because we did not know that the same information needed to be entered in both the Chesapeake Bay inspection module and the Nutrient Management module. We thought that entering the information in both modules would create a double-counting scenario. The Quarterly Report Attachment G tracks farms receiving MMP assistance and MMP voluntary verifications, which seems like it should be a separate metric than the inspected farms. (3)

Response: Comment is appreciated. The SCC and DEP do not consider the MMP information entered under the Ag Inspection module as considered “verified” at that point. Phase 1 of the Ag Inspections were only to check to see if there is an admin complete MMP on the operation. Technicians were not required to check to see if the MMP was technically complete and implementable.

However, technicians were encouraged to enter MMPs into the NM module if they were technically complete. DEP and the SCC have made it clear since quarterly reports were required to be entered via PK for both the CB Tech Agreement and NM/MM Delegation Agreement that it was necessary to enter the plan (MMP and Ag. E&S) into the planning modules in order for those verifications to appear on their quarterly reports. Therefore, in order for the CCD to get credit for the verification toward the ROMs of their respective agreement, the plans would need to be entered into the planning modules. There is additional information (related BMPs, supplemental NM BMPs, etc.) that is included in the data tracked in the planning modules that is missed if they are not recorded in the planning modules.

Item 4 of the Notes in Section I.D. of the PracticeKeeper – Agriculture Inspection Module SOP (CBO-DATA-002) clearly states the following:

“The user should enter the data from the corresponding plans into the Nutrient Management Plan Module so that all relevant plan information can be captured.”

All relevant CWA trainings associated with PracticeKeeper data entry for quarterly reporting (Attachment G, Completing Agriculture Inspections in the PracticeKeeper Database, and the CBP-23 - Chesapeake Bay Financial Assistance Funding Program Quarterly Activity Report) direct the CCD to enter the plans that were verified during the inspection into the planning modules.

Seeing that many conservation districts have experienced this problem or something similar, SCC/DEP have removed the MMP Instances and MMM acres from the funding formula and reallocated the funding percent to county animal operations and county ag acres.

Comment: We believe that Animal Equivalent Units (AEU) should be considered in the SCC’s workload analysis. To use Hillandale as an example: There are 21,241.89 AEU,

which is not comparable to a small Concentrated Animal Operation (CAO) with 8 AEU's. There is corresponding workload associated with reviewing and inspecting a nutrient management operation with higher AEU's. If AEU's are not considered, we recommend that the formula could be more equitable by the following.

- We are not convinced our workload has been captured by just counting the numbers of NMP operations in the SCC's 3 categories: CAO, Volunteer Animal Operation, Confined Animal Feeding Operation (CAFO). To use Hillandale as an example: They operate under and are considered as 1 CAFO/NMP in SCC's formula but that NMP serves several facilities with 4 separate CAFO permits. To use Hanover Shoe Farm as an example: They operate under and are considered as 1 CAFO/NMP in SCC's formula but that NMP covers 19 different farms, each requiring a visit. We believe that each CAFO permit and individual farm/facility should be counted separately in the formula for Adams County.
- The Act 38 and Act 49 Nutrient Balance Sheets (NBS) do not seem to be captured as a Nutrient Management Plan (NMP) or MMP in the workload analysis, but there is a significant number of NBS that are reviewed covering substantial acreage in Adams County. We believe that NBS should be part of the funding calculation as a MMP instances and MMP acres for Adams County. (3)

Response: Comment is appreciated. Issue was how to define the larger workload depending on the number of AEU's and/or acres for every CAO, CAFO, and VAO NMP without looking at each plan separately (specifically). All NMPs and MMPs have basic requirements (sections) that need completed and if AEU's and/or acres was used as a matrix, less credit would be given for small acreage farms or total export operations, while they still have a workload associated with the plan.

Comment: The amount allocated (\$60,000/FTE) for this Delegation does not pay for a full time Nutrient Management Specialist. As the SCC is well aware, funding is important to retain competent and knowledgeable Nutrient Management Specialists, and the SCC and Department of Environmental Protection continue to expect more work to be completed by Conservation District Nutrient Management Specialists related to the State's Chesapeake Bay initiatives. The funding available for a position compared to the true cost of carrying a position is a major factor in deciding if a Delegation can be continued and supported. We recommend that the SCC raise the allocated amount for an FTE administering this delegation to \$90,000/year. (3,6)

Response: Comment is appreciated. Please note that the funding formula only looked at NM/MM workload and not that of Chesapeake Bay initiatives, as DEP has funding available for those technical positions. Additionally, SCC/DEP are proposing to increase the FTE funding to \$70,000 per FTE for this delegation agreement.

Comment: The formula is weighted heavily on the CAO and CAFO numbers for a particular county and the county does not have large numbers in these categories with 9 CAOs and 11 CAFOs. However, we do get a lot of volunteer participation with 4 VAOs and 45 Manure Management plans written for county farmers. The 45 manure management plans on 6,857 acres rank fourth in the state for both categories. The

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formula, which is based on the workload, gives small percentages for the volunteer work completed by the conservation districts. If this formula is approved as written, we will lose .25 FTE which will move us from 1.25 FTE to 1 FTE and the funding level will not cover 100% of our Nutrient Management technician's salary and benefits. The County Conservation District Board of Directors feel that the position should be covered 100% by the state to implement a statewide program. (5)

Response: Comment is appreciated. 75% of the funding for the delegation comes from the Nutrient Management Fund and 25% comes from DEP for Chapter 91 activities. The workload analysis was split that 75% of the funding level was based off number of CAO, CAFO, and VAO, while the other 25% of the funding was based on MMP Instances, MMP acres, total ag acres, and total ag operations for Chapter 91 work. MMP instances and MMP acres were removed based on comments received. Additionally, SCC/DEP are proposing to increase the FTE funding for the delegation agreement.

Comment: Can a simple funding formula accurately capture each county's current and future workload, and should it? It takes two to three years to achieve certified nutrient management specialist status, and even longer to become truly proficient. It is difficult to remain responsive to our landowners' NM requests and needs with unsteady funding and a learning period in the years with technicians being hired on a full-time permanent basis. However, the SCC is clearly indicating that as of July 1, 2022 our work is not worth the same amount as it was on June 30, 2022. This reduction decision assumes then that the district has the capacity to make workload adjustments immediately with no expected ramifications to program delivery.

It is evident that the funding formula has changed, but not so evident that our workload has been reduced. The ROMs that were added in 2017 still remain and are not considered in the current funding formula. They are:

- Odor management education component
- Manure Hauler/Broker education component
- Review of 10% on NBS submitted by manure haulers/brokers
- Added Chapter 91 compliance Inspections with no required numerical value.
- Removed defined requirements for financial assistance to operators, however, have basically added that back in with the new roll out of AgriLink.

In the 2022-2026 delegation agreement, ROMs removed the requirement for an annual planning meeting, and did not formally add any outputs. Yet we are now required to complete a Supplemental Form with each Status Review, and apparently enter in the Chapter 91 compliance inspections that we have no required number to inspect under this delegation agreement. To date, our efforts to meet our ROMs have not been deemed inadequate by SCC. We have not been notified that we were being targeted for an allocation decrease based on our workload and yet we have received a \$30,000 dollar reduction. (6)

Response: Comment is appreciated. The notification was by the way of the released proposed allocations for comment. The additional work items mentioned above were part of the last 5-year delegation agreement and additional compensation was provided thru an increase of \$4,000 per FTE. Additionally, SCC/DEP are proposing to increase the FTE funding by \$10,000 for this new 5-year agreement. Most of the inputs requiring education

were being completed without being spelled out in the delegation, but the decision was made to make it clear that the education was expected from the beginning of the program. In regards to financial assistance programs, such as Conservation Excellence Grants (CEG), additional technician funding is being provided under a separate delegation agreement.

Comment: Perhaps this is not so much a workload calculation, but a dedicated funding issue. The Chesapeake Bay CAPs allocates between \$90,000 and \$110,000 for their positions. Currently, \$60,000 per FTE covers a new hire with single health insurance. By the time the technician is certified, the program does not even cover the cost of their salary and benefits, let alone pay for administration and overhead costs of approximately \$8,727 per technician. I realize there is a range in technician costs from one district to another and that the funding formula is a one size fits all so it is not meant to be a perfect reflection of true costs to a district, which makes the arbitrary formula changes all the more puzzling. We have staff cross trained so they are better able to assist each other, learn and manage workload more effectively. The annual allocation is spread over multiple positions to achieve this and as a result we are much better prepared to effectively deliver the program. However, this strategy does require more staff time and thus comes at a higher cost.

The funding formula indicates that the DEP is contributing twenty five percent of the funding to the 2022-2026 Nutrient Management Program agreement allocations and thus adding PA WIP elements to a program that already cannot afford the ROMs that are in place. Basically, we are expected to implement the CAP through the CAP implementation and grant process (no funding for staff), and now also through the Nutrient Management Program with a decrease in funding. How is this a reasonable expectation? This continued practice of shifting limited funding amongst districts based on arbitrary formulas and decisions needs to end. This is not equitable and a one-time increase of 7.1% /FTE in 12 years is not sustainable and will limit the district's ability to effectively function. (1, 6)

Response: Comment is appreciated. No new CAP or other nonrelated NM or MM activities were added to the Required Output Measures for the delegation agreements. Additionally, SCC/DEP are proposing to increase the FTE funding for this delegation agreement.

Comment: Even though the total number of NMPs provides a significant workload, it should not be the only determining factor for funding. Total number of animal operations should also play a role in this determination as this is an indication of how much NM/MM work there should be in a county. (8)

Response: Comment is appreciated. MMP instances, MMP acres, total ag acres (2017 NASS data), and total agricultural operations (2017 NASS data) were all used as factors in funding formula. MMP instances and MMP acres were removed based on comments received.

Comment: Total number of horse/pony farms may be misleading based on the amount of NM/MM work they require. For example, does the number of horse farms in Lancaster

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County include all the Amish farms that are dairy (or poultry) operations with 4 work horses? Do these horse operations include all the backyard horse owners with 1-2 horses on an acre? In addition, most horse operations do not have a large amount of crop fields (with multiple crops and multiple manure applications). Horse operations will typically have grass hay fields and pastures, but may have a number of Nutrient Balance Sheets for exporting their manure. (8)

Response: Comment is appreciated. Equine operations were not part of the funding formula factors used.

Comment: Dairy operations with MMPs and NMPs tend to be more work due to multiple manure groups and a large amount of double cropping.

- a. If NMPs no longer have to be amended due to adding new acreage, the workload for dairy NMPs may be a little less.
- b. Most dairies do not export a lot of their manure, which means each of their fields is listed separately in Appendix 4 (not in NBSs where 1,000 acres can be combined together under one crop group). A lot of dairies in the southern part of the state double crop and have multiple manure groups, which means that each field has numerous entries into Appendix 4. (8)

Response: Comment is appreciated. Issue was how to define the larger workload of every CAO, CAFO, and VAO NMP without looking at each plan separately (specifically). All NMPs and MMPs have basic requirements (sections) that need completed and if acres was used as a matrix, less credit would be given for small acreage farms or total export operations, while they still have a workload associated with the plan.

Comment: If two counties have the same amount of NMPs, but one has mostly CAFOs/CAOs and the other has mostly VAOs, the county with the higher number of CAFOs/CAOs is going to have a larger workload.

- a. VAOs only require a status review once every 3 years, and CAOs/CAFOs require a status review every year.
- b. VAOs typically have smaller NMPs and do not take as much time to review when they are amended and updated. (8)

Response: Comment is appreciated. The percent of the funding formula for VAO was less than that of CAO and CAFO. VAO percentage was 15%, while CAO and CAFO were giving 30% respectfully.

Comment: Using Nutrient Balance Sheet reviews as a guide to determine the level of NM funding may not be the most accurate.

- a. If NBSs are produced by brokers under Act 49, only 10% of those NBSs must be reviewed (not all of them).
- b. Act 49 NBSs are supposed to be reviewed by the importing county, not the exporting county (according to the NM Administrative Manual).
- c. Act 38 NBSs will be part of the overall NMP and will be reviewed by the county where the operation is located (which could increase the workload). (8)

Response: Comment is appreciated. NBS were not part of the funding formula factors used.

Comment: If Districts do not write Manure Management Plans (MMPs), maybe they should not receive as much MMP funding. Completing a MMP for 2 horses is going to be a lot less work than completing a MMP for a dairy operation with 800 acres. (8)

Response: Comment is appreciated. MMP instances and MMP acres were removed based on comments received

Comment: County imports over 15,000 tons of poultry litter from the Chesapeake Bay watershed every year. The District Ag Technician is in the first line of oversight to assure that this importation is properly accomplished. This is a unique service in the County which plays a crucial role in reducing pollution while still enabling the agricultural industry to meet its economic goals. The District Board of Directors, along with the County Farm Bureau, strongly recommend that the State Conservation Commission reinstate the CD's reimbursement to at least the level of the funding in both ACT and NMP that were contracted for in the agreement that predated the current agreement. We believe our current data and workload being assigned to our Ag Technician fully justifies that request. (7)

Response: Comparing counties of a similar workload and funding formula results, the country was given a .25 FTE increase

Comment: Of the \$45,000, if the math is right, DEP is funding \$11,000 of that for Manure Management Plans. That is the bulk of what we do and \$11,000 is almost an insult. That is supposed to include education of the residents that they need these plans, technical help with BMP's, complaints, reporting, etc. Plus, as farm inspections are done, producers must have 2 plans. A Manure Management Plan and an Ag E&S Plan of some kind. The E&S plans are way more in-depth than a MMP, yet no funding is devoted to it. We have heard that 102 is supposed to be the funding source for that, but it seems that 102 is almost as difficult to deal with as this program for getting any funding. (1)

Response: Comment is appreciated. 75% of the funding for the delegation comes from the Nutrient Management Fund and 25% comes from DEP for Chapter 91 activities. The workload analysis was split that 75% of the funding level was based off number of CAO, CAFO, and VAO, while the other 25% of the funding was based on MMP Instances, MMP acres, total ag acres, and total operations for Chapter 91 work. MMP instances and MMP acres were removed based on comments received. The farm inspections, as part of the comment, are being paid for by the Chesapeake Bay program and not Act 38 or Chapter 91 funds. The district is allowed under Chapter 102 to charge fees for review of E&S plans, including agriculture, and can adjust their fees to cover costs, if needed.

Comment: Funding has not changed per FTE, but the plans get more complex every year. Just 14 years ago a plan with 413 AEU's and 630 acres had 74 pages in their plan. This year a farm with 187 AEU's (less than half) and ZERO acres (all export) has 70 pages without NBSs, and 150 with.? And another, more comparable farm, has 1,200 AEU's (2.9 times as big) and 1,400 acres (2.2 times as big) needed 340 pages. Instead of being 2.5 times more pages, it was 4.9 times as big. Almost twice as big on a per AEU or acre basis. Yet, the same funding/FTE. Or even way less in our case. (1)

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Response: Comment is appreciated. Note that funding per FTE was increased by \$4,000 with the current 5-year delegation agreement that expires on June 30, 2022 and is proposed to increase by \$10,000 per FTE for this new delegation agreement.

Additionally note, that the size of the NMP is not a true indicator of the time needed for a review. As has been the case since the program released a standardized spreadsheet, that all plans need to be written on, SCC staff and our partners have long advised that a line-by-line review of the calculations are not needed. The spreadsheet, which contains calculations that are the same across the board, does not need a 100% thorough review line-by-line.

Comment: We do not look at ourselves, or want to be, an enforcement agency. The new rules spell out that a “priority” will now be actively seeking out any and all CAO/CAFO’s in the county and bringing them into compliance. If we can’t get them to do it “voluntarily”, then they must be turned over to the SCC. (1)

Response: Comment is appreciated, and the SCC agrees that conservation districts should not be an enforcement agency. As the compliance and enforcement policy in the program administrative manual clearly states, a district will give 3 opportunities to an operation to come into compliance. If that operation does not come into compliance, then the SCC takes further actions to include enforcement. The case could be made that this new ROM should not be needed, since the program is 25 years old, but the SCC still see’s operations and others “turning a blind eye”.

Comment: Reporting just keeps growing. We want more and more information, but there is no extra money to help pay for it. (1)

Response: Comment is appreciated. Reporting is a fundamental requirement to show that tax dollars are spent wisely. The current delegation agreement increased funding over the last agreement (\$4,000 per FTE). Additionally, SCC/DEP are proposing to increase the FTE funding by \$10,000 for this delegation agreement.

Comment: An interesting phenomenon seems to be emerging. We are willing to throw endless amounts of money toward BMP’s- CAP, grants, new bills in the house now, etc.- but we keep paying the people that are face-to-face with the customer and promoting these things less and less. Boots on the ground just talking to people, teaching them about the environment, what they can do to make things better, why they need to do these things, can sometimes make even bigger gains than putting in BMP’s. Convincing 10 people to just move the ACA to a better location can make a bigger difference than building a HUAP for two of them because we don’t have the knowledgeable workforce, or just the number of people, to get to the others. Plus, it would be WAY cheaper (free). (1)

Response: Comment is appreciated. These proposed delegation amounts are for Act 38 and Chapter 91 work only. The current delegation agreement increased funding over the last agreement (\$4,000 per FTE). Additionally, SCC/DEP are proposing to increase the FTE funding by \$10,000 for this delegation agreement.

Comment: Acres needs be part of the equation. Acres affect how long it takes to review a plan. A CAO/CAFO with no acres except what they need for the HQs may take a day for a full review, including the site visit. A review of a dairy operation with 1,500 acres may take up to 2 weeks. Yet, no difference in funding. To add to this, now we have a Supplemental Form to fill out while doing an Annual Status Review. That has to be done for the 1,500-acre operation, but not for an all-export plan. That is another hour and a half, or more, per farm for the CAO/CAFO that has their own acres, but not for the all-export. Acres make a big difference. It also takes more time to write a MMP when more acres are involved. And an Ag E&S plan is a lot longer. (1)

Response: Comment is appreciated. Issue was how to define the larger workload of every CAO, CAFO, and VAO NMP without looking at each plan separately (specifically). All NMPs and MMPs have basic requirements (sections) that need completed and if acres was used as a matrix, less credit would be given for small acreage farms or total export operations, while they still have a workload associated with the plan. Additionally note, that the size of the NMP is not a true indicator of the time needed for a review. As has been the case since the program released a standardized spreadsheet, that all plans need to be written on, SCC staff and our partners have long advised that a line-by-line review of the calculations are not needed. The spreadsheet, which contains calculations that are the same across the board, does not need a 100% thorough review line-by-line.. Additionally, SCC/DEP are proposing to increase the FTE funding by \$10,000 for this delegation agreement.

Comment: Plans need to be crop based. This would make the plans a lot simpler. It would also get farmers to use them more. Most farmers couldn't find field 24C and figure out what crop and how much manure and fertilizer it is supposed to get for the year 2024 in their plan. And if they want to change the crop, then things really go crazy. If they had a regiment for corn, and a regiment for beans, and one for hay, they would just look at the plan for what beans need this year and they are done. Easy to find, easy to use, easy to change. All export operations get to do that (NBSs). (Again, with the acres thing. All export, NBSs. Not all export, field by field; year by year. Way more difficult.) (1)

Response: Comment is appreciated but has no bearing on proposed delegation funding levels.

Comment: The plans that are written are generally not good plans. Over-allocation has gone crazy. I know some plans we have gotten have just been plans thrown together from the last plan and given to us. They know it is going to be reviewed so it doesn't need to be a good one. They will fix whatever we catch anyway so no need losing sleep over it. Let the reviewers find the mistakes. (1)

Response: Comment is appreciated but has no bearing on proposed funding levels.

Comment: The .25 technician reduction for the County may help solve an underfunding problem for another District, but it now creates an underfunding problem for this District. (12)

Response: Comment is appreciated. The results of the funding formula funds the district at the same FTE as that of other counties with a similar workload.

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Comment: I assume that the counties that had a CCD serving on the work group and did not have a negative change in their Proposed FTE score is merely a coincidence (10)

Response: This comment is incorrect. At least one member of the workgroup had their county delegation funding level decreased in the proposed delegation amounts.

Comment: The latest Department of Agriculture Data shows me that the County ranks 4th in hogs sold, 10th in poultry production, and 13th in dairy cattle production in the Commonwealth. Having to cut nutrient management funding seems extremely short sighted. (11, 13)

Response: Comment is appreciated. Funding formula was revised. The results of the funding formula funds the district at the same FTE as that of other counties with a similar workload.

Comment: An alarming factor that apparently was not taken into consideration is that the County is the only county in the Commonwealth that has both the Juniata and Susquehanna River watersheds contributing to the Chesapeake Bay. Further, NRCS reports show that in the last two years, \$424,687 in federal dollars spent in 39 management practice contracts that were matched by approximately \$150,000 in producer match. Many of these contracts can be attributed to district employee's diligent work in the county. Often as they work with farmers on the land they see a need and point the producer towards the NRCS to fill this nutrient management need. (11, 13)

Response: Comment is incorrect. Note that two additional counties have both rivers run through their county borders, with one of those counties also seeing a proposed decrease in funding level. The proposed funding levels are based on Act 38 and Chapter 91 work only and funds the district at the same FTE as that of other counties with a similar workload.

Comment: The county has a critical need for the services that this funding provides. Virtually every farm in the County has a creek or spring running through it, flowing into the Juniata and Susquehanna rivers, and eventually draining into the Chesapeake Bay. It is understandably challenging for the CD to reasonably expect to maintain its responsiveness to the requests and needs of the landowners when their workload is not shrinking but their funding is. (11, 13)

Response: Comment is appreciated. Note that this is one of many funding sources that can be used for agricultural assistance and the workload analysis is based on Act 38 and Chapter 91 work only and funds the district at the same FTE as that of other counties with similar workload.

Comment: Our main concern is that while the formula supports funding reallocations, it does not accurately reflect the workload of the County. The County is proposed to see a .25 technician reduction, when in reality there will be no reduction in workload. The CD believes instead that we will be seeing an increased workload in the upcoming years due to plan writer shortages, increases in the average size and complexity of farm operations, and the requirements for BMP reporting and documentation associated with farm inspections. (12)

Response: Comment is appreciated. SCC/DEP are proposing to increase the FTE funding by \$10,000 for this delegation agreement.

Comment: We do not feel the metric for "MMP Instances" and "MMP Acres" is accurate since plans were not entered into Practice Keeper (PK) until late 2019. Logging Chapter 91 information into Practice Keeper is not required, but was a component of the scoring process. According to the County Break Downs, fourteen counties did not log information into Practice Keeper and the Proposed FTE score remained unchanged, while the county was one of two county's that took a 0.5 decrease. Using metrics that are not a requirement to determine vital funding and will penalize a county for the next five years, is a method that defies logic. (9, 10, 12)

Response: Comment is appreciated. MMP instances and MMP acres was removed based on comments received

Comment: As it currently stands, the County is facing a loss of 0.25 FTEs, which we feel is not reflective of the workload that exists here. Our workload for delegated Act 38 activity is increasing steadily. The County is now up to 11 CAFO operations, 1 CAO, and 10 VAOs. Of those, 5 CAFOs have been added during the last 5-year delegation agreement. There is currently 1 new CAO that will be submitted in 2022, and there are 2 pig nursery barns that are currently just under CAO thresholds that plan to expand during the course of the upcoming 5-year delegation agreement. There are also 2 new VAOs that we anticipate in 2022. (9)

Response: Comment is appreciated. The revised funding formula increased the proposed FTE back to current levels.

Comment: The County is home to Pennsylvania's largest dairy CAFO and has another large dairy CAFO that both have an annual Nutrient Management Plan, unlike most CAFOs that have 3- year plans. This means that our technician is completing work for these 2 CAFOs each year instead of every 3 years as it would be for any other CAFO operation. In addition, the acreage under CAFO operations are expanding. Our CAFOs have increased by a total of 469 acres within the last year, and our largest dairy operation has increased in numbers to expand 3,880 head. Those expansions take time to review, both on paper and in the field. (9)

Response: Comment is appreciated. Note that the size of the NMP is not a true indicator of the time needed for a review. As has been the case since the program released a standardized spreadsheet, that all plans need to be written on, SCC staff and our partners have long advised that a line-by-line review of the calculations are not needed. The spreadsheet, which contains calculations that are the same across the board, does not need a 100% thorough review line-by-line.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

TO: Members
State Conservation Commission

FROM: Frank X. Schneider
Director, Nutrient and Odor Management

Johan Berger
Director, Financial Administration, Policy, Certification & Conservation District
Programs

THROUGH: Karl G. Brown
Executive Secretary

DATE: June 29, 2022

RE: Request to Develop Regulatory Revisions:

- Title 25. Environmental Protection - Chapter 83. State Conservation Commission; Subchapter D; Nutrient Management
- Title 25. Environmental Protection - Chapter 83. State Conservation Commission; Subchapter E; Nutrient Management Funding Program – Statement of Policy
- Title 7. Agriculture - Chapter 130b. Nutrient Management Specialist Certification
- Title 7. Agriculture - Chapter 130e. Commercial Manure Hauler & Broker Certification
- Title 7. Agriculture - Chapter 130f. Odor Management Specialist Certification

Title of the regulation

1. Chapter 83. State Conservation Commission; Subchapter D; Nutrient Management
2. Chapter 83. State Conservation Commission; Subchapter E; Nutrient Management Funding Program – Statement of Policy
3. Chapter 130b. Nutrient Management Specialist Certification
4. Chapter 130e. Commercial Manure Hauler & Broker Certification
5. Chapter 130f. Odor Management Specialist Certification

Summary

1. In spring 1993, the Pennsylvania Nutrient Management Act (Act 6) became law.
2. On October 1, 1997, the State Conservation Commission's regulations detailing the requirements under Act 6 went into effect in Pennsylvania.

3. Before this legislation became effective, problems with nutrient pollution were handled primarily under the Clean Streams Law.
4. Act 6 regulations require high-density animal operations to develop and implement approved nutrient management plans.
5. As part of the Act 6 regulation package, the certification process for Nutrient Management Planners was developed.
6. In 2002, the State Conservation Commission (SCC) was required by law to review the Act 6 regulations. This extensive review along with a concurrent policy initiative known as Agriculture, Communities, and Rural Environment (ACRE) resulted in a new law (Act 38), which replaced Act 6, and revised regulations.
7. In October 2006, Act 38 regulations became effective.
8. As part of the Act 38 regulation process, the Commercial Manure Hauler and Broker Certification and Odor Management Planner certification was established.

Nutrient Management Advisory Board Actions.

1. At the August 27, 2020 Nutrient Management Advisor Board (NMAB) meeting, a motion was passed to recommend that the SCC look at revisions to the Nutrient Management Regulations for requiring a plan amendment for the addition of cropland. Memo attached
2. At the January 20, 2022 and April 21, 2022 NMAB meetings, SCC staff presented concepts for regulatory changes.
3. At the April 21, 2022 NMAB meeting a motion was passed to recommend that the SCC open the above referenced regulations for possible changes.

Purpose of Regulation.

The purposes of the regulations are to:

1. Nutrient Management:
 - i. Assure the proper utilization and management of nutrients on CAOs, VAOs and operations required to develop compliance plans under section 506(j) of the act (relating to nutrient management plans).
 - ii. Assure the proper utilization and management of nutrients when manure is exported off of the operations described in paragraph (1).
 - iii. Protect the quality of surface water and groundwater.
2. Nutrient Management Funding Statement of Policy
 - i. It is the intention of the Commission to provide delegated conservation districts with funds to assist districts in the implementation of the Program developed under the act, if the district complies with the terms and conditions of this subchapter. The funds will be used for the employment of technical staff, to provide administrative funding assistance to the district and to finance other Commission approved activities under the Program.
 - ii. The Commission will annually allocate the available funding for this program and will provide for the fair and equitable distribution of funds.
 - iii. The purpose of the Technical Assistance Funding Program is to provide assistance to delegated districts for employment of technical staff, administrative purposes and other Commission approved activities to carry out those district functions necessary to implement the Program.

- iv. The purpose of the PDIP is to provide financial support to the operators of concentrated animal operations or other agricultural operations for the development of an approved nutrient management plan under the act
3. Nutrient Management Certification:
 - i. This chapter prescribes the policies and procedures relating to the certification and recertification of nutrient management specialists. It includes the establishment of fees and delineation of requirements for certification of commercial, public and individual specialists.
4. Commercial Manure Hauler & Broker Certification:
 - i. This chapter prescribes the procedures relating to the certification of commercial manure haulers and brokers. This chapter includes the establishment of fees, delineates the requirements for certification of commercial manure haulers and brokers, and sets forth criteria for approval of accredited certification programs.
5. Odor Management Specialist Certification:
 - i. This chapter prescribes the procedures and qualifications related to certification of odor management specialists. This chapter includes the establishment of fees, delineates the requirements for certification of odor management specialists, including recertification criteria and sets forth the conditions of denial, suspension and revocation of odor management certification.

What is the statutory authority for the proposal

1. Nutrient Management:
 - i. Section 4 of the Nutrient Management Act (3 P. S. § 1704(1));
 - ii. Section 4 of the Conservation District Law (3 P. S. § 852);
 - iii. Section 503(d) of the Conservation and Natural Resources Act (71 P. S. § 1340.503(d)).
2. Nutrient Management Funding Statement of Policy:
 - i. Section 511 of the Nutrient Management Act (3 P. S. § 1704(1)).
3. Nutrient Management Certification:
 - i. Section 5 of the Nutrient Management Act (3 P. S. § 1704(1)).
4. Commercial Manure Hauler & Broker Certification:
 - i. Section 3 of the Nutrient Management Act (3 P. S. § 1704(1)).
5. Odor Management Specialist Certification:
 - i. Section 5 of the Nutrient Management Act (3 P. S. § 1704(1)).

Do companion federal regulations exist

1. No Federal regulations exist.
2. The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) does have a voluntary Comprehensive Nutrient Management Planning (CNMP) standard that utilizes the SCC approved Act 38 planning template.
3. No federal certification processes.

Schedule

- July 2021: Ask the SCC for approval to look at the regulations and start to mark up.
Approval given.

- July 2022: Ask the SCC for official action to open the 5 regulatory packages for official revisions.
- August 2022 to March 2023: Develop, work with, and presents draft regulation to advisory committees and boards.
- April 2023: Prepare proposed rulemaking documents (Annex A (draft regulation), preamble and regulatory analysis form (RAF)) for preliminary review, which includes the Governor's Policy Director and the Office of General Counsel.
- July 2023: SCC adopts the proposed regulations.
- July 2023: Governor's Budget Office reviews and issues fiscal note and Office of General Counsel formally reviews and approves.
- August 2023: Office of Attorney General (OAG) reviews the proposed rulemaking.
- October 2023: Preamble and Annex A are submitted to the Legislative Reference Bureau (LRB) for publication in the *Pennsylvania Bulletin*; also submitted, along with RAF, to the Independent Regulatory Review Commission (IRRC) and the House and Senate Ag & Rural Affairs Committees.
- November 2023: LRB publishes the preamble and Annex A in *Pennsylvania Bulletin* for public comment.
- February 2024: SCC reviews comments from the public, IRRC, and the House and Senate Ag & Rural Affairs Committees to develop the final rulemaking documents.
- April 2024: SCC develops and presents the draft final regulation to advisory committees.
- May 2024: SCC prepares final rulemaking documents (final Annex A, preamble, RAF and comment and response document) for preliminary review, which includes the Governor's Policy Director and the Office of General Counsel.
- July 2024: SCC adopts the final regulations presented by staff.
- August 2024: Governor's Budget Office reviews and issues fiscal note and Office of General Counsel formally reviews and approves.
- October 2024: Preamble, Annex A, RAF and comment and responses are submitted to IRRC for consideration; copies submitted simultaneously to the House and Senate Ag & Rural Affairs Committees.
 - House and Senate Ag & Rural Affairs Committees have until 24 hours prior to the start of the IRRC meeting to notify IRRC and the promulgating agency that the Committee(s) will require further review of the regulation after IRRC consideration or if they intend to issue a resolution disapproving the regulation.
- January 2025: IRRC approves or disapproves the regulation at its public meeting.
- February 2025: OAG reviews the final regulation approved by IRRC if it was not disapproved by the General Assembly.
- April 2025: Preamble and final Annex A are submitted to LRB, which publishes them in *Pennsylvania Bulletin*.

Outreach Strategy

1. SCC staff plan to include the Nutrient Management Advisory Board (NMAB) in all aspects of this proposed regulatory revision. Additionally, the Department of Environmental Protection (DEP) Agricultural Advisory Board (AAB) will be included in aspects of this proposed regulatory revision, as time and resources permit.

2. SCC staff will also work with internal and external program partners from the Pennsylvania State University (PSU) College of Agricultural Sciences, DEP, delegated county conservation districts and the Pennsylvania Association of Conservation Districts (PACD), and NRCS. Additionally, SCC staff would expect to rely on private and public sector planners and agricultural organizations, such as the Pa Farm Bureau (PFB) and PennAg Industries, to assist in development.

Compliance Information

1. All CAOs and Concentrated Animal Feeding Operations (CAFOs) will be affected by the proposed changes.
2. All Nutrient and Odor Management Specialist will be affected by the proposed changes.
3. All Commercial Manure Hauler and Broker will be affected by the proposed changes.
4. The proposed changes for Nutrient Management should be cost neutral, or slightly decrease planning costs, as amendments will not be needed for bringing in new lands.
5. The proposed changes for Nutrient and Odor Management Specialist will increase as fees are proposed to increase to assist in increased program costs.
6. The proposed changes for Commercial Manure Haulers and Brokers will increase as fees are proposed to increase to assist in increased program costs..

What aspects of the regulations may be controversial and with whom

1. SCC staff does not anticipate opposition from the agricultural side on Nutrient Management, as they have been asking for some changes.
2. SCC staff does anticipate opposition from Nutrient and Odor Management Specialist on a proposal to increase fees.
3. SCC staff does anticipate opposition from Commercial Manure Hauler and Brokers on a proposal to increase fees.
4. SCC must be mindful of changes made that they are still protective of water quality so we have support on the environmental side.

Will this proposal require data system modification

1. No

Staff proposed revisions include (but not limited to)

See attached REGULATORY REVISION CONCEPTS, dated 6.29.22



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: August 27, 2020

TO: State Conservation Commission Members

FROM: Leslie Bowman, Chair
Nutrient Management Advisory Board

Frank X. Schneider, Director
Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

RE: Regulatory Change – 25 Pa. Code, Section 83.371

Recommendation

The Nutrient Management Advisory Board (NMAB) met on August 27, 2020. During that meeting, the NMAB considered a recommendation from a Manure and Nutrient Planning Technical Team subcommittee focused on improvements to the Nutrient Management Plan process. Upon consideration, the NMAB passed a motion to make a recommendation to the State Conservation Commission (SCC or Commission) that the Commission consider revising the Nutrient Management regulations at 25 Pa. Code, Chapter 83 (Chapter 83), in order to address concerns around the current regulatory language that requires an immediate Nutrient Management Plan (NMP) amendment for any addition of land into an operation.

Specifically, the relevant language states at 83.371(a):

- (a) A plan amendment is required if the operator expects to make significant changes in the management of nutrients from those contained in the approved plan, prior to those changes being implemented. Those significant changes in the management of nutrients which would require a plan amendment are any one of the following:

...

- (8) If additional lands are brought into the operation through purchase, lease or renting.

Background

The Commission is a departmental administrative commission under the concurrent authority of the Department of Agriculture and the Department of Environmental Protection (DEP). The Commission is authorized to promulgate amendments to Chapter 83 under the Conservation District Law and the Nutrient and Odor Management Act (Act 38). The Conservation District Law generally authorizes the Commission to promulgate rules and regulations as may be necessary to carry out its functions. Act 38 specifically requires the Commission to promulgate regulations establishing minimum criteria for nutrient management plans and other requirements necessary to implement the act.

In June and July 2019, the SCC and DEP met with stakeholders and discussed multiple topics related to nutrient management, manure management and Concentrated Animal Feeding Operations (CAFOs). To continue these discussions, the SCC and DEP convened the Manure and Nutrient Planning Technical Team (MNPTT), with the following five (5) subcommittees:

- Plan Updates/Amendments/Review/Approval;
- Flexibility;
- CAFOs;
- Manure management Manual; and
- 9,000-gallon application rule.

The MNPTT subcommittees met twice and submitted their recommendations to the MNPTT workgroup for final consideration.

On August 27, 2020, the MNPTT shared their final recommendations with the DEP Agricultural Advisory Board (AAB) and the NMAB.

Discussion:

The original comment submitted to the MNPTT stated:

Allow the addition of acreage to the NMP without requiring full plan approval. Act 38 does not require a plan amendment for a loss of less than 20% of acreage but requires it for any addition of acreage. This is cumbersome when dealing with large, modern and progressive farms that rent a large land base as they often add and change acreage on an annual basis. Allow the additional acreage to be added as a plan update (not requiring approval). All pertinent sections of the plan would need to be completed for the new acreage and included in the appendix of the current plan.

The MNPTT and related subcommittee met several times to discuss adding acreage to the NMP without full plan approval and considered the following:

- This is extremely important to our larger farms.
- Could we meet ½ way, any compromise.
- Maybe a Nutrient Balance Sheet (NBS) for additional acreage to get them to the next crop year or next 3-year plan amendment. This NBS option could be placed in Appendix 10 as a plan update or the CAFO program allowing some sort of alternative NMP (an Act 38 NMP just not approved for VAO CAFOs)

to move pass this provision of the regs to save cost for the farmer for Plan Amendments and to also allow manure to be used in place of commercial fertilizer.

- Could we allow appendix 4,5, etc. to be written and then just submitted as an update to appendix 10 until the next approval timeframe.

DEP and SCC staff had a discussion on this issue. After discussion, it was noted that all the issues and concerns identified should be considered, but the regulations are clear that a plan amendment would be needed for the additional land. Additionally, Chapter 92a (CAFOs) requires an approved NMP.

Summary

The NMAB is recommending that the SCC consider amending the Nutrient Management regulations at Title 25, Chapter 83, to remove or modify the provision requiring that an NMP be amended when land is added into the operation. If the SCC is interested in pursuing the NMAB's recommendation, Commission staff may suggest to the SCC additional amendments to Chapter 83 for further consideration at a SCC meeting.

REGULATORY REVISION CONCEPTS
Nutrient Management
Nutrient Management Funding Program Statement of Policy
Nutrient Management Specialist
Odor Management Specialist
Commercial Manure Haulers and Brokers

**Title 25. Environmental Protection Chapter 83, Subchapter D. NUTRIENT
MANAGEMENT**

Definitions –

- a. Clean up language in regards to Extension.
- b. Add more details for compost.
- c. Rework Manure Group language.
- d. Add definitions for:
 1. Mortality compost.
 2. Pa Department of Agriculture.
 3. Pa Department of Environmental Protection.
 4. Nutrient Management Technical Guide.

Plan Development and Plan Maintenance Incentives Programs / Financial Assistance –

- a. Could this section be reserved since the programs are no longer available and we have new funding programs under Policy? Do we just leave in since it's in the law? Legal Question.

General –

- a. Remove the detailed timelines for when NMPs are to be submitted for new CAOs or revised when we transitioned from Act 6 to Act 38, as they are no longer applicable.
- b. Allow designated plan writers to submit NMPs for review on behalf of operator, currently the operator is to submit.
- c. Add that if facilities are rented/leased, the owner needs to be aware that those facilities are in an NMP. We do this already for rented ground.

Identification of agricultural operations and acreage –

- a. Add that aerial photography must be used as an underlay for maps.
- b. Update Phosphorus language as we now have experience with the P-Index.

Summary of plan –

- a. Allow grouping of crop management units that have similar applications, after each individual field has been run through appendix 3,4,5 (Pivot tables like NBSs).

Determination of available nutrients –

- a. Add lbs. per 1,000 gallons in language that also discussed lbs. per ton
- b. Possible revisions for annual manure tests, maybe after a baseline is established, then every 3 years, or something similar.

Draft – 6.29.22

Determination of nutrient application rates –

- a. Discussion on Phosphorus needs reviewed / updated / revised to reflect the changes in the PA P Index.
- b. Remove phase in language for operation to come into compliance with the new phosphorus regulations, as that time has now passed.

Nutrient application procedures –

- a. Need to update/revise information on PSU factsheets as numbering has changed.
- b. Ongoing evaluation of manure application at rates greater than 9,000 gallons per acre and possible changes.
- c. The role, content and use of the Winter Matrix needs to be clarified. Currently it is not required by the regulations, but should it be.
- d. Add sections about precision ag, grid sampling, variable rate technology, etc. Needs mentioned and made general as this technology improves daily.

Alternative Uses for Excess Manure –

- a. Need to consider all aspects of exported manure and in particular Nutrient Balance Sheets.

Excess manure utilization plans –

- a. The current Nutrient Balance Sheet is significantly challenged and there is a need to go back to the beginning and identify purpose and intended use, i.e., the extensive review of these documents that they are now subject to. Need to dismantle and start from scratch.

Manure Management –

- a. Suggest making ACAs and Manure Storage & Handling separate sections with all requirements organized by those two categories and not mingled together.
- b. Add additional information about manure transfer systems versus manure storages, O&M, etc.

Initial plan review and approval –

- a. Update the time to resubmit an NMP after it has been disapproved to 30 days to resubmit.

Plan implementation –

- a. Change language that NMPs need amended every 3 years. The 3-year review by the NMS is not occurring as it is.
- b. Delete the need to reevaluate the P-Index every 3 years, as that is now done.

Plan Amendments and Transfers –

- a. Rework the entire section due to legal interpretations and how the program operates.
- b. Remove the requirement that a plan amendment is needed for the addition of land. Have that provision under the plan update language.

Title 25. Environmental Protection Chapter 83, Subchapter E. NUTRIENT MANAGEMENT FUNDING PROGRAM—STATEMENT OF POLICY

Draft – 6.29.22

Remove from regulations and make an actual policy of the Commission. This is the only Commission Policy that is codified.

Title 7. Agriculture - Chapter 130b. Nutrient Management Specialist Certification

Provisions for authority –

- a. Consider a certification category or provision for limited authority to allow planning work to be performed by a non-certified individual who has completed portions of the competency requirements.
- b. Allow an Odor Management specialist to seek certification as a Nutrient Management specialist (cross -certification)

Fees – 3 options for consideration

- a. Increase the current certification/exam fees amounts stipulated in the regulations.
- b. Remove the stipulated certification/exam fee amounts and allow a periodic fee evaluation (3 or 5 years) by the Department to maintain or change fee amounts, as deemed necessary.
- c. Create an opportunity for the department to establish fees for continuing education coursework as appropriate.

Competency and training requirements

- a. Expansion of the listing of required certification competencies and coursework for all certification categories (Commercial, Public and Individual specialists)
- b. Inclusion of coursework provisions related to future advancement in science and technology and new best management practices.
- c. Required nutrient management plan for final certification may be based on a scenario developed by the Department.

Recertification/Continuing education –

- a. Expand eligible continuing education coursework in classroom or field settings to that of ‘web-based’ coursework to expand participation options for certified specialists.

Denial, Suspension and Revocation of certificates –

- a. Enable the department to assess and impose a monetary penalty for violations of Act 38 and associated regulations.
- b. Strengthen criteria to define ‘inconsistency and demonstration of lack of knowledge or proficiency’.
- c. Strengthen criteria to define ‘falsifying information’
- d. Include criteria regarding ‘mis-representation of the act and program’ and violation of program policy as reason for denial etc.

Draft – 6.29.22

Title 7. Agriculture - Chapter 130e. Commercial Manure Hauler & Broker CertificationProvisions for authority – Level 1 & 3 haulers and Level 1 & 2 brokers

- a. Allow for the certification of a ‘business’ along with that of an individual.
- b. Consider reciprocity options for waste haulers certified under DEP’s waste hauler authorization program as Level 1 Manure Haulers related only to the hauling of manure.

Fees – 3 options for consideration

- a. Increase the current certification/exam fees amounts stipulated in the regulations
- b. Remove the stipulated certification/exam fee amounts and allow a periodic fee evaluation (3 or 5 years) by the Department to maintain or change fee amounts, as deemed necessary.
- c. Create an opportunity for the department to establish fees for continuing education coursework as appropriate.

Duties (Level 3 hauler and Level 1 & 2 Brokers)

- a. Land-application of manure may also follow a manure management plan for the farming operation (alternative to a nutrient management plan or nutrient balance sheet).
- b. For brokers – provide nutrient balance sheets at the time of transfer of manure OR at time of application of manure

Competency and training requirements

- a. Where appropriate, training coursework will include instruction for understanding and following a manure management plan in addition to a nutrient management plan and nutrient balance sheet.
- b. Consider ‘web-based’ training for appropriate certification categories.

Recertification/Continuing education –

- a. Expand eligible continuing education coursework in classroom or field settings to that of ‘web-based’ coursework to provide participation options for haulers and brokers.

Denial, suspension and Revocation of certificates –

- a. Enable the department to assess and impose a monetary penalty for violation Act 49 and associated regulations.
- b. Strengthen criteria to define ‘inconsistency and demonstration of lack of knowledge or proficiency’.
- c. Strengthen criteria to define ‘falsifying information’
- d. Include criteria regarding ‘mis-representation of the act and program’ and violation of program policy as reason for denial, etc.

Record Keeping –

- a. Require the submission of records to the Department either at the request of the Department or periodic submission. Note: timeline to be developed.
- b. Stipulate the type of and format of the required records. Consider new data management technology.

Draft – 6.29.22

Title 7. Agriculture - Chapter 130f. Odor Management Specialist CertificationProvisions for authority –

- a. Consider a certification category or provision for limited authority to allow planning work to be performed by a non-certified individual who has completed portions of the competency requirements.
- b. Allow a Nutrient Management specialist to seek certification as an Odor Management specialist (cross -certification)

Fees – 3 options for consideration

- a. Increase the current certification/exam fees amounts stipulated in the regulations
- b. Remove the stipulated certification/exam fee amounts and allow a periodic fee evaluation (3 or 5 years) by the Department to maintain or change fee amounts, as deemed necessary.
- c. Create an opportunity for the department to establish fees for continuing education coursework as appropriate.

Recertification/Continuing education –

- a. Expand eligible continuing education coursework in a classroom or field setting to that of ‘web-based’ coursework to expand participation options for certified specialists.

Denial, suspension and Revocation of certificates –

- a. Enable the department to assess and impose a monetary penalty for violation of Act 38 and associated regulations.
- b. Strengthen criteria to define ‘inconsistency and demonstration of lack of knowledge or proficiency’.
- c. Strengthen criteria to define ‘falsifying information’
- d. Include criteria regarding ‘mis-representation of the act and program’ and violation of program policy as reason for denial. etc.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Date: July 20, 2022

To: State Conservation Commission

From: Eric Cromer
CEG Program Coordinator

RE: Conservation Excellence Grant (CEG) Program Allocation of Available Funds for FY2022-2023

Action Requested: Approval of proposed Conservation Excellence Grant (CEG) Program allocation of available funds for FY2022-2023.

Background: The Commission staff evaluates and determines the allocation of available funds and expansion of the CEG Program to other counties when funding is available following the CEG Funding Allocation Strategy recently adopted by the Commission. For FY2022-2023, the CEG Program is currently budgeted at \$2.0 million as part of the Nutrient Management Program budget. Additional funding up to \$798,333 is also anticipated through an EPA Most Effective Basin Infrastructure Grant to be awarded to PDA and distributed to conservation districts participating in the CEG Program.

The allocation strategy for funding prioritizes counties consistent with the CEG Program enabling legislation, which is based on the county “tier” classification in the Pennsylvania’s Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP). The allocation strategy also gives priority consideration to districts that demonstrate the ability to consistently commit and expend CEG funds in a timely fashion and can reasonably document a projected commitment of CEG funding to eligible applicants in the next 6 to 12 months. The Commission recently adopted another allocation strategy option effective in the upcoming 2022-23 program year. This additional strategy provides the Commission the option to allocated funds, where additional state or federal funds are available, using a formula/ranking matrix developed by the Commission.

Commission staff has been in conversations with a workgroup consisting of at least one county representative from each delegated county to discuss district performance in the CEG Program, allocation strategies to consider for expected funding and development of a formula/ranking criteria and matrix for anticipated funding. From those conversation, program staff developed a formula/ranking matrix that considers the following:

1. Formula factors include miles of Ag-impaired streams, number of farms, crop acres and AEU's
2. Formula factors weighted each of the above at 25%
3. Minimum allocation of \$300,000

Using the recently updated CEG Fund Allocation Strategy that includes evaluation of district program implementation and the formula/ranking matrix, , Commission staff recommends that the anticipated \$2.798M be allocated to the current CEG Program delegated counties using the funding formula strategy (see attached "SCC 7.20.22 CEG Allocation Spreadsheet") for districts that have demonstrated the ability to allocate funding in a timely fashion and are willing to accept CEG Program funding. Funding recommendations are as follows:

Allocations :

Bedford County Conservation District -	\$300,000
Centre County Conservation District -	\$300,000
Cumberland County Conservation District -	\$300,000
Franklin County Conservation District -	\$451,772
Lancaster County Conservation District -	\$718,031
Lebanon County Conservation District-	\$300,000
York County Conservation District-	\$428,531

***If one or more counties do not elect to take their anticipated allocation, the remaining funds will be redistributed into another county or counties based on the Commission staff's recommendations.**

County	% of funds considering impaired streams, crop acres, # of farms and AEU's each weighted 25%	Allocation based on \$1M increment considering impaired streams, crop acres, # of farms and AEU's each weighted 25%	Option 1 allocation based on \$1M increments with available funding of \$2.798M	Option 2 - % distribution of remaining funds after \$300k minimum allocated	Option 2 - \$2.798M (Minimum of \$300,000 per County)
TOTAL	100.0%	\$0		66.4%	
LANCASTER	39.7%	\$397,446	\$1,112,186	59.9%	\$718,031
FRANKLIN	14.4%	\$144,298	\$403,794	21.7%	\$451,772
YORK	12.2%	\$122,202	\$341,961	18.4%	\$428,531
LEBANON	10.4%	\$103,623	\$289,972		\$300,000
BEDFORD	9.2%	\$91,605	\$256,342		\$300,000
CUMBERLAND	8.9%	\$89,286	\$249,853		\$300,000
CENTRE	5.2%	\$51,540	\$144,225		\$300,000
	66.4%		\$2,798,333		\$2,798,333



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

July 12, 2022

To: State Conservation Commission Members

From: Karl G. Brown
Executive Secretary

RE: Conservation District Fund and Unconventional Gas Well Fund 'Proposed' FY 2022-23 CDFAP Allocations

The recently enacted FY2022-23 state budget provided a significant increase to conservation district funding through appropriations to the Conservation District Fund (CDF) in addition to the annual transfer of funds from the Unconventional Gas Well fund under Act 13.

CDFAP/UGW Available Funding (FY2022-23)

UGWF transfer to the CDF -	\$4,430,119	(FY2021 - \$4,086,000)
DEP 'Line Item' Appropriation -	\$7,516,000	(FY2021 - \$2,506,000)
PDA 'Line Item' Appropriation -	<u>\$2,669,000</u>	<u>(FY2021 - \$869,000)</u>
Subtotal	\$14,615,119	(FY2021 - \$7,461,000)

Program staff are currently developing allocation options based on the available FY2022-23 funds noted above for recommendation to and consideration by the Commission.

Information regarding 'Agenda Item B.4.a - Conservation District Fund and Unconventional Gas Well Fund 'Proposed' FY 2022-23 CDFAP Allocations' will be provided prior to the July 20, 2022 public meeting.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: June 30, 2022

TO: Members
State Conservation Commission

FROM: Johan E. Berger, Director
Financial, Certification and Conservation District Programs

RE: Fiscal Year 2022-23 Program Budget Proposal
'Building for Tomorrow' Leadership Development Program

Actions Requested

Approve a proposed 2022-2023 'Building for Tomorrow' Leadership Development Program budget of \$168,120.

Background

The 'Building for Tomorrow' Leadership Development Program (LD Program) is a collaborative effort of Pennsylvania's Conservation Partnership, including the Commission, Pa Department of Environmental Protection, Pa Department of Agriculture, USDA Natural Resource Conservation Service, PSU Cooperative Extension, PACD and conservation districts. This professional development program for conservation district directors and staff was created by the Partnership with a collective goal to create a training program that provides the necessary information for conservation district directors and staff to effectively develop and manage conservation district activities and programs.

LD Program activities are developed and overseen by the Leadership Development Committee (Committee) that consists of representatives from the Partnership agencies and organizations. The Committee recognizes the scope and complexity of programming and funding at conservation districts has dramatically increased exponentially over the decades. Thus, the need for updated leadership skill sets for directors and staff is essential to manage the rapid changes in district staff and board relationships and conservation district programs. A Leadership Development Coordinator assists the Committee in program development and implementation and assure that efficient coordination of resources made available from conservation partners.

The Committee has developed a list of programs and associated resource needs described in *Attachment 1 - 'Building for Tomorrow' Leadership Development Program 'Proposed 2022-2023 Budget'* for program implementation. The proposed budget totals \$168,120 to support several customary annual program priorities the Committee determined important in the continued effort to enhance and improve conservation district capacity (e.g. employee and director training activities, strategic planning grants); costs for support of the Leadership Development Coordinator and costs for support of the Committee and its sub-committees.

Program Note: Program elements were modified in calendar year 2021 from 'on-line/virtual' training to hybrid 'on-line/virtual/in-person' platforms where appropriate and feasible. The program continues to offer some of the trainings in an 'on-line/virtual' platforms where appropriate and is resuming some 'in-person' training events.

These elements include:

1. *Full-Time Leadership Development Coordinator* - To facilitate program initiatives, the Committee recognizes the necessity to continue to devote resources for a Leadership Development Program Coordinator to assist the Committee. The position is currently hosted by PACD through a contract with the State Conservation Commission.
2. *District Management Summit and Staff Training Conference* – These annual meetings allow district management staff to receive leadership training, exchange expertise and experiences on managing district activities and examine common issues and provides technical staff opportunities to address their inter-personal and leadership knowledge and skills associated with working and relating to the community they serve.
3. *Strategic Planning Grants*: This project reimburses districts for approved expenses associated with completing a strategic plan. A Committee goal is to support 6 conservation districts and provide up to \$1,500 in grants to support a district's efforts to develop a strategic plan.
4. *Director Training and Support* - This project will continue the development of several initiatives that include an update to the Director's Handbook and development of web-based resources for Director orientation and training.
5. *Management Training Initiative* - This project will continue to implement a manager orientation program ('Manager Boot Camp') and the development stand-alone training on specific management topics and professional development.
6. *Regional Trainings for District Directors* - This project would continue to conduct regional statewide trainings to address Board officer responsibilities that include running a public board meeting, fiscal management and oversight of the conservation district's finances and other topics relevant to the duties and responsibilities of Board of Director officers.

Recommendation

The Committee has reviewed the proposed '*Building for Tomorrow*' Leadership Development Program '*Proposed 2022-2023 Budget*' and offers the following recommendations to the Commission for consideration:

Accept the proposed 'Building for Tomorrow' Leadership Development Program FY2022-2023 annual budget of \$168,120 contingent on the availability of funds under the Conservation District Funding Allocation Program as supported by the FY2022-23 state Executive Budget.

Thank you for your consideration of this budget and contract extension proposal. The consideration of these recommendations will allow the Committee to move forward in implementation of the important initiative under the Leadership Development Program in Pennsylvania.

Attachment



2022-2023 Budget

PROPOSED PROJECT	Proposed Budget
<p>Full-Time Leadership Development Coordinator: It is critical that the development, organization and implementation of quality, meaningful leadership and development programs and materials be overseen by a full-time coordinator. Based centrally the coordinator can help assure the efficient coordination of resources available from conservation partners as well as non-traditional partners are secured and made available. Project budget includes salary, benefits, office & overhead costs, travel and computer equipment.</p> <p>Leadership Development Program Coordinator activities include:</p> <ul style="list-style-type: none"> • Facilitate meetings and planning sessions for the Committee and Training Subcommittees. • Assist the Committee in the review and evaluation of current training needs of conservation district directors and staff, including the review and analysis of recent director and staff training needs surveys. • Coordinate the development and implementation of priority training initiatives established by the Committee. • Review current Leadership Development Program resources and develop a plan to reintroduce and distribute existing resources where appropriate. 	\$105,120
<p>Committee Initiatives: Committee meeting expenses including materials, equipment, software, and other expenditures supporting activities between the Committee, its subcommittees and Leadership Development Program Coordinator and the maintenance of the Pa Leadership Development Program website.</p>	\$2,500
<p>Strategic Planning Grants & Support: Historically this project has reimbursed districts for approved expenses associated with completing a strategic plan. Proposed for 2022-23, the program will also provide strategic planning support services for districts including facilitation and consulting during the planning process.</p>	\$9,000
<p>Director Support Projects: Delivery of a director training and orientation program has been demonstrated to be most effective if delivered both at the local level and within 6 months of being appointed. This project proposes the development of several initiatives to be overseen by a representative work group to help supplement local training programs and provide a team of mentors available to new board members. Initiatives may include:</p> <ul style="list-style-type: none"> • Authoring, revision & promotion of web-based resources for director orientation and self-guided training. • Coordination of a Director Orientation workgroup, consisting of representatives of local districts and LD Partners to continue updating and revision of a recommended "learning syllabus" and associated content for new directors. • An update to the current Director's handbook to reflect changes in laws, regulations and policies related to District Director job duties. • Presentations on strategic, board-specific topics as part of webinar series or other stand-alone programs. 	\$2,500

<p>Management Summit Conference: This annual in-person meeting allows district management staff to receive leadership training, exchange expertise and experiences on managing district activities and examine common issues, without other commitments or distractions within an environment of shared trust and confidentiality. The 2022 Summit features the addition of a dedicated Preconference training day for new and aspiring managers.</p>	<p>\$18,000</p>
<p>Staff Training Initiative: District Staff leadership development trainings are intended to deliver professional development, interpersonal and leadership knowledge and skills associated with working and relating to district constituents. This initiative includes delivering a state-wide Staff Conference event, which is expected to be virtual in 2023, along with a proposed set of single-day in-person team building activities for each region.</p>	<p>\$14,000</p>
<p>Directors Regional Training The delivery of specific trainings at the regional level has been a well received and effective method. With the increase in complexity, sophistication and scope of responsibilities and programming at the District level it is vital that District Directors and their corresponding staff receive current and valuable information. For 2023, the project proposes that no less than three regional trainings be held around the State + one virtual training to address topics including, but not limited to: chair responsibilities in running a public board meeting, treasurer and/or accounts supervisor responsibilities, and other relevant topics as approved by the LD Committee and the Director Training Subcommittee.</p>	<p>\$9,000</p>
<p>Management Training Initiative: District Management has grown in sophistication and complexity, often including managers, middle managers and team leaders. With increasing District responsibilities, budgets and program scope, knowledgeable, capable management continues to be a vital component of District capacity. This project will include:</p> <ul style="list-style-type: none"> • Continued development of training plans, evaluation of training materials and options available through several venues and sources for the development of professional managers. • Continued development and facilitation of a Manager Boot Camp training program and related events. • Continue support of a Manager Reference Archive for information resources, reference, document templates, etc. • Stand-alone trainings on specific management topics and professional development opportunities for managers. 	<p>\$8,000</p>
<p>TOTAL</p>	<p>\$168,120</p>



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

July 13, 2022

To: Members
State Conservation Commission

From: Karl Brown
Executive Secretary

RE: Building for Tomorrow
Leadership Development Committee Appointments

Background: The Building for Tomorrow Leadership Development Committee (Committee) is an unincorporated interagency committee of the Pennsylvania Conservation Partnership. The purpose of the Committee is to establish goals, objectives and priorities for Building for Tomorrow, A Leadership and Professional Development Program for Pennsylvania's Conservation Districts. The Committee advises in the development of materials, resources and services for the leadership and professional development of the conservation district directors, staff and other Pennsylvania Conservation Partnership members.

The Committee is composed of 11 members who are representatives from the conservation partnership organization/agency listed below.

The following have one representative each appointed by the organization:

1. PA State Conservation Commission
2. PA Department of Environmental Protection
3. PA Department of Environmental Protection Conservation Districts Field Representatives
4. PA Department of Agriculture
5. USDA Natural Resources Conservation Service
6. The Penn State University Cooperative Extension
7. Pennsylvania Association of Conservation Districts, Inc.

The following have two representatives each appointed by the Commission:

1. Conservation District Directors
2. Conservation District Staff

The following are the recommended Commission appointments for district directors and district staff for the Leadership Development Committee:

Ron Rohall	Conservation District Director	Westmoreland County
Robert Shannon	Conservation District Director	Centre County
Tom McClure	Conservation District Manager	Erie County
Kristina Heaney	Conservation District Manager	Monroe County

Proposed FY 2022-23 Leadership Development Committee Member List

Conservation District Staff	Kristina Heaney, Monroe Conservation District Tom McClure, Erie Conservation District
Conservation District Directors	Ron Rohall, Westmoreland Conservation District Rob Shannon, Centre Conservation District
DEP	Jaci Kerstetter
DEP CDFR	(TBD)
PDA	Laurel Rush
USDA NRCS	Jeff Werner
PA Cooperative Extension	Christian Houser
PACD	Brenda Shambaugh
SCC	Executive Secretary

Appointment of Members

Members to the Committee will be appointed by their respective agencies/organizations by whatever means the organization/agency deems appropriate. The State Conservation Commission will appoint the four Conservation District Representatives. (two District Directors and two District Staff) Each organization/agency will furnish the name(s) of their representative in writing to the Committee before January first of the year in which the term is to begin. Each organization/agency may appoint an alternate representative to attend meetings in the event that the representative is unable to attend.

Members shall serve in two-year renewable terms with one half of the member's terms expiring each year. For the purposes of determining when terms expire, the terms of odd numbered agencies/organizations on the preceding list will expire in odd numbered years and the terms of even numbered agencies/organizations will expire in even numbered years. The terms of one of the Conservation District Staff representatives and one of the Conservation District Director representatives will expire each year.

Addition of New Members

New members from additional organizations/agencies may be added to the Committee with the agreement of a majority of the Committee members.

Meetings

The Committee shall meet a minimum of two times per year and as necessary to conduct the business of the Committee. Meetings may be called by the Chairperson or by request of a majority of members of the Committee at a time and place agreed to by a majority of the Committee members. The Chairperson shall preside at the meetings of the Committee. In the absence of the Chairperson, the Vice-Chairperson will preside.

Attendance

Although the Committee realizes that members have other obligations, the Committee members are expected to attend meetings on a regular basis. If a Committee member misses three consecutive meetings, the Committee may send a letter to that member's organization/agency and ask that they appoint a new representative.

Election of Leadership

A Chairperson and Vice-Chairperson shall be elected from the Committee membership by a majority of the Committee membership and shall serve for a one-year renewable term. Elections for Chairperson and Vice Chairperson shall take place at the first meeting of the Committee each year.

Development and Use of Resources and Materials

The Committee will advise in the development of resources, materials, and services as deemed necessary for the Building for Tomorrow Program. The resources and materials may be developed as defined by a contract and/or by the Committee if not otherwise specified.

Committee members are expected and encouraged to utilize and share the resources and materials developed by the Building for Tomorrow Program with their members. The Committee also encourages the use of the resources and materials by other organizations in Pennsylvania not represented on the Committee and by other states. Where possible, the Committee may recover the costs of distributing these resources and materials.

Ownership and control of the materials, resources and services developed by the Committee will be determined within the contractual agreement for the product.

When using resources and materials developed by the Building for Tomorrow Program, credit shall be given to "Building for Tomorrow, A Leadership and Professional Development Program for Pennsylvania's Conservation Districts" for the development of the resources and materials.

Staff Support

To the extent possible, the PA Department of Environmental Protection and the PA Department of Agriculture will provide staffing for the Committee. Staff will be responsible for recording the actions of the Committee and for preparing minutes of the meetings. Staff shall be the primary party responsible for carrying out the actions requested by the Committee.

Where conservation districts staff and/or conservation district directors are utilized to deliver services and/or help in the technical development of resources and materials, they will be reimbursed whenever possible.

Funding and Financial Support

To the extent possible, the PA Department of Agriculture and the PA Department of Environmental Protection will provide funding for The Building for Tomorrow Program. To the extent possible and where funds are available, the organizations/agencies represented on the Committee will help support the projects and activities of the Committee.

Terms of the Understanding

This Letter does not legally bind any party to any terms of this Letter nor does it imply any obligation for financial or staff support.

The Committee may not enter into any contractual agreements. However, member organizations/agencies may enter into contractual agreements with funding providers.

This Committee will continue to exist until the members of Committee decide otherwise.

The terms of this Letter will continue until terminated by the Committee.

This Letter may be revised at any time by a majority vote of Committee members.

This Letter is not intended to create and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

July 13, 2022

To: Members
State Conservation Commission

From: Karl G. Brown
Executive Secretary

RE: Conservation District Advisory Committee (CDAC) Appointments

On January 22, 2020, the State Conservation Commission approved a proposal for the establishment of the Conservation District Advisory Committee (CDAC) and appointments of conservation district staff and board of directors as members.

The CDAC is a standing "conservation district advisory committee" to advise the Commission on the review and updating of policies affecting conservation district operations and management. The committee would also be available as a forum to discuss other issues or concerns of districts with contracted and delegated programs, if the agencies administering those programs would choose to utilize this committee for that purpose. Since the creation of the CDAC, several policies concerning conservation district programs and operations have been vetted through the committee and presented to the Commission for consideration and approval.

The following individuals are recommended for appointment or reappointment to CDAC for a three-year term:

Name	County & Position	Appointment or Reappointment	Region
Dr. Dennis Johnson	Huntingdon, Director	Reappointment	South Central
Chris Strohmaier	Chester, Manager	Reappointment	South East
Jenna St. Clair	Schuylkill, Manager	Appointment	North East
Lisa Snider	Greene, Manager	Appointment (*)	South West

(*) Lisa Snider is being appointed to fill out an unexpired term of Todd Thornburgh. Lisa's appointment is subject to final approval by her board of directors.

Attached is a list of current and proposed members of the CDAC.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

<u>Region</u>	<u>CD Director</u> (County)	<u>Appt. Date</u>	<u>Term Exp</u>	<u>CD Staff</u> (County)	<u>Appt. Date</u>	<u>Term Exp</u>
NW Region	Amber Heil (Venango)	1/1/2021	12/31/2023	Doug Beri (Indiana)	1/1/2020	12/31/2022
NC Region	VACANT			Erica Tomlinson (Tioga)	1/1/2021	12/31/2023
NE Region	Chuck Gould (Monroe)	1/1/2020	12/31/2022	Jenna St. Clair (Schuylkill)	1/1/2022	12/31/2024
SW Region	John Scott (Allegheny)	1/1/2021	12/31/2023	Lisa Snider (*) (Greene)	1/1/2022	12/31/2022
SC Region	Dr. Dennis Johnson (Huntingdon)	1/1/2022	12/31/2024	Dean Druckenmiller (Berks)	1/1/2021	12/31/2023
SE Region	VACANT			Chris Strohmaier (Chester)	1/1/2022	12/31/2024
	Ron Kopp	SCC Member at Large				
	TBD	CDFR Advisor				
	Brenda Shambaugh	PACD Advisor				
	Denise Coleman	NRCS Advisor				



Building for Tomorrow Leadership Development Program Activities Report July 20, 2022

The **2022 Hybrid Staff Conference** was held February 16-17, and was attended by 25 in-person participants at the Wyndham Conference Center State College and over 200 virtual participants via Zoom. The program included sessions on Dealing with Difficult People, Resilience & Humor, Public Attitudes toward Conservation Work, Cybersecurity for Office & Home, and Grant Management Tools, Outreach to Rural Landowners, and the 2nd Annual Conservation District Video Awards presentation.

The **2022 Director Workshop Series** included two in-person meetings and a virtual workshop in February and March, with a total of 47 participants. The workshop focused on Staff Retention and Post-Covid Employee Policies and included information on trends in district staffing in the context of larger workforce changes, as well as discussion of best practices and strategies to support staff retention.

The **2022 Spring Leadership Webinar Series** was held in June with 78 total participants. The series included the first in a quarterly Tech Roundtable series on district content production, an Introduction to the CliftonStrengths for Managers assessment that will be the focus of upcoming management programming, and a two-part "Deep Dives for Directors" orientation on SCC and DEP programs.

The **2021-2022 Strategic Planning Grants Program** awarded a total of nearly \$6,000 to four districts as reimbursement for strategic planning costs.

Current Projects & Upcoming Events:

- Self-guided modules for director orientation are being reformatted for delivery via the Clean Water Academy platform and will be posted before the end of 2022.
- The 2022 Management Summit Conference and New Manager Pre-con is scheduled for September 13-16 at the Wyndham Conference Center State College.
- A 2022 Fall Leadership Webinar Series is being planned for October & November.



TO Karl G. Brown
Executive Secretary
State Conservation Commission

FROM Karen L. Books
Chief
Conservation District Support Section

THROUGH Jill Whitcomb
Director
Chesapeake Bay Office

DATE July 20, 2022

RE Pennsylvania Envirothon Update

NO ACTION REQUESTED:

The Pennsylvania Envirothon Board held a successful 2022 hybrid Envirothon. Teams submitted prerecorded oral presentations. Over a 4-day period, teams of judges watched the presentations with the team and then held a live question and answer session with the team via Zoom. The Envirothon Board would like to thank the following Conservation Districts for hosting the Oral Presentations: Monroe County, Indiana County, Cumberland County, Snyder County.

Station testing was held in-person at Camp Mt. Luther, Union County.

Penncrest High School, Delaware County was the 2022 Pennsylvania Envirothon Winner. The team will represent Pennsylvania at the National Conservation Foundation Envirothon at Miami University, Oxford, Ohio July 24- 30, 2022. The rest of the top five schools include:

2nd Place - Erie County;
3rd Place – Northampton County;
4th Place – Monroe County; and
5th Place – Lebanon County.

The Pennsylvania Envirothon would like to thank our agency partners, State Conservation Commission, Department Environmental Protection, Pennsylvania Department Agricultural, Department Conservation and Natural Resources, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, and Pennsylvania Game Commission for their continued Support.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: July 6, 2022

TO: State Conservation Commission Members

FROM: Frank X. Schneider, Director
Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

RE: Nutrient and Odor Management Programs Report

The Nutrient and Odor Management Program Staff of the State Conservation Commission offer the following report of measurable results for the time-period of May / June 2022.

For the months of May and June 2022, staff and delegated conservation districts have:

1. Odor Management Plans:
 - a. 8 OMPs in the review process
 - b. 8 OMPs Approved
 - c. 1 OMP approvals Rescinded
2. Managing seven (7) ACTIVE enforcement or compliance actions, currently in various stages of the compliance or enforcement process. Monitoring an additional ten (10) other cases of enforcement / compliance / interest.
3. Continue to daily answer questions for NMP and OMP writers, NMP reviewers, delegated Conservation Districts, and others.
4. Assisted DEP with various functions and as workgroup members in Federal and State settings for the Chesapeake Bay Program.
5. Continue to preliminary review of the regulations for:
 - a. Act 38
 - b. Act 49
 - c. NM Certification
 - d. OM Certification
6. Continue to work with DEP to develop the Required Output Measures (ROMs) and a workload analysis for the next 5-year NM/MM delegation agreement and make adjustments as needed.
7. Worked with DEP to transfer the next NM/MM delegation agreement to the E-Grants submission process.

8. Work with PDA / USDA on Highly Pathogenic Avian Influenza and bio-security as needed and directed.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: July 8, 2022

TO: State Conservation Commission Members

FROM: Frank X. Schneider, Director
Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

RE: Act-38 Nutrient and Manure Management Program Evaluations

In October 2018, SCC staff started to perform combined Nutrient and Manure Management Program Evaluations with delegated Conservation Districts during the current 5-year delegation agreement time frame.

During these evaluations, SCC and DEP staffs are reviewing the performance of conservation districts under the current agreements. The intent is to evaluate all conservation districts in a 4-year timeframe with an overall goal of improving and enhancing program delivery.

The specific purpose of these evaluations is to verify that the districts are meeting the obligations contained in their delegation agreements. In addition, the evaluation provides the conservation districts with the opportunity to comment on the program requirements, SCC and DEP policies and procedures, SCC and DEP training, administrative and technical support, and the district's working relationship with the SCC and DEP Regional Office and other related agencies or partners. It also allows SCC and DEP staff to make recommendations and suggestions aimed at assisting the conservation district in enhancing and/or improving its administration of the program.

Between January 2022 and July 2022, a total of 12 conservation districts were evaluated. 12 districts evaluated were meeting program requirements and had an overall ranking of "satisfactory".

Below are highlights of SCC/DEP recommendations (number of times).

1. CD has a good working relationship with NRCS, Penn State Extension, and other program partners/agricultural agencies which is valuable in program implementation. (8 of 12)

2. CD is encouraged to hold an annual coordination meeting concerning Act 38 and Chapter 91 education and outreach with other cooperating agencies and organizations. (1 of 12)
3. CD is encouraged to have a targeted outreach effort to the plain sect community(ies) in the county. (1 of 12)
4. CD is reminded to sponsor or participate in a minimum of two (2) formal Act 38 NM informational and/or educational programs per fiscal year. (4 of 12)
5. CD is reminded to develop a minimum of three (3) informal Act 38 NM informational education efforts per fiscal year. (4 of 12)
6. CD is reminded to conduct a minimum of three (3) Chapter 91 outreach activities per fiscal year. (3 of 12)
7. CD is reminded to conduct a minimum of two (2) Chapter 91 education activities per fiscal year. (4 of 12)
8. CD is doing a good job of meeting educational and outreach requirements of the Act 38 NM / Chapter 91 delegation. Fiscal Year of the evaluation period was a non-typical year due to Covid-19 restrictions on gatherings. (7 of 12)
9. CD is doing a good job of promoting financial assistance programs and a variety of cost share programs for NM/MM development and implementation. (7 of 12)
10. SCC reminds CD that if NMPs are received at the district that include proposed livestock housing and/or waste storage facilities, the SCC Regional Coordinator should be notified by email. SCC Regional Coordinator will notify the OM Program Coordinator. SCC also reminds CD to review OM requirements with CAO/CAFO operators during annual status reviews. (3 of 12)
11. SCC and DEP remind CD that any formal correspondence (e.g., NMP review letters, status reviews, & inspection reports) regarding CAFOs should also include cc's to appropriate DEP staff. Emailing cc's to DEP is acceptable. CD is also reminded that when submitting PA Bulletin notices to the resource account, DEP regional staff and the SCC Regional Coordinator should also be cc'd on these emails. (3 of 12)
12. CD is reminded to send formal written letters to all operators after each inspection. If non-compliance issues are noted, then timeframes should be included for the operator to gain compliance. If compliance was determined, then the formal letter should indicate operation compliance. (4 of 12)
13. CD is active in assisting operators with MMP development as requested. (2 of 12)
14. CD is reminded that consultants trained for MMP purposes do not need to be certified Nutrient Management Specialists, and any individual trained/reached that is involved in MMP writing, regardless of certification status, would meet this requirement. (3 of 12)
15. CD is doing an excellent job of identifying potential CAOs in the county. (3 of 12)
16. CD is doing a good job of maintaining very organized NMP files. (2 of 12)
17. CD has excellent lines of communication with the SCC and DEP. (4 of 12)
18. CD has a very positive working relationship with the large Amish agricultural community in the county. (1 of 12)
19. CD is reminded to perform NM status reviews for all CAOs and CAFOs each crop year. (2 of 12)
20. CD is doing a good job of performing ag inspections, complaint investigations and the associated follow-up activities. (2 of 12)
21. SCC reminds CD to check the PA Bulletin to verify publication of notice as there have been issues this past year where DEP has provided CDs with proposed PA

- Bulletin dates, but then the public notice was not run and needed to be re-requested causing additional plan review delays. (1 of 12)
22. SCC reminds CD that all Act 49 NBSs received for manure imported from another county needs to be entered into Practice Keeper. SCC understands that some of these NBSs may include a significant amount of land planned to received manure application. Data entry for each Act 49 NBS should include basic information regarding the NBS (planner, importer, exporter, manure quantities, etc.) and mapping of the importing operator's home farm. (1 of 12)
 23. SCC reminds CD that it is important to be timely in following up on deadlines given on noncompliant NM Status review letters (letters 4.A and 4.B). If an Act 38 operator remains out of compliance at the second inspection the SCC Regional Coordinator should be briefed on the situation to discuss relevant timeframes and for guidance concerning the District's referral options to the SCC, if appropriate. (1 of 12)
 24. DEP acknowledges prompt submission of quarterly reports to the Department for both the Act 38 and Chapter 91 Programs. (3 of 12)
 25. The SCC recommends the CD monitor their new employee's progress and strive to have those individuals complete their NMP review certification requirements within one year of being hired, and their NMP writing certification requirements performed by the end of the 2nd year of the 3-year certification cycle, so those staff can fully implement the program, doing so most effectively and efficiently. (1 of 12)
 26. SCC reminds CD that all Act 38 NMPs need to be entered into PracticeKeeper. (1 of 12)
 27. The Conservation District does a good job of utilizing PracticeKeeper (1 of 12)
 28. CD should continue to work with established Ag groups (granges, farm bureau, Extension etc..) but recommend targeting non-traditional groups (i.e. Township supervisors, 4-H or FFA) for education and outreach. (1 of 12)
 29. Continue to keep Con 6 notes in each file, be sure to review files yearly to stay current with the NM/MM record retention policies. (5 of 12)
 30. The CD routinely works with surrounding districts, but please remember to review formalized reciprocal agreements once every 10 years. (1 of 12)
 31. Reminder to file complaint in take forms separate from site inspection reports. (2 of 12)
 32. Recommend sending close out letter even for unfounded complaint investigations. (1 of 12)
 33. The CD has a good equipment rental program, please consider some additional precautions/education due to HPAI and possibly SLF. (1 of 12)
 34. Recommend the CD become more familiar with PK and use it more for reporting. (3 of 12)
 35. CD did not communicate often enough or effectively with the SCC Regional Coordinator (1 of 12)

Below are highlights of conservation district comments (number of times).

1. CD is concerned about the ability to retain certified staff and training time commitments for new staff to get certified. (1 of 12)

2. CD suggests that Act 38 NMPs should be submitted electronically similar to other programs electronic permitting (e-permitting) process that would allow the NMPs to be integrated right into PracticeKeeper. (1 of 12)
3. CD suggests they would benefit from more in-person training and less reliance on the Clean Water Academy. (1 of 12)
4. CD suggests that clearer instruction be provided regarding the process for writing and reviewing NMPs for certification (what is step, 1, 2, 3, etc.) (1 of 12)
5. CD appreciates the SCC regional Coordinator support and assistance. (1 of 12)CD expressed concern that PA Bulletin and eFacts systems are antiquated and could use updates to be more user friendly. (1 of 12)
6. CD noted that while they are receiving NBSs for some manure being imported into their county, they do believe there is likely manure being imported into the county which they are not receiving NBSs for. (1 of 12)
7. CD suggests SCC could provide more training on the administrative manual. (1 of 12)
8. CD suggests SCC provide more continuing education training to public specialists on the NM spreadsheet and its functionality each time the spreadsheet undergoes a major change. Note: SCC is currently working with Penn State Extension to offer a training of this nature in the near future. (1 of 12)
9. CD suggest that the NM/MM Administrative Manual and NM technical Manual be made much more user-friendly regarding finding information. Some suggestions include renumbering the table of contents and imbedding clickable links. (1 of 12)
10. CD stresses that there is not nearly enough plan review training provided during the NM certification training process. Suggest that at least two (2) NMPs be reviewed during training, one of which includes manure exported to known landowners with Nutrient Balance Sheets. (1 of 12)
11. CD suggests that a simpler option be explored for Chapter 91 MMPs. Suggestion is an option for an operator to soil test and provide those results to the CD. If the P levels are below a certain threshold, it would result in a simpler, expedited plan. (1 of 12)
12. CD suggests that in-person regional meetings for NM staff be held again. CD feels that they were very beneficial for staying up to date with administrative changes/updates to the program. It was also nice to meet other staff within the region. (1 of 12)
13. CD suggests that additional training (hands-on) for the new Supplemental BMP form be held either in-office or at regional meeting. (1 of 12)
14. CD states that it does not receive adequate support from DEP to help with the review of NMPs, specifically for CAFO operations. (1 of 12)
15. CD suggests that the SCC hold a “New NM Staff Administrative Training”. (2 of 12)
16. CD suggests that Practice Keeper be updated to include better sorting mechanisms when viewing the initial list of plans within a module. (1 of 12)
17. CD noted that so much of the reporting is repetitive. For example, they are unsure if MMPs need to be reported in both the NMP and Bay modules of Practice Keeper to get credit for all programs (Chapter 91 and Bay) when there is overlap in the workload. (1 of 12)
18. Concerning ways enforcement support from the SCC / DEP could be improved, the CD shares:

- a. The SCC and the DEP need to stand by the regulations rather than using discretionary enforcement which leaves district staff feeling helpless and questioning why they bother documenting non-compliance. It also sends a bad message to the operators that nothing will happen to them if they continue to disregard the regulations.
 - b. It has been the experience that VAO CAFOs have no enforcement from DEP.
 - c. Currently odor complaints are sent to Karl Dymond but then the CD hears nothing. When odor complaints are sent to the SCC, district staff would appreciate hearing if and how the situation was resolved. (1 of 12)
19. In considering their educational or training needs, the CD requests the following:
- a. Program implementation training, covering the likes of status reviews, form letters, setback waivers, file maintenance, properly writing compliance letters, etc.
 - i. Training just for review staff during certification training could cover these topics, while standardizing the review portion of the program and cutting down on "inconsistencies" across districts.
 - ii. Doing so would also start new district staff off on the direction the SCC wants rather than learning potential bad habits from seasoned district staff.
 - b. Additional trainings related to Animal Concentration Areas (ACAs) and Critical Runoff Problem Areas (CRPAs) and addressing them in NMPs would help with reviews. The CD has found that often reviewers are expected to identify concerns and suggest solutions because the planners seem unaware or unwilling to do so.
 - c. Act 49 and Nutrient Balance Sheet (NBS) handling processes at the district level. (1 of 12)
20. In answering the question, do you received adequate support from state staff in reviewing plans, the CD said "no", and offered the following ways support could be improved:
- a. The main area the CD would like improved support with is enforcing NBS submission from brokers. Rules and regulations that enforce brokers would help the CD track manure throughout the county. The CD is aware that not all brokers are submitting NBSs, even when they are the writer of the NMP.
 - b. Better support of the district during the review process with decisions backed by the Administrative and Technical Manual would allow the CD to maintain the respect of the planners rather than the perception of being undermined by decisions made by state staff at times. (1 of 12)
21. Regarding ways review efforts from state staff could be improved, the CD offered:
- a. During the certification review process, when asking to help with a problem, the SCC should not escalate the issue into something bigger, but rather simply help with the current situation/problem. Escalating issues adds time to the review and contention with the planner, potentially harming future planner / reviewer relationships.
 - b. The SCC's plan review efforts with plans being used towards NM certification need to be a partnership, not a one-way street.
 - a. SCC/DEP provide clearer answers to questions on situations.

- b. SCC/DEP following up with the district after the CD has referred someone to them, so they are aware of how the situation was resolved. Staff did share that this is more of an issue with DEP than the SCC.(2 of 12)
22. The CD shares that they feel Nutrient Management Specialists (NMS) are not adequately trained to perform their job, and offer the following for ways the SCC (and DEP) can improve training:
- a. Include days of training for plan reviewers *only* to strictly go over letter writing and forms as that is 90% of our job. Other needed topics would include performing status reviews, setback waivers, file maintenance, etc. Current training is geared to writing NMPs, but as a reviewer there is so many other things to learn that come up after district staff have completed the exam and start reviewing plans. This leaves reviewers to learn things own your own.
 - b. Adjusting the planner certification program and process to be more of a learning situation rather than a "trial by fire" for new staff would benefit all involved. The certification reviews should not be something that new staff dread to get through, but rather a good experience to learn from.
 - c. Plan reviewer training could be improved by including how to properly write good defensible technical review comments.
 - d. During virtual roundtable meetings, the SCC needs to purposefully slow down and not rush the time for questions. (1 of 12)
23. When asked what training is needed that currently is not offered, the CD offered the following:
- a. Letter writing to meet SCC (lawyer) standards and just to learn all the forms and how to fill them out properly for enforcement (ex. Status Review form and follow-up letters intended use/purposes).
 - b. Training on the NM Administrative Manual, including following the standard letters.
 - c. Training on how to deal with difficult operators or preparing reviewers to defend the Act 38 program with real-world examples. The hardest part of Act 38 has nothing to do with the planning and reviewing of NMPs, rather it is dealing with people. CDs would greatly benefit from case studies that deliver a variety of real-world scenarios. Largely, the day-to-day situations of a NMS exist outside of the vacuum of trainings where conclusions are designed to be black and white.
 - c. For new employees that are going through Act 38 training, the CD would like to have the Introduction to Livestock Operations Training before the Act 38 training to become more aware of how livestock operations operate.
 - d. Add a short intro in the Act 38 training when Appendix 3 is discussed to explain common livestock operations.
 - e. Organize NM Certification Training to follow the same order as the Act 38 NMP.
 - f. Training on what steps need to be followed when an update is submitted to a CD. All current trainings deal with NMP amendments and there is no discussion on how to handle plan updates.
 - g. How to complete quarterly reports.

- h. Defining pasture VS an ACA and the difference between MM regulations(DEP) VS NRCS technical standards. (2 of 12)
24. Regarding their farmer's receptiveness to the Act 38 Program, the CD offers the following:
- a. Long-time operations in the program seem to accept the program expectations for the most part farmers acknowledge that plans have gotten more complex and difficult to follow. Other, more recent inclusions, have farmers struggling with the concept of what the plans are for and why it's important for them to be followed. Plain sect operators also seem to feel that the plans are just a license to continue operating and not a document to use. Larger farms accept the program as part of their business and appreciate BMP grant funding that can help pay for aspects of implementing the plan. Some smaller operations, particularly plain sect dairies, frequently consider selling cows or adding acreage to avoid being in the program and the cost associated with the plan. Many all-export operations question the necessity of being in the program if all manure is exported. Cost, complexity, fairness, and value are often cited to as complaints about Act 38 NMPs and the Program.
 - b. A larger and growing issue is Act 38 operators getting recommendations from crop consultants that differ from their approved NMPs. Most Act 38 farms with cropland also work with a certified crop advisor (CCA) who provides them with manure and fertilizer recommendations contrary to the NMP. Operators have more trust in the CCA than their Act 38 NMPs to manage their crops, so the NMP becomes an afterthought, and more emphasis is placed on their crop consultant report. Few Certified NM specialists are also CCAs, so there is little overlap.
 - c. Perhaps transferring the Act 38 program to a similar model that Maryland follows, where CCAs work with the operators and make recommendations, and all farms must submit records of nutrients applied annually. If it is determined that nutrients were over applied, or no records are submitted, then the operation is non-compliant. Plans could be used to identify restricted areas for manure application, while CCAs could continue to make recommendations for their clients. (2 of 12)
25. Concerning ways state staff can help with outreach efforts, the CD shares:
- a. Provide materials to reference when explaining to an operator the difference between "management control" and exported manure would be helpful as an example.
 - b. Provide a document of the pros of the program and why having a NMP is beneficial to the operator, that could be provided to farmers as a resource to possibly help change their view of the program to something other than just regulatory.
 - c. Provide a document explaining when a stream is a stream.
 - d. Have an explanation/guidance document from the Act 38 Program which could be provided to farmers as an accompaniment to their Act 38 NMP would be useful. This document could explain why the plan is required, how to use the plan, and some example situations of when the plan may need updates or changes, and the required record keeping. It appears planners are not providing this information. NOTE: Since record keeping

requirements are site specific, including in a general handout would likely lead to misinformation. However, every plan Approval Letter is required to list the operation's site-specific record keeping obligations, along with when a plan amendment and update is needed.

- a. Create a step-by-step guide of things farmers will need to do with their NMP.

NOTE: The SCC's Plan Approval Letter does cover many of the things farmers will need to do after their NMP is approved, as well as what they will need to do with their plans. (2 of 12)

26. The CD has observed that farmers have needed the following from them in obtaining and implementing their plans:

- a. The most common needs are general assistance with understanding their NMPs and Act 38 Program regulations/requirements, but BMP implementation assistance, funding, copies of blank forms, manure sample kits, coordination/communication with their planner and regular reminders are also needed.
- b. The CD offers that discipline during status reviews is needed for their operators to take following of their NMPs and program requirements more seriously, which also helps them in the long run. The district has found that not all planners relay record keeping requirements to their clients. NOTE: While the SCC agrees with and appreciates this comment, it also wants to remind the CD that this is one of the reasons why each operation's NMP Approval letter needs to be site specific regarding their required record keeping obligations. (1 of 12)

27. If the SCC wants better buy-in from the farmers on the Act 38 program, and thus better compliance, revisions to the program and plan format should be made to involve principles that are truly beneficial to the farmer. Things such as revising the program and plans to be more like the information the farmers receive from their crop consultant would be an immense benefit. (1 of 12)

28. Overall, the SCC could improve their timing and quality of delivery of program updates and changes. It can become difficult for older technicians to keep up with both major and subtle changes to the program, as well as their impacts. A quick 45 minute to an hour overview PowerPoint isn't always sufficient to bring technicians up to speed with a major change, or multiple major changes. (1 of 12)

29. The CD offers the following regrading what the SCC can do to help with the plan review process
 - a. Provide direction on how to deal with plans from the same plan writers that are continuously subpar,
 - b. Better explain how the Act 49 program works and how it relates to Act 38. This training would be ideal after all Act 38 training is completed,
 - c. Provide Training on the Administrative Manual for Act 38,
 - d. Provide clearer direction on what SCC wants reviewers to report about plan writers that are not reviewing the completed plans with farmers or falsifying information,
 - e. Provide direction in the NM Technical Manual on what steps need to be followed when an update is submitted to a CD. Currently all trainings deal with NMP amendments and there is no discussion on how to handle updates. (1 of 12)

30. Broker oversight and enforcement of the Act 49 program is an area that is lacking. This impacts the Act 38 Program where the two programs overlap. (1 of 12)
31. Deficient planners and lack of penalties for poor work is a drag to the program. It takes additional time for the reviewer, makes plans less valuable to the farmer, and increases costs for the farmer if planners charge for time to make corrections required to get a complete plan for approval. Requiring spot checks of planners by the SCC to maintain their certifications would be one area of improvement.
NOTE: The CD is correct in that the SCC does not require spot checks on planners and is something that can be further considered. However, spot checks of commercial planners are performed by the SCC with each Program Evaluation (10 spot-check reviews were performed for this evaluation) as well as with every NMP that is used towards a new reviewer's NM certification. (1 of 12)
32. The P-Index's allowing over application of phosphorus and the lack of emphasis on commercial fertilizer applications are issues that are not capturing nutrient issues. (1 of 12)
33. At times, requirements and details related to administering the Act 38 Program can get overwhelming due to the sheer volume of operations and situations that staff deal with. Practice Keeper (PK) has helped with reporting and tracking, but letter documentation, follow ups, and other duties can get difficult to keep up with expectations of the Program. Additional duties compound the problem, like the Supplemental Status Review form. Additional funding is necessary to slow turnover of District staff and to keep trained, experienced staff to conduct the program, support BMP implementation through technical assistance, and conduct more outreach and follow up. (1 of 12)
34. In describing their efforts to assist their farmers with compliance measures, the CD offers:
- a. Follow up is key and building that relationship where farmers trust you and hear what you have to say even if it is calling them "noncompliant". It's important to explain that we are here to help and want them to be compliant, but also to follow the guidance of the program when necessary. It involves a combination of calling to remind farmers of their obligations, reminder letters, and then following the standard letters when compliance is not achieved after all efforts have been exhausted.
 - b. Clearly laying out expectations and standards for the farmers that are visited and using every opportunity to help them reach those expectations is key. If a farmer has proven an unwillingness to meet staff halfway in this effort, the next logical step is to turn to the SCC
 - a. SCC/DEP provide clearer answers to questions on situations.
 - b. SCC/DEP following up with the district after the CD has referred someone to them, so they are aware of how the situation was resolved. Staff did share that this is more of an issue with DEP than the SCC. (2 of 12)
35. The CD has shared that in communicating with DEP on CAFO NMP reviews, the district has not received comments from DEP in years. The few times they did, the comments were included in the plan review comment letter. Unfortunately, the District has been getting comments after the plan is approved and DEP requests updates, which should be addressed during the district's review of the NMP. (1 of 12)

36. In answering the question of, do you have enough staff to carry out the program successfully, the CD responded that they do not, at least not to the fullest expectations based on workload. Furthermore, factoring in staff turnover and the time it takes to get a new person able to review NMPs, the CD could use at least 3 more positions. Additionally, with staff turnover in other program areas (such as the CBP) NM staff have had to also fill in those spots. (1 of 12)
37. The CD shares that it appears that planners do not know about the Program's plan implementation extension policy, and they require direction for making such extensions. LCCD suggests the SCC get this info out through training, the NM Newsletter, or an agency memo. (1 of 12)
 - NOTE: Many of these educational events are posted on DEPs Clean Water Academy to view at your pleasure. (1 of 12)
38. The CD would like more information on where delegation funding level information is pulled from (PK, Ag Stats, or other DEP reporting systems) (1 of 12)
39. The CD wonders if there is a good return on investment in staff to maintain CEC's for certification. (1 of 12)
40. The CD would like to see PracticeKeeper add an amendment module for NMP's. (1 of 12)
41. The CD would like to see a list of FAQ's for NMP site visit reviews, and more emphasis on problem solving and technical guidance. (1 of 12)
42. The CD would like the SCC to develop a fact sheet or checklist that could be used as a document of record for NM plan reviews similar to what DEP has for the NPDES permits. (1 of 12)
43. The CD would like the SCC to develop a social media presence so the CD could "share" information from our page to their page. (1 of 812)
44. More Plan writers in the region would be helpful. (1 of 12)
45. The high costs of plans keep VAO's from participating. (possibility of a PACD version of PDIP?) (1 of 12)
46. Key definitions in Chapter 91 and Act 38 need to have real world examples for each region of PA when going through training. (1 of 12)
47. Concern with the long More Plan writers in the region would be helpful.
48. The high costs of plans keep VAO's from participating. (possibility of a PACD version of PDIP?)
49. Key definitions in Chapter 91 and Act 38 need to have real world examples for each region of PA when going through training.
50. Concern with the long-term use/viability of PK since the license is held by the DEP and not CD's (1 of 12)
51. Many of the MMP the CD has assisted with has stemmed from an operator working with FSA to finance a farm project. (1 of 12)
52. The District is in the early stages of creating the FARM program to assist operators with small projects on their farms. (1 of 12)
53. The District would love to see a push for more funding for the REAP and Cost-share programs. REAP has been a successful program in the county and is a good way to also perform outreach for MMP and Ag E&S plans. More Cost-share Programs would help with BMP implementation. (1 of 12)
54. The District would like to see more technical assistance for farmer funded projects (IE non-farm bill or other government funds) (1 of 12)

NRCS changes to the 1619 agreement will make it harder to partner district programs with federal programs. (1 of 12)



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: July 11, 2022

TO: Members
State Conservation Commission

FROM: Karl J. Dymond
State Conservation Commission *KJ Dymond*

SUBJECT: July 2022 Status Report on Facility Odor Management Plan Reviews

Detailed Report of Recent Odor Management Plan Actions

In accordance with Commission policy, attached is the Odor Management Plans (OMPs) actions report for your review. No formal action is needed on this report unless the Commission would choose to revise any of the plan actions shown on this list at this time. This recent plan actions report details the OMPs that have been acted on by the Commission and the Commission's Executive Secretary since the last program status report provided to the Commission at the May 2022 Commission meeting.

Program Statistics

Below are the overall program statistics relating to the Commission's Odor Management Program, representing the activities of the program from its inception in March of 2009, to July 8, 2022.

The table below summarizes approved plans grouped by the Nutrient Management Program Coordinator areas.

	Central	NE/NC	SE/SC	West	Totals
2009	7	6	28	1	42
2010	5	7	25	2	39
2011	10	12	15	2	39
2012	9	17	16	2	44
2013	10	11	38	3	62
2014	13	16	44	2	75
2015	15	15	61	2	93
2016	19	16	59	5	99
2017	25	24	44	3	96
2018	14	13	40	1	68
2019	12	11	14		37
2020	9	11	41	1	62
2021	15	15	30	1	61
2022	9	5	15		29
Total	172	179	470	25	
Grand Total					846

As of July 8, 2022, there are eight hundred and forty-six **approved** plans and/or amendments, nine plans have been **denied**, fourteen plans/ amendments have been **withdrawn** without action taken, ninety-five plans/ amendments were **rescinded**, and eight plans/ amendments are going through the **plan review process**.

OMP Actions Status Report

Action	OMP Name	County	Municipality	Species	AEUs	OSI Score	Status	Amended
4/27/2022	Dusty Hollow Farm LLC	Franklin	Letterkenny Twp	Swine	168.00	53.9	Rescinded	
4/28/2022	Stroup, AJ	Snyder	W Perry Twp	Broilers	179.40	45.1	Rescinded	
5/2/2022	Horst, Sheldon H – Bender Farm	Lebanon	S Annville Twp	Broilers	264.66	56.1	Approved	A
5/2/2022	Weiler, Willie - Weiler Farms #2	Lebanon	S Londonderry Twp	Broilers	243.46	18.4	Approved	B
5/11/2022	Martin, Daniel Z	Cumberland	W Pennsboro Twp	Layers	199.75	52.5	Rescinded	
5/23/2022	BDS Farms, LLC – Cattle Farm	Snyder	Spring Twp	Cattle	23.75	6.0	Approved	
5/23/2022	Martin, Aaron R – North End View	Berks	Centre Twp	Duck	74.89	43.9	Approved	
5/23/2022	Rosenberry, Darrel – Windswept Acres	Franklin	Antrim Twp	Swine	0.00	27.6	Approved	
6/10/2022	Stoltzfus, Samuel L – Veal Farm	Clinton	Logan Twp	Veal	39.52	67.2	Approved	A
6/16/2022	Aurand Poultry, LLC – Farm 2	Columbia	Madison Twp	Layers	403.45	51.5	Approved	
6/22/2022	Meadow Lane Dairy, LLC – Farms 1 & 4	Lancaster	Manor Twp	Cattle	0.00	10.4	Approved	

As of July 8, 2022



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: June 6, 2022

TO: State Conservation Commission Members

FROM: Brady Seeley, Conservation Program Specialist
Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

RE: Nutrient Management Plan Update Report: R&F Family Farms – Northumberland
County

I have completed my review of the R&F Family Farms Nutrient Management Plan (NMP) Update which was submitted by Jedd Moncavage of TeamAg, Inc. on June 6, 2022. This update is for the NMP that includes crop years 2021 through 2023.

The original NMP for R&F Family Farms, an existing swine operation located in Northumberland County, was approved on November 10, 2020. The operation is home to 11,790 finishing swine. This operation has 0 acres suitable for manure application. This operation, having an animal density of 1,865.4 AEUs/acre is defined as a Concentrated Animal Operation (CAO) under the PA Nutrient Management Act. The operation is considered a Concentrated Animal Feeding Operation (CAFO) by the Department of Environmental Protection (DEP).

This NMP update is categorized as a Simple Update. After my review, I deemed the update to be technically complete and have notified the plan writer and operator that the update has been accepted.

No Commission action is required for NMP updates.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: June 22, 2022
TO: State Conservation Commission
FROM: Joel Semke, Program Administrator
THRU: Johan E. Berger, Program Manager
 Financial, Certification and Conservation District Programs
SUBJ: 2021/2022 Program Accomplishments
 Resource Protection and Enhancement Program (REAP)

REAP Program Summary

The REAP program allows farmers, businesses, and landowners to earn state tax credits in exchange for the implementation of conservation Best Management Practices (BMPs) on Pennsylvania farms. REAP is a “first-come, first-served” program – no rankings. The program is administered by the State Conservation Commission and the tax credits are awarded by the Pennsylvania Department of Revenue. Eligible applicants receive between 50% and 75% of project costs in the form of State tax credits for up to \$250,000 per agricultural operation in any consecutive 7-year period.

Additional provisions grant the Commission the ability to 1) reserve and target up to \$3.0 million of the total annual allocation for best management practices for nutrient and sediment reduction within the Chesapeake Bay watershed and, 2) the option to implement a 90% REAP tax credit option for certain high-priority BMPs within watersheds covered by an approved TMDL. Those practices include: riparian forest buffers; livestock exclusion from streams and supporting practices; stream crossings; cover crops; soil health BMPs; and other BMPs determined appropriate by the SCC.

Program Accomplishments

The FY2021 REAP application period opened August 2, 2021. The annual tax credit allocation for FY2021 is \$13 million.

Below is a summary of the FY2020 and FY2021 rounds of REAP applications, credits awarded to date, and a summary of REAP credits awarded for specific BMPs of interest. The FY2022 round of REAP will begin on August 1st, 2022 with an allocation of \$13 million.

(1.) Applications Received

Applications	Total Cost	Other Public Funds	REAP Requests	Credits Granted
FY2020 381	\$36.5 million	\$4.0 million	\$14.9 million	\$11.9 million
FY 2021* 347	\$33.2 million	\$4.2 million	\$14.0 million	\$8.2 million

*information for FY 2021 is current to June 22, 2022. Approximately 150 applications will be rolled into the FY2022-23 program year. Estimated tax credit eligibility of roll-over application ~ \$7.0 million.

(2.) Summary of selected BMPs approved for REAP tax credits - FY 2020 & FY 2021

	<u>FY2020</u>	<u>FY2021</u>
REAP Request (project types)		
Proposed Projects	\$3.5 million	\$6.8 million
Completed Projects	\$11.4 million	\$7.2 million
No-Till Equipment, Manure Injectors, Rollers	\$8.2 million	\$8.6 million
Structural BMPs	\$7.1 million	\$4.1 million
Plans (Ag E&S, Soil Health, Manure & Nut. Mgt.)	\$103,000	\$100,000
Cover Crops	\$913,000	\$970,000
Precision Ag Equipment	\$534,000	\$235,000
Sponsored Applications	44	54

(3.) Summary of Program Activities - January 01, 2022 – June 22, 2022

The following is a summary of program activities accomplished in calendar year 2022.

Please note that actions (i.e. credits issued) may have been taken on projects or activities approved in prior fiscal years (i.e. FY2019 and FY2020).

- a. Tax Credits issued to applicants for completed, eligible projects \$2.4 million
- b. Number of BMPs completed associated with issued tax credits 68 projects
- c. Number of tax credit ‘sales’ completed 76 sale *transactions*
- d. Total tax credits processed through ‘sales’ \$2.6 million
- e. Number of site inspections conducted on completed projects 12
- f. Educational and promotional activities included speaking events and various visits to conservation districts and NRCS offices across Pennsylvania. 3



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

July 6, 2022

To: Members
State Conservation Commission

From: Eric Cromer
Conservation Program Specialist

RE: Conservation Excellence Grant Program

The Conservation Excellence Grant Program (CEG Program), created under the 2019 PA Farm Bill, has been active since July 2020 beginning with the distribution of \$2.5 million in funding to the Lancaster and York county conservation districts. Both Lancaster and York counties are identified as Tier1 counties by DEP in Pennsylvania's Chesapeake Bay Phase 3 Watershed Implementation Plan (ChesBay Phase III WIP) and thus were priority counties for implementation of the CEG Program. Subsequently, with funding allocations to the Commission in FY2020 and FY2021, five Tier 2 counties, Bedford, Centre, Cumberland, Franklin, and Lebanon counties have been integrated into the CEG Program.

- Total funding allocated to the seven county conservation districts as of January 1, 2022, is \$8.808 million. These allocations includes \$6.5 million in state funding and \$2.308 million from a DEP sub-grant as part of DEP's *Chesapeake Bay Implementation Grant Program* for expansion of the CEG Program in Tier 2 counties identified in the ChesBay Phase III WIP.
- Public-Private Partnership – Lancaster Farmland Trust (LFT) has been engaged in a \$1.154 million grant agreement since January 1, 2021, for a project to develop a public-private partnership model that will utilize CEG's financial bundling (grants, tax credits and loans) for the implementation of best management practices mimicking the CEG Program in Salisbury Township, Lancaster county. LFT is currently working with 4 project sites to complete design or construction activities of BMPs. LFT anticipates expanding its funding support to four more project sites with match from the National Fish and Wildlife Foundation before completion of the grant agreement.
- CEG Program activities - Table 1- Application and Project data – Conservation Excellence Grant Program illustrates the status of project applications received by participating districts and the status of grants/projects. Over \$7.7 million in program funds have been committed to grant projects by conservation districts and over \$1.88 million in payments to farmers for BMP implementation have been completed.

Table 1 – Application and Project data – Conservation Excellence Grant Program (as of July 11,2022)

*Information not available at the time of the report.

County	Applications Received	Applications Approved	Grant award totals	Project Descriptions	Number of Completed Projects	Completed Project descriptions	Grant funds Disbursed to applicants
<u>Bedford</u>	9	5	\$998,927	Waste Storage Facility, HUAP	1	Waste Storage Facility & Grassed Waterway	\$162,191
<u>Centre</u>	5	5	\$944,400	Level-lip spreader, HUAP; manure storages systems; livestock grazing systems	2	Level-lip spreader, HUAP	\$282,300
<u>Cumberland</u>	9	9	\$1,054,400	HUAP, Manure transfer system; streambank fencing with components.	1	HUAP & Waste Storage	\$72,000
<u>Franklin</u>	43	18	\$1,341,785	Barnyard Runoff; Manure Storage; Roofed Heavy Use Area Protection (HUAP) and Manure Stacking areas; Stream Crossing	5	Waste Storage Facility, Diversion, Grass Filter Area	\$501,467
<u>Lancaster</u>	35	31	\$1,677,974	Grassed Waterways & Diversions; Roofed Manure Stacking areas & HUAP	20	Grassed Waterway; Roofed HUAP; Waste Storage	\$750,124
<u>Lebanon</u>	5	5	\$1,227,022	HUA Protection, Waste Storage Facilities	*	*	0
<u>York</u>	25	21	\$463,052	Grassed Waterway ; Cover Crop Planting(395+ac.)	17	Cover Crops, Diversion	\$112,047
<u>TOTAL</u>	119	91	\$7,707,560		46		\$1,880,129



BUILDING BRIDGES

Farmers* Municipalities* Citizens
Conservation Districts* Agribusiness

To: Members June 30, 2022
State Conservation Commission
From: Beth Futrick
Agriculture/Public Liaison
Through: Karl G. Brown, Executive Secretary
State Conservation Commission
Re: Ombudsman Program Update – Southern Alleghenies Region

Activities: May-June

Administering NFWF Grant

- Organized soil health workshop (NFWF funding)
 - In partnership with Penn State Extension and PASA we are organizing a soil health event at a vegetable farm in Blair County to be held in August 2022.
- Organizing CREP workshops to promote multifunctional riparian buffers
- Assisting with streambank restoration projects – NFWF grant
- Coordinate a manure management workshop for Blair County
- Meeting with PA Sustainable Forestry Initiative and Pennsylvania Forest Products Association to prepare information distribution from PA Ag. Ombudsman's website
- Assisting with Keystone Development Center USDA grant to conduct a Regional Food Hub feasibility study for the Southern Alleghenies region

Conflict Issues/Municipal Assistance

- Assist Cranberry Township (Butler County) with urban agriculture planning
- Assist USDA- Rural Development with funding discovery for certified kitchen to support development of value add products
- Lycoming County fly complaint (on-going)
- Allegheny County fly complaint (on-going)
- Northumberland County fly complaint
- Union County fly complaint
- Support with Dauphin County fly complaint
- Support with Lehigh County fly complaint

Meetings/Trainings/Events

- Neighborhood site visit to Collomsville (Lycoming Co) follow up on fly complaint
- Hoop House/Green House construction day at NatureWorksPark – support urban agriculture education
- PA SFI meeting – discussion about timber harvest ordinances
- Blair County's Penn State Extension committee meeting
- Healthy Blair County Coalition event
- Manure Management workshop
- Blair County Chamber of Commerce event

Reports & Grant Applications

- Administering the National Fish and Wildlife Foundation Grant for BCCD
- Submitted PASA-CREP mid-term report
- Wrote/Submitted Growing Greener application for BCCD



BUILDING BRIDGES

Farmers * Municipalities * Citizens
Conservation Districts * Agribusiness

To: Members
State Conservation Commission
July 20, 2022

From: Shelly Dehoff
Agriculture/Public Liaison
Through: Karl G. Brown, Executive Secretary
State Conservation Commission

Re: Agricultural Ombudsman Program Update

Activities: Since mid-May 2022, I have taken part or assisted in a number of events, including the following:

- Coordinating manure injection educational and promotion effort for farmers in Lancaster County, and handling incentive program applications and invoice payment processing; program interest with custom applicators more than doubling from previous year
 - One funding source willing to start paying renting the horse drawn injection unit in Bay Watershed, but outside Lancaster Co.
- Events as South Central Task Force Agriculture Subcommittee Planning Specialist:
 - Hosted/facilitated May, June and July Subcommittee meetings
 - Hosted/observed K9 First Aid training for working dogs, taught by Penn Vet staff
 - Listened to 3 webinars by FBI/CISA regarding veterinary medicine for possible criminal activity; bioterrorism; food and ag sector threats
- Participated and recorded minutes for May and June Lancaster Co. Agriculture Council meetings
- Coordinated Conservation Foundation of Lanc Co meetings and an Exec Comm meeting; leading action to have Foundation Board be more active in seeking alternative funding sources that benefit LCCD core programs
- Distributed 135 metal biosecurity signs to 10 different entities in PA
- Filled request from northeast NRCS office to receive multiple OMB publications for distribution to local farmers
- Made arrangements to have horse drawn manure injection unit transported to North American Manure Expo in July
- Arranged site/farmers to take part in tour stop for the Bay Foundation's STAC committee related to soil health and manure injection
- Edited/revised and had more copies printed of publication re: cons planning practices (photo rich) for distribution upon request
- Spent much time with Dr. Martin (Extension) regarding fly complaints needing his advice; wrote 16 letters to farmers regarding fly complaints and the need to do better control methods, when I didn't have a phone number for them. Made many phone calls too. Talked with multiple different county Conservation District employees to help identify farmers surrounding fly complaints.
- Attended LCCD annual banquet, presented Scholarship award winner names and facilitated scholarship auction
- Attended the Farming for Success conference at PSU research farm
- Attended North American Manure Expo in Chambersburg

Local Government Interaction: I have been asked to provide educational input regarding agriculture:

Chester Co—ongoing participation in Mushroom Farmers of PA, and Phorid Fly Action Group virtual meetings

Moderation or Liaison Activities: I have been asked to provide moderation or liaison assistance with a particular situation:

Berks Co—neighboring farmers with stormwater issues

Research and Education Activities:

Lancaster Co—worked with co-worker who is handling a neighborhood/farm issue to be sure he is asking the right questions and providing solid guidance

Fly Complaint Response Coordination: I have taken complaints or am coordinating fly-related issues in:

Schuylkill Co—multiple complaints 2 different farms/areas

Lancaster Co—2 complaints

Lebanon Co—2 different complaints

(OVER)

York Co—multiple complaints from one particular area, repeated issues from previous years

Franklin Co—new complaint

Perry Co—new complaint from area we historically have dealt in

Dauphin Co—new complaint from area where there have been past complaints

Berks Co—new complaint

Lehigh Co—2 new complaints

Chester Co—new complaint

Cumberland Co— CD tech contacted me, willing to handle himself but asked for basic advice