

State Conservation Commission Meeting

March 10, 2020

PA Department of Agriculture, Harrisburg PA

Agenda

Briefing Session – 10:00 a.m.

1. Review of Public Meeting Agenda items
2. Chapter 105

Business Session – 1:00 p.m.

A. Opportunity for Public Comment

B. Business and Information Items

1. Approval of Minutes
 - a. January 22, 2020 Public Mtg.(A)
 - b. February 11, 2020 Conference Call (A)
2. Nutrient and Odor Management Program
 - a. Nutrient Management Plan – Leon Martin, Northumberland County – Brady Seeley, SCC (A)
 - b. Nutrient Management Plan – Lynn Schwalm & Son, LLC, Northumberland County – Brady Seeley, SCC (A)
 - c. Odor Management Plan – Carl Horst, Berks County – Karl Dymond, SCC (A)
3. Proposed ‘Conservation District Staff Position Budgeting Spreadsheet’, Fred Fiscus, DEP (A)
4. Proposed CDFAP Chart of Accounts Workgroup appointment – Karen Books, DEP (A)
5. Chapter 105 Dam Safety and Waterway Management, Proposed Regulatory Revisions (Roger Adams, Andy Klinger) (A)
6. Conservation Excellence Grant Program
 - a. Proposed ‘*Conservation Excellence Grant Program 2019-2020 Program Guidelines*’ – Johan E Berger, SCC (A)
 - b. Proposed ‘*Agreement for the delegation of Administrative Responsibilities for the Conservation Excellence Grant Program*’ and associated proposed ‘*Required Output Measures*’ – Johan E. Berger, SCC (A)

C. Written Reports

1. Program Reports
 - a. Act 38 Nutrient and Odor Management Programs Report
 - b. Act 38 Nutrient and Manure Management Program Evaluation
 - c. Status Report on Facility Odor Management Plan Reviews
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports

E. Adjournment

Next Public Meetings/Conference Calls:

April 14, 2020 - Conference Call

May 12, 2020 – PA Department of Agriculture, Harrisburg PA

DRAFT

**STATE CONSERVATION COMMISSION
MEETING
Wyndham Garden State College, Boalsburg, PA
Wednesday, January 22, 2020 1:45 p.m.**

Draft Minutes

Members Present: Secretary Russell Redding, PDA; Aneca Atkinson for Secretary Patrick McDonnell, DEP; Mike Flinchbaugh; Ron Rohall; Ron Kopp; MaryAnn Warren; Don Koontz; Denise Coleman, NRCS; Matt Keefer, DCNR for Secretary Cindy Adams Dunn; Adam Walters, DCED; Dr. Richard Roush, PSU; Brent Hales, Penn State Extension; Mike Price, PACD.

Executive Session: Commission members held an Executive Session to consider legal matters related to pending Nutrient Management enforcement cases.

Public Input

There were no public comments presented.

A. Business and Information Items

1. a. Approval of Minutes – November 12, 2019 - Public Meeting.

Mary Ann Warren moved to approve the November 12, 2019 public meeting minutes. Motion seconded by Mike Flinchbaugh. Motion carried.

- b. Approval of Minutes – December 10, 2019 – Conference Call.

Don Koontz moved to approve the December 10, 2019 conference call minutes. Motion seconded by Richard Roush. Motion carried.

2. Nutrient and Odor Management Program

- a. Nutrient Management Plan – Dallas Equine Center, LLC, Lauren Swicklik, Luzerne County. Frank Schneider, SCC, reported that Lauren Swicklik operates an equine boarding and training agricultural operation in Luzerne County under the name of Pinewood Acres. This operation has expanded and added additional animal housing and presently can accommodate 17 horses housed in two separate barns. The total combined animal equivalent units at Swicklik’s horse operation are 18.2. There are 3.69 acres of permanent pastureland on the operation. The proposed NMP for Lauren Swicklik indicates needed BMPs to be implemented on the operation, namely the installation of the following: Animal Concentration Area Management (routine collection of manure), Forage and Biomass Planting for management of all the pastures and concreting the manure storage areas on this operation. These practices will assist the operation with protecting water quality and with overall management of this horse boarding and training operation. Staff has reviewed the plan and recommends approval.

Mike Flinchbaugh made a motion to approve the Dallas Equine Center, LLC Nutrient Management Plan. Motion seconded by Ron Rohall. Motion carried.

3. PaOne Stop Letter of Understanding. Frank Schneider, SCC, reported that PaOneStop is designed to assist agricultural producers in managing their operations through the use of online tools. These tools provide producers with an opportunity to make informed management decisions and ensure they are meeting regulatory requirements for conservation and manure management planning under DEP's Chapter 91 and 102 regulations. The Pennsylvania State University (PSU) has developed 2 modules for PaOneStop through previous contracts with PDA, DEP, and the SCC. PSU has provided and will continue to provide services to the extent that resources are available and or provided to support the program anticipating that PDA, DEP, and SCC will seek future funding for these services. The purpose of the LOU will be to establish the terms under which the PaOneStop program will be administered, maintained, and funded through a joint effort of PDA, DEP, and SCC. Major provisions include:

- Formation of an Executive Committee to establish goals, objectives and priorities for PaOne Stop, which will be implemented through agreements between Committee member agencies and other entities.
- Executive Committee will appoint a Management Group
- This LOU is not intended to and does not create any contractual rights or obligations with respect to the agencies or any third parties.

Ron Rohall made a motion to approve the PaOneStop Letter of Understanding (LOU) among the Commission, Department of Agriculture, and Department of Environmental Protection. Motion seconded by Don Koontz. Motion carried.

4. Request to change the composition of the Board of Directors for Luzerne County Conservation District. Karl Brown, SCC, reported that on August 15, 2019, the Luzerne Conservation District Board of Directors unanimously passed the following motion..."to adopt a resolution requesting the State Conservation Commission's approval to change the size of the Luzerne Conservation District Board of Directors to seven members, and to authorize the Executive Director to request support of the resolution from the Luzerne County Council." This was approved by the Luzerne County Council on December 3, 2019. Currently, the Board is made up of 4 Farmer Directors, 4 Public Directors, and 1 member from County Council. The change would maintain the current balance of representation by reducing the size by 1 Farmer Director and 1 Public Director. The Board feels that a 7-member Board will be more than adequate in governing the operations of the Luzerne County Conservation District.

Mike Flinchbaugh moved to approve the change in the composition of the Board of Directors for Luzerne County. Motion seconded by Ron Kopp. Motion carried.

5. Annual Conservation District Audit Report for Calendar Year 2018. Karen Books, DEP, reported that for Calendar Year 2018, thirty district audit reports had "no reportable findings." The most common finding, which continues to be noted is "Lack of Segregation of Duties." This finding was noted in 24 of the current audits which is three more than last year. To permanently address "Lack of Segregation of Duties," districts should implement a policy that increases the number of district staff and directors overseeing/reviewing district financial activities. Commission and Agency staff have been looking into this issue and plan to recommend some options or policies in the future to help districts address these findings. Karen reported that all 66 conservation district audit reports were independent of the County audit as required and were submitted by the December 31, 2019 deadline. Most

districts are also following the guidelines approved by the Commission dealing with Custodial Credit Risk, for both bank deposits and investments.

Richard Roush made a motion to accept the report of district audits for calendar year 2018. Motion seconded by Don Koontz. Motion carried.

6. Conservation District Advisory Committee Proposal and Appointments. Karl Brown, SCC, reported that a proposal was created for the establishment of the Conservation District Advisory Committee (CDAC). This proposal is an outcome of discussions of the PACD/SCC Communication Committee that has met several times over the past year. This proposal would establish 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. Commission staff requested nominations from conservation districts and PACD for individuals to serve on the Conservation District Advisory Committee for the six (6) regional conservation district director positions and the six (6) regional conservation district management staff positions. Appointments approved by the Commission will be effective January 2020.

Mike Flinchbaugh made a motion to approve the Conservation District Advisory Committee Proposal and Appointments, noted in the attachment. Motion seconded by Ron Rohall. Motion carried.

7. Proposed Memorandum of Understanding among the State Conservation Commission, PA Department of Agriculture, and PA Department of Environmental Protection. Karl Brown, SCC, reported that there is a revised Memorandum of Understanding among the State Conservation Commission (Commission), the Department of Environmental Protection (DEP) and the Department of Agriculture (PDA). This Memorandum of Understanding is intended to define and delineate the roles and responsibilities of each agency in assisting the Commission in fulfilling its duties. These duties include a general duty to support and provide oversight to county conservation districts, as well as a duty to develop, implement, and enforce programs assigned by law to the Commission. The Memorandum of Understanding and its addendums have completed all final legal reviews and are ready for signature by the parties. Staff recommends the adoption of this agreement.

MaryAnn Warren made a motion to adopt the proposed Memorandum of Understanding Among the State Conservation Commission, PA Department of Agriculture, and PA Department of Environmental Protection. Motion seconded by Richard Roush. Motion carried.

8. 2020 Conservation District Director Appointment Update. Karl Brown, SCC, reported that as of January 9, 2020, Chief Clerks from 52 counties (79% of all counties) have submitted their county’s list of Conservation District Director appointments for 2020 to the State Conservation Commission. Reminder letters will be mailed to those counties that have not submitted their director appointments to the Commission.

Action: No action required.

9. Manure/Nutrient Planning Technical Team (MNPTT) Update. Frank Schneider, SCC, reported that in June and July 2019, the SCC and Department of Environmental Protection (DEP) met with stakeholders and discussed multiple topics related to Nutrient Management (NM), Manure Management (MM), and Concentrated Animal Feeding Operation (CAFO). As a result of these meetings, the SCC and DEP convened a Technical Advisory Team, called the Manure and Nutrient Planning Technical Team (MNPTT) to discuss possible NM, MM, and CAFO planning standards revisions. The MNPTT will meet once a month, over the next calendar year, to discuss many issues in regards to planning and implementation and to provide proposed policy/procedures, regulatory, and /or legislative changes that may be warranted for further discussion, to both the SCC's Nutrient Management Advisory Board (NMAB) and DEP's Agricultural Advisory Board (AAB), which can then make recommendations to the respective agencies. To date, the MNPTT has met multiple times (October, November and December 2019) and worked thru a large list of possible items for further discussion. The MNPTT has developed a list of items for prioritization and further discussion.

Action: No action required.

10. Dirt, Gravel, and Low Volume Road Program Update. Steve Bloser, PSU Center for Dirt and Gravel Road Studies, gave an unpaved road assessment and recommended that new sites should continue to be included in the 2020-21 allocation formula. Steve shared all of the different types of 2019 training events: ESM, QAQC, Webinars, 30-day workshop, ESM Boot Camp, Stream Crossing Boot Camp, and technical assistance visits. Annual reports from 2019 were due from conservation districts on January 15, 2020. As of January 17, 2020, \$27M is currently under contract; \$10.5M was spent on active contracts; and \$16.5M was contracted but not spent. In May 2020, an update will be given on conservation district FY 2020/21 allocations. This is the last year of the phased-in Dirt and Gravel formula change. It will include any newly identified sites from the assessment.

Action: No action required.

11. Leadership Development Program Update. Matt Miller, PACD, reported that the Building for Tomorrow 2019 Management Summit was held at the Wyndham Garden State College on September 12-13, 2019. The Building for Tomorrow 2020 Staff Conference will take place on February 12-13, 2020, at the Wyndham Garden State College. Sessions will include: emotional intelligence, time management, project management, effective messaging strategies, records retention, prevailing wage, riparian buffers, and environmental education resources. The 2020 Building for Tomorrow Director Training Workshop Series will consist of six interactive workshops and will be held across Pennsylvania in February and March 2020. New Manager Training Bootcamp will take place on June 3-4, 2020, and the 2020 Building for Tomorrow Management Summit will take place on September 2-3, 2020. Letters of intent to participate in the 2019-2020 Strategic Planning Grants program were submitted by and approved for six districts. The program provides grants in the amount of \$1500 to offset costs connected to district strategic planning activities. The newly redesigned Building for Tomorrow website was launched in September 2019.

Action: No action required.

12. Spotted Lanternfly Program Update. Dr. Richard Roush, Penn State, reported on the history of Spotted Lanternfly (SLF). From 2014-2019, USDA-APHIS and the PA Department of Agriculture primarily focused on containment, suppression, and permitting. Penn State College of Ag Sciences concentrated on entomology, forestry, and plant pathology research and public education. Tools used to contain and eradicate the SLF include: pheromones to detect and/or kill the pest; and mass rear and release sterile insects. The challenges associated with the SLF include: Tree of Heaven is important, but there are multiple host plants across diverse urban/suburban/ag/forested habitats; very difficult to sample and map higher density locations; dispersal of adults and nymphs; most effective controls currently are synthetic insecticides with significant non-target risks, and often kill less than 100%; sensitivity of grape vines. Since the SLF is attracted to tall objects, pole traps are being used to capture them in netting. Area-wide management tasks include: focusing on the Tree of Heaven, Black Walnuts, and Maples for suppression; optimize *Beauvaria* (fungal insecticide); do three applications early season out to at least 500 yards from vineyards; helicopter application to forested areas; treated poles as sampling tools for adults; and registration of *Verticillium nonalfalfae* to kill Tree of Heaven.

Action: No action required.

- 3 13. Chesapeake Bay Program WIP Update. Jill Whitcomb, DEP, reported on priority geographies and practices; Phase 3 WIP implementation progress; and Countywide Action Planning and Implementation. Efforts are prioritized as follows: Tier 1 – first 25% of reductions; Tier 2 – second 25% of reductions; Tier 3 – third 25% of reductions; and Tier 4 – last 25% of reductions. Programs that are used to support Phase 3 WIP Progress include: Pennsylvania Farm Bill, Agriculture Plan Reimbursement Program, Chesapeake Bay Ag Inspection Program Pilot – Phase 2, and Riparian Zone Restoration Projects. Jill also shared incentives and methods to accelerate implementation of Phase WIP. Countywide Action Plan Funding Support comes from the County Community Clean Water Action Plan Coordinator Grant and the Countywide Action Plan Implementation Grant. Countywide Action Plan Staff support comes from a DEP support team and the County Community Clean Water Action Plan Coordinator. The tools and resources to support the Countywide Action Plan development and implementation include: Community Clean Water Planning Guide; Community Clean Water Planning Toolbox; Community Clean Water Implementation Guide; and the Community Clean Water Implementation Toolbox.

Action: No action required.

C. Written Reports – Self Explanatory

1. Program Reports

- a. Act 38 Nutrient and Odor Management Program Measurables Report
- b. Act 38 Calendar Year 2019 Nutrient Management Plan Data
- c. Chapter 91 Calendar Year 2019 Program Activities
- d. January 2020 Status Report on Facility Odor Management Plan Reviews
- e. Certification and Education Programs Accomplishment Report
- f. REAP Program Accomplishment Report

2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District and Lancaster County Conservation District)

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

DCNR – Matt Keefer reported that DCNR was challenged by EPA to allocate \$1.2M this year to Riparian Buffer projects. There will be an announcement soon on how to access these funds. Registration is open for the Third Riparian Forest Buffer Summit on March 11-12, 2020 at the Blair County Convention Center.

PDA – Secretary Redding reported that conservation presence is an important part of the Farm Show each year. Dean and Rebecca Jackson from Bradford County, PA received the 2019 Leopold Conservation Award. Senator Yaw presented information on WIP 3 at a special meeting during the Farm Show. The Fertilizer Bill was introduced by Senator Yaw. Governor Wolf will ask for Restore PA in his budget address.

PSU – Brent Hales expressed his gratitude to all of the conservation districts and agencies that were present at the meeting. His background is in community and economic development. Brent will be visiting all 67 Pennsylvania counties within the next year. Dr. Roush added that there are renewed surveys for BMPs and that riparian buffers will be a cost-effective strategy.

DCED – No report.

DEP – Deputy Secretary Aneca Atkinson reported that the Growing Greener grant round ended on January 3, 2020. Advisory boards are requesting an increase in Chapter 102 fee evaluations. A final draft for Chapter 91 and 92 fees will soon be presented.

NRCS – Denise Coleman reported that in FY 2019, more than 22,000 conservation practices were applied on Pennsylvania's private lands to help improve soil, air, and water quality; enhance wildlife habitat; and preserve land for future generations. To further NRCS's capacity to more effectively and efficiently deliver conservation, in 2017 PA NRCS purchased LiDAR for 16 counties. Despite limited funds in 2018, a LiDAR update was purchased for Lancaster County for future projects. In 2018, state agencies, the Susquehanna River Basin Commission, and other partners also invested in LiDAR and submitted a Broad Agency Announcement to USGS which was accepted and LiDAR was flown for 22 counties in Pennsylvania. This data will be received between November 2019 and February 2020. In 2019, PA NRCS and FEMA combined funds and it is anticipated that by Spring 2020, the remaining counties will be flown and receiving updated LiDAR data. NRCS has completed work from a 2017 Presidentially declared Emergency Watershed Protection (EWP) event. The completed work totaled \$126,701 (with \$95,025.75 coming from NRCS and the remaining amount from PA DEP) and included three sites in Bradford County and one in Susquehanna County. There were 16 weeks of technical training given on Chapter 102. There are three program roles for the Farm Bill program: Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), and Ag Conservation Easement Program. The Regional Conservation Partnership Program (RCPP) solicited applications. There were six from Pennsylvania, and funding will be awarded in Spring 2020.

PACD – No report.

Adjournment: Meeting adjourned at 3:57 p.m.

Next Public Meeting: February 11, 2020 – Conference Call
March 10, 2020 - Public Meeting, Harrisburg

STATE CONSERVATION COMMISSION CONFERENCE CALL
PA Department of Agriculture, Room 405
Tuesday, February 11, 2020 @ 8:30 am

DRAFT MINUTES

Members Present: Deputy Secretary Greg Hostetter for Secretary Russell Redding, PDA; Secretary Patrick McDonnell, DEP; Drew Gilchrist for Secretary Cindy Adams-Dunn, DCNR; Barry Frantz, NRCS; Brent Hales, Penn State; Ron Kopp; Ron Rohall; Mary Ann Warren; Adam Walters, DCED; and Brenda Shambaugh, PACD.

A. Public Input: Bill Neilson reported that urban farming, including vertical farming, is becoming more prevalent with the Pennsylvania Farm Bureau. Assessed and non-assessed waters in Pennsylvania are valuable to agricultural producers.

B. Agency/Organization Updates

1. DCNR – Drew Gilchrist

Drew reported that DCNR, in cooperation with the Western PA Conservancy, is looking to hire a new Regional Riparian Forest Buffer Specialist to help promote and coordinate riparian forest buffer efforts in Pennsylvania. The position will be based out of the DCNR Bureau of Forestry offices in the Southcentral Region. Interested parties can obtain more information at the Western PA Conservancy website. The 2020 Riparian Buffer Summit will be held on March 11-12, 2020 in Altoona, PA.

2. PACD – Brenda Shambaugh

Brenda report that the National Association of Conservation Districts (NACD) conference is being held during the week of February 10, 2020. Roy Richardson, SCC, will be giving a presentation on Dirt, Gravel, and Low Volume Roads. Allegheny and Indiana Counties received urban agricultural grants. Recently, each Pennsylvania conservation district created a highlight page that was shared with the Senate. A Conservation District Advisory Board was recently formed. PACD thanks SCC for organizing this group. PACD staff conference will take place in State College during the week of February 10, 2020.

3. Pennsylvania Department of Agriculture – Deputy Secretary Greg Hostetter

Deputy Secretary Hostetter thanked everyone who helped at the Pennsylvania Farm Show. Jeff Warner is the new Food Safety director. The budget appropriations hearing will be in the House on February 26, 2020 and in the

Senate on March 2, 2020. Budget prep meetings are now occurring. Greg mentioned the different grants available under the Farm Bill: Urban Ag Grants, Small Meat Producers, Dairy Investment Grants, Specialty Crop Grants, Farm to School Grants, REAP, and Conservation Excellence Grants.

4. Penn State Extension– Brent Hales, Director – no report.

5. DEP – Secretary McDonnell

Secretary McDonnell reported that DEP is working with NRCS, SCC, Conservation Districts, and PDA to develop environmental improvement projects. There are \$1.4M available between the Environmental Stewardship Fund and the Federal Government for eight Chesapeake Bay projects. These projects will take place in the following counties: Lancaster, York, Adams, Franklin, Lebanon, Centre, Cumberland, and Bedford. The Secretary also commented that volunteers are needed for Envirothon, which is coming up in May 2020.

6. NRCS – Barry Frantz

Barry reported on some of the Farm Bill Rules: Conservation Stewardship Program, EQIP, and Agricultural Conservation Easement Program. NRCS is currently updating the National Conservation Policy. They are also training field staff for new computer platforms. EQIP has approximately the same funding allocations as 2019.

7. DCED – no report.

C. Information and Discussion Items

1. **Conservation District Director Appointment Process Ongoing – Karl Brown**

As of February 5, 2020, 60 counties (91 %) have submitted their list of Conservation District Director appointments for 2020 to the Commission Office. Counties that have not submitted district director nominations to date include the following: Lackawanna; Lawrence; Lebanon; Lehigh; Montgomery; Wyoming. Commission staff will continue to review these appointments to ensure that proper process and policy is followed.

2. **FY 2020-21 Proposed Budget Update – Karl Brown**

On February 4th, Governor Wolf presented his FY 2020-21 proposed state budget to a joint session of the House and Senate. Major line items for conservation districts within PDA and DEP were funded level with last year's budget line items. In his presentation Governor Wolf highlighted and elaborated on the following ...

Responsible budgeting over the last five years has allowed Pennsylvania to go from a bleak economic outlook and minimal funding in the Rainy-Day Fund to a growing economy and over \$340 million in the state's Rainy Day Fund. Pennsylvania has made historic investments in education, expanded workforce development programs, addressed the opioid epidemic, and improved state government efficiencies. But there is still more to be done. The 2020-21 budget continues to invest in these initiatives while also increasing access to healthy food, addressing gun violence, calling for action on pipeline safety, striving to reduce lead exposure, and working hard to make critical investments in our state's most vulnerable populations. The General Fund budget is \$36.056 billion, an increase of \$1.460 billion, or 4.22 percent over the prior year

3. Conservation Excellence Grant Program – Johan Berger

Commission staff continue to work on developing the three components of the Conservation Excellence Program.

- The revised **REAP** Tax Credit Program is active and applications are being processed. 70% of REAP credits are committed. The average award is just over \$41K. Conservation BMPs represent approximately 50% of the credits committed to date, which is higher than in the past (equipment has tended to dominate). 70% of credits are awarded within CB watershed. Staff continues to work on the final piece (90% option) REAP Program changes and is developing a proposed framework for that program component.
- Staff recently met with PA Treasury Department staff in an effort to revitalize the **AgriLink** Low Interest Loan Program. Treasury has provided some “Interest Subsidy Buy-Down” estimates based on a prevailing market rate of 7% and has committed to redraft the “AgriLink Master Agreement” between Treasury and SCC, as well as the “Linked Investment Agreements” between Treasury and participating Farm Credit Service and Commercial Banks.
- Copies of the draft **CEG Guidelines** and **CEG Delegation Agreement** were shared with York and Lancaster conservation districts. Written comments were received from York, and comments from Lancaster are pending. A conference call is scheduled for February 7, 2020 with these districts to discuss their comments on these draft documents. Suggested comments from PDA Legal and Policy have been incorporated into these drafts.
- Eric Cromer will start with the SCC on March 2, 2020 and will assist with the implementation of the CEG Program Pilot. Eric comes to the SCC from Fulton County Conservation District.

Staff is requesting “conditional approval” of the CEG Guidelines and the CEG Delegation Agreement to allow the roll-out process to continue.

Deputy Secretary Greg Hostetter made a motion to conditionally approve the CEG Guidelines and the CEG Delegation Agreement. Motion seconded by MaryAnn Warren. Motion carried.

4. Chapter 105 Dam Safety and Waterway Management, Proposed Regulatory Revisions – Roger Adams, Ken Murin, DEP

DEP is currently developing changes to the Chapter 105 Dam Safety and Waterway Management Regulations (Title 25, Part I., Subpart C., Article II, Chapter 105). DEP is proposing amendments to clarify existing requirements, delete obsolete requirements, and incorporate new or revised definitions. DEP presented these proposed changes to the DEP Conservation District 105 Advisory Committee on February 5, 2020. Ken Murin and Roger Adams shared a PowerPoint with the Commission on these proposed changes.

5. FY 2020-21 REAP Guideline Changes – Joel Semke

Each year the Commission has the opportunity to revise and update the Guidelines for the REAP Tax Credit Program. Commission staff is compiling a list of potential changes that could be made for the FY 2020-21 REAP Program Guidelines. A memo containing 7 potential changes being considered was shared, as well as a draft of the proposed options for the 90% option that were discussed with the Commission members in January. Joel Semke provided details on these topics.

6. 2020 Dates to Remember

SCC Meetings

March 10	Harrisburg
May 12	Harrisburg
July 22	Wyndham Garden State College, Boalsburg
September 15	Harrisburg
November 10	Harrisburg

PACD/SCC Winter Meeting

January 22-23	Wyndham Garden State College, Boalsburg
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LDC Building for Tomorrow – Staff Conference

February 12-13	Wyndham Garden State College, Boalsburg
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LDC Building for Tomorrow - Regional Director Trainings

February 26	Clinton County CD
February 27	Monroe County CD
March 4	Erie County CD
March 5	Westmoreland CD
March 10	Berks County CD
March 11	Cumberland County CD

Spring 102/105 Technical Training

March 16-19 (Basic/Refresher)	Wyndham Garden State College, Boalsburg
March 31-April 2 (Topic Based)	Wyndham Garden State College, Boalsburg

Agricultural Conservation Technical “Boot Camp” Training

April 6-10 (Basic Level)	Keystone Conference Center, Ft. Indiantown Gap
April 27-May 1 (Level II)	Keystone Conference Center, Ft. Indiantown Gap

Spring PACD Region Meetings

March 24	SC Regional Meeting Cumberland Conservation District, Carlisle
March 26	NC Regional Meeting Clinton Conservation District, Mill Hall
March 31	SW Regional Meeting Westmoreland Conservation District, Greensburg
April 3	NE Regional Meeting DEP NE Regional Office, Wilkes-Barre
April 22	NW Regional Meeting Venango County (location TBA)
April 30	SE Regional Meeting Henning’s Market, Harleysville

PACD/SCC Joint Annual Conference

July 22-23	Wyndham Garden State College, Boalsburg
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Conservation District Watershed Specialist Meeting

October 6-8	Toftrees Golf Resort, State College
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10. **Next Meeting** – March 10, 2020 Pennsylvania Department of Agriculture, Harrisburg

11. **Adjournment** - The meeting was adjourned at 10:30 a.m.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: February 21, 2020

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

FROM: Brady Seeley, Conservation Program Specialist
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Northumberland County, Pennsylvania

Action Requested

Action is requested on the Leon Martin Nutrient Management Plan for their Concentrated Animal Operation (CAO) located in Northumberland County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on February 10, 2020. As of that date, the plan was considered to be in its final form. The operation, located in Northumberland County, is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Northumberland County Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is a copy of the complete Nutrient Management Plan for the operation.

Thank you for considering this plan for Commission action.

Farm Description

Leon Martin is proposing a new animal operation on land he recently purchased in Northumberland County. Mr. Martin's proposed operation consists of 13.1 acres of cropland, 5.8 acres of farmstead, and 11.1 acres of associated agricultural land. Mr. Martin plans to rent all cropland to another farm and thus has no available acres for manure application. Animals planned to be raised on the operation are 60,000 broiler chickens housed in two separate barns, each housing a maximum of 30,000 broiler chickens. Sawdust will be used for bedding and brought in between each flock. Total animal equivalent units (AEUs) housed at Mr. Martin's operation is 155.81 AEUs. With no acres available for manure application, Mr. Martin's animal density calculation works out to 155.81 AEUs / acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005.

All manure from both barns will be removed between each flock of boilers and exported directly to a certified broker, Kyle Whitmoyer. Mortalities will be composted on site and mortality compost will be exported with the manure from the barns. Approximately 800 tons of manure is generated per year on the operation, with all being exported off site. The NMP does include the proper signed Exporter / Broker Agreement

The receiving stream for the operation is an unnamed tributary to Warrior Run, which is a Warm Water Fishery.

Best Management Practices listed to be implemented on Mr. Martin's proposed animal operation include: Animal Mortality Facility, Critical Area Planting, Grassed Waterway, Lined Outlet, Structure for Water Control, Underground Outlet, and Water and Sediment Control Basin. These proposed BMPs are needed on Mr. Martin's proposed animal operation to protect water quality.

Based on my review, the NMP developed for Leon Martin's proposed animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: February 27, 2020

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

FROM: Brady Seeley, Conservation Program Specialist
State Conservation Commission

SUBJECT: Nutrient Management Plan Review and Requested Action
Northumberland County, Pennsylvania

Action Requested

Action is requested on the Lynn Schwalm & Son LLC Nutrient Management Plan for their Volunteer Animal Operation (VAO) located in Northumberland County.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on February 27, 2020. As of that date, the plan was considered to be in its final form. The operation, located in Northumberland County, is considered to be a Volunteer Animal Operation (VAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Northumberland County Conservation District is not a delegated to perform plan review and action responsibilities under the Act 38 program.

A brief description of the operation, including my staff recommendation, is attached. Also attached is a copy of the complete Nutrient Management Plan for the operation.

Thank you for considering this plan for Commission action.

Farm Description

Lynn Schwalm and Son LLC is an existing beef cattle trade and transport operation located in Northumberland County. The Schwalm's operation consists of 131 acres of cropland, 260 acres of pasture, 65 acres of hay, and 4 acres of farmstead. Crop rotation for the operation is 1-year of corn for silage or grain, 1-year spelts, and 1-year of soybeans. Grass pastures and several alfalfa fields are maintained for hay production and are renovated as needed. Renovation usually includes 1-year of corn and 1-year of soybeans before being returned for hay production. The Schwalm's pasture their beef steers across multiple farms. Two farms have steers at them year-round with each facility housing a yearly average of 70 steers. There are barns at both of these facilities for the steers to be housed in during the winter. Four other farms have steers on pasture for 270 days out of the year with three farms containing an average of 70 steers and the fourth having an average of 75 steers during those 270 days. This gives a total of 425 steers on average for the entire year. Straw is used as bedding for the two farms with barns on them.

Total animal equivalent units (AEUs) housed at the Schwalm's operation is 351.83 AEUs. With 427.55 acres available for manure application, the Schwalm's animal density calculation works out to 0.82 AEUs / acre, classifying the operation as a Volunteer Animal Operation (VAO) under Act 38 of 2005.

Total collected manure is 1,161.9 tons of beef steer manure and this is all land applied on fields owned or rented by the Schwalm's. Application rate of beef manure is 8 ton/acre. Poultry manure is also imported to the operation and applied to fields and pastures that do not receive much nutrients from the beef cattle. This is applied at a rate of 1 or 2 tons/acre with approximately 130 tons of poultry manure being imported each year. Mortalities are buried on site.

The receiving streams for the operation are an unnamed tributary to Mahantango Creek and an unnamed tributary to Fiddlers Run which are Warm Water Fisheries as well as Mouse Creek which is a Trout Stocking Stream.

Best Management Practices listed to be implemented on the Schwalm's animal operation include Roof Runoff Structures for the barn at the farm designated as 2760. This proposed BMP is needed on the Schwalm's animal operation to protect water quality.

Based on my review, the NMP developed for Lynn Schwalm & Son LLC animal operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: February 12, 2020

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
Carl Horst, Berks County

KJ Dymond

Action Requested

Action to approve is requested on the Carl Horst odor management plan.

Background

This farm is located at 209 Bunker Hill Road, Womelsdorf, PA 19567; Heidelberg Township, Berks 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 February 12, 2020. 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: Carl Horst OMP

Farm Description

The Carl Horst agricultural operation is a proposed swine 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.

The distance to the nearest property line is proposed to be 350 feet for the animal housing facility and 350 feet for the manure storage facility.

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

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

- Cattle (heifer) operation in the east 1,200' – 1,800' quadrant
- Swine and Cattle (dairy) operation in the north 1,200' – 1,800' quadrant

The surrounding land use for this suburban area includes the predominant terrain features of open farm land with forested areas in the lower topography between the proposed facilities and the receptors (homes), especially in the southern and western quadrants. This agricultural area is right up against housing developments in the outer southern and western quadrants.

Assessment**Animal Housing Facilities:**

Existing Facilities – There are not any existing animal housing facilities (0 AEUs) on this site.

Proposed Regulated Facilities – This plan proposes an expansion with 1,200 finishing swine (162.74 AEUs) in the following animal housing facility:

- Swine Finishing Barn – 50' x 202' – 1200-pig capacity

Manure Storage Facilities:

Existing Facilities – This site does not include any existing manure storage facilities.

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

- Swine Under-Barn Manure Storage Facility – 50' x 202' x 6' – 415,514-gallon capacity
- A property line setback waiver is not required to meet the Nutrient Management Program regulations.

Odor Site Index

On January 24, 2020, as part of the pre-plan submission program requirements, Brady Seely and I met on-site with the operator, the plan writer, and Dr. Mikesell, PSU OM Program Technical

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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: Sarah Frame Certification number: 154 OMC
Signature of Planner:  Date: 1/24/2020
Date(s) Evaluation Distance Area Site Visit Conducted: 1/24/2020

Odor Management Plan Name: Carl Horst

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:

Carl Horst

Date: 1/24/2020

Print Name of Operator/ Authorized Representative:

Carl Horst

Title of Operator/ Authorized Representative:

Owner/Operator

Business Legal Name of the Operation:

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:	Swine
Proposed Animal Numbers:	1,200
Proposed AEUs (per animal type):	162.74
Voluntary Existing Animal Type:	None
Voluntary Existing AEUs (per animal type):	None
Total AEUs Covered by this Plan:	162.74
AEUs per acre for the operation:	162.74

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: 166.6

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.

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:**

1.) Steps taken to reduce dust and feed accumulation in pens, aisles, and on animals.

- a. Feed Wastage – Keeping aisles free of accumulated feed in all phases of production via weekly scraping or sweeping. Feed bins will be monitored daily for the presence of excess feed. Any excess feed will be removed immediately upon discovery.
- b. Cleaning and Sanitation – the entire inside of the facility will be power washed and disinfected between each group of hogs.
- c. Dust Control –Feeder adjustment: Drop tubes will be extended from the feed delivery auger into each feeder. Dry feeders will be checked daily for proper feeder adjustment. Less than 2 inches of feed should be visible at the back of the tray. Feeders should not exhibit spilled feed.

2.) Ventilation is managed to provide sufficient fresh airflow throughout the facility to keep animals and facility surfaces clean and dry.

- a. Ventilation Components – Ventilation system components are continuously monitored by a computer system. The operator receives a notification if system components are not functioning properly.
 - i. Mechanical Ventilation – the ventilation system will be designed to provide appropriate ventilation during the winter months. As ambient temperature

increases, ventilation rate will automatically increase via staged ventilation. Inlet openings will be automatically controlled by a static pressure monitor or by temperature, which will also be integrated into the computer controls.

1. Fans are cleaned and inspected after each group of hogs are removed.
2. Inlet openings are adjusted automatically by the barn's computer system, based on a monitoring system, to provide adequate air distribution.
3. Curtains are controlled by the barn's computer system.
4. Curtains, cables, winches, and other components of the ventilation system are monitored for functionality continuously by the barn's computer system. The equipment is visually inspected after each group of hogs is removed.

3.) Manure will be managed to minimize damp, exposed manure that contributes to odor generation.

- a. Keeping aisles and pens free of accumulated manure in all phases of production via scraping or sweeping weekly.
- b. Removal of manure from the pens with total slatted flooring – manure should drop through the floor continuously; if any manure does not fall through the slats and accumulates, then it will be removed or scraped through the slats weekly.

4.) Mortalities will be removed daily and composted with Ed Horst's animal mortalities at a stacking site located on the site map. Adequate amounts of carbon material will be added to offset composting requirements.

5.) Feed nutrients will be matched to animal nutrient requirements to avoid excess nutrient excretion.

- a. Phase Feeding – nutrient content in the diet will be closely matched to the weight and age of the pigs.

6.) Manage manure storage facilities to reduce exposed surface area and off-site odor transfer.

- a. Reduce liquid manure exposure to air - Planned hog manure storage facilities will be below barn, not exposed to wind.
- b. Manure Storage Area Cleanliness – A visual inspection of the manure storage facility load out area will be completed after each time manure is removed from the storage to ensure that any manure scattered during transport activities is cleaned up in a timely manner.

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:

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

- a. Microbe-Lift/Hog – is a bio-formulation containing Purple-Sulfur, Non-Sulfur, and Green Sulfur Microorganisms used in liquid hog manure systems to reduce manure odors and enhance manure consistency.
- b. Implementation – Application Rates:
 - Apply 7 gallons within the first 2 weeks of use and after each manure removal event (spring & fall). Apply 1.5 gallons once a week for the next 4 weeks following the initial 7 gallon application. Maintenance applications of 1.5 gallons once a month should occur after the 4 weekly applications.
- c. Operation & Maintenance:
 - Microbe-Lift/Hog will be applied per the manufacturer’s recommendations in the attached product data sheet.
 - Microbe-Lift/Hog or like product will be used during the life of the proposed hog barn.
- d. Should another brand of pit additive be used, application rates and method should change to follow manufacturer’s specifications. The plan will be updated to reflect the change in brand, rates, and methods.

Vegetative Buffers – *Vegetative Buffers are plantings of grasses, trees, and/or shrubs that are strategically located around animal housing facilities and/or manure storage facilities on poultry and livestock operations. Additionally, when used for their visual screening capacity, Vegetative Buffers may be located along property lines, or other locations on the poultry or livestock operation. Vegetative Buffers filter and trap dust, odor, particulate matter, and ammonia from the odor plume.*

Implementation

1. Site Preparation & Planting Methods Note – Follow the NRCS Conservation Practice Standard Tree/Shrub Site Preparation (490) for site preparation guidance. Soil tests will be conducted and soil amendments added as to recommendations. Remove debris and control competing vegetation to allow enough spots or sites for planting and planting equipment. Apply mulch to a depth of 3 to 4 inches using a minimum of a 3-foot wide strip of mulch in the planting row, or a 3-foot diameter circle of mulch around each plant. After planting, the operator will manually irrigate the plantings, as needed.

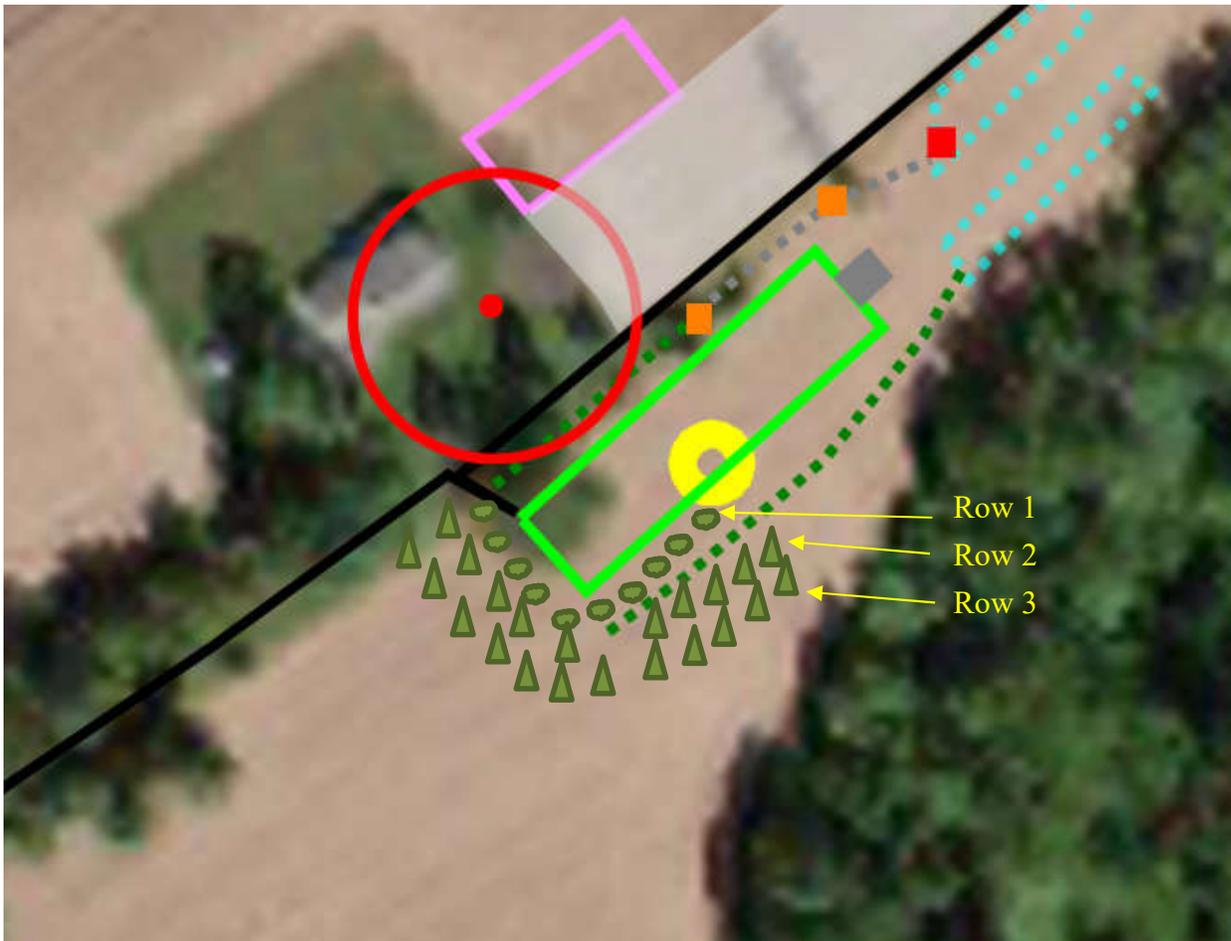
For container and bare root stock, plant stock to a depth even with the root collar in holes deep and wide enough to fully extend the roots. Pack the soil firmly around each plant. Cuttings are inserted in moist soil with at least 2 to 3 buds showing above ground.

2. Plant Material

Species/Cultivar	Kind of Stock	Planting Dates	Distance between plants w/in rows	Total Number of plants for the row	Distance between rows
Row 1 Options: Streamco Willow	tbd	Summer-Fall 2020	6 feet	33	16 feet-if next row is Streamco Willow 16-20 feet-if next row is a Conifer row
Row 2 Options: Arborvitae, Streamco Willow, Norway Spruce, Eastern Red Cedar	tbd	Summer-Fall 2020	6 feet-if Streamco Willow 16 ft-if Conifer	33 Streamco Willow Or 13 Conifers	16-20 feet
Row 3 Options: Arborvitae, Norway Spruce, Eastern Red Cedar	tbd	Summer-Fall 2020	16 ft	13 Conifers	N/A

3. Location and Layout (include drawing):

The Vegetative Buffer will consist of three rows of plant material. The row nearest the production building will consist of *Salix purpurea* "Streamco willow" planted on 6-foot centers. The middle row will consist of either Streamco willow planted on 6-foot centers or conifers planted on 16-foot centers. The outer row will consist of conifers planted on 16-foot centers.



Operation and Maintenance

a. Inspections

- Year 1: Inspect the Vegetative Buffer twice a month from spring until fall. Shape areas damaged by heavy rainfall, animals, chemicals, tillage, or equipment traffic, and any other areas where the vegetation is not adequate to achieve the intended purpose of the practice. Replant during the growing season
- Years 2-4: Inspect the Vegetative Buffer monthly during the growing season. Shape areas damaged by heavy rainfall, animals, chemicals, tillage, or equipment traffic, and any other areas where the vegetation is not adequate to achieve the intended purpose of the practice. Replant during the growing season. A higher level of care is required until 3 years after plant establishment.

- Years 5 and on: Inspect the Vegetative Buffer at least annually. Shape areas damaged by heavy rainfall, animals, chemicals, tillage, or equipment traffic, and any other areas where the vegetation is not adequate to achieve the intended purpose of the practice. Replant during the growing season.

b. Maintenance Activities

- Pruning: Thin or prune the rows of plantings to maintain its function only after trees and shrubs are established.
- Fertilize: Apply nutrients periodically as needed after the first year, but only if needed to maintain plant vigor and at a rate based on soil test results.
- Protect from damage: Protect the planting from wildfire and damage from livestock, wildlife, and equipment, to the extent feasible.
- Weed Control: Control undesirable plants by pulling, mowing, or spraying with a selective herbicide. Replace woody mulch; reapply mulch to a depth of 3 to 4 inches.
- Irrigation: Provide supplemental water to plantings during the growing season for the first 2-3 years post-establishment. Ensure watering equipment is properly working; replace components as needed.

- c. Odor BMP Lifespan – The Windbreak Shelterbelt will be implemented for the lifetime of the regulated facilities.

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:

1. Feed Wastage – Document occurrences of damage to the feed delivery system, and the corrective actions taken. Document discrepancies of spilled feed cleanup and the corrective actions taken.
2. Moisture Control - Document occurrences of damage to the water delivery system, and the corrective actions taken, as well as the amount of manure removed due to damage of the water delivery system.
3. Building Cleaning - Document discrepancies with the between group cleaning and sanitation process and the corrective actions taken. Document the dates of the between-groups maintenance activities actions taken.
4. Ventilation System - Document any occurrences of the ventilation system components not working correctly, and the corrective actions taken. Document the maintenance activities actions taken on the ventilation system.
5. Mortality Management - Document any discrepancies with daily disposal of mortality, and the corrective actions taken. Actual mortality numbers will be documented on the integrator's required daily inspection chard; see that documentation for mortality numbers).
6. Feed Ration – Document any alterations to the normal feeding ration.
7. Manure Storage Management – Document discrepancies with manure management. Document if manure is not exported during the cleanout period. Document the 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:

1. Manure Storage Additive for Odor Reduction
 - a. Document any discrepancies with the pit additive applications and the corrective actions taken.
2. Vegetative Buffer
 - a. Implementation – Document any changes to the planned Implementation Schedule.
 - b. Operation & Maintenance – Document conducting inspections and any maintenance activities that were needed to be conducted (e.g. plant replacement, pruning, mulch replacement, fertilization, irrigation, weed control, etc.)

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: Carl Horst

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: Carl Horst

Title of Operator: _____

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)

Select
Quarter:

<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)
---	--	---	---

LEVEL II ODOR BMP NAME: Manure Pit Additive		
<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Monthly Application (after 4 weeks of weekly applications)</i>		
Application Error		

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:*

<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)
---	--	---	---

LEVEL II ODOR BMP NAME: Vegetative Buffer

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Inspections</i>		
Maintenance Activities		
Plant Replacements		

Appendix 1: Operation Information

Part A: Odor Source Factors

1. **Site Livestock History:** None

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:** None

Existing Animal Numbers: 0

3. **Existing Animal Equivalent Units (AEUs) per Animal Type:** 0

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
None			

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
None			

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

There no existing animal housing facilities or manure storages associated with this proposed operation. Carl Horst's father, Edward Horst, owns the property and has an animal operation. However, Edward's animal operation will be separate from Carl's animal operation.

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: Swine

Proposed Animal Numbers per animal type: 1200

Proposed AEUs per animal type: 162.74

(b) Voluntary Existing Animal Types: None

Voluntary Existing Animal Numbers: 0

Voluntary Existing AEUs per animal type: 0

(c) Total AEUs Covered by this Plan: 162.74

(d) Acres for the operation associated with an approved Act 38 NMP or acres utilized for the CAO calculation: 1

(e) Total AEUs/ Acre for the operation: 162.74

NOTE: The AEUs per acre calculation is only used to verify CAO status. AEUs 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 AEUs. 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
Swine Finishing Barn	50' x 202'	1,200 pigs

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.*

Manure will be stored in the proposed 6’ deep under-barn manure storage facility below the proposed swine finishing barn. All manure will be exported off site for land application.

- (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
Under-Barn Manure Storage		50’ x 202’ x 6’	415,514 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; 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) f 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)* Proposed Hog barn with Under-Barn Manure Storage Facility – Begin Construction April 2020

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). A heifer barn with >8 AEUs is located in the 1200'-1800' East quadrant. A hog and dairy operation with >8 AEUs is located in the 1200'-1800' North quadrant.

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 350(ft.) Not Applicable

b. Manure Storage Facility measurement 350(ft.) Not Applicable

3. 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

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

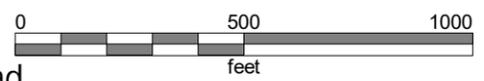
The purpose of the site map is to facilitate the plan review process of identifying specific details about the operation being evaluated. Odor Management Plans must include a site map of the operational related facilities drawn to scale with a map legend, identifying at a minimum the following:

- 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

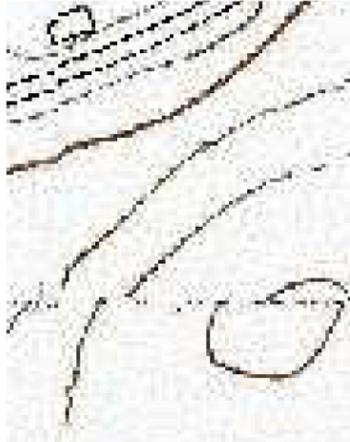
If there are multiple facilities on the site, detail the name of each of the facilities as per what the operator refers to them as, i.e. Layer #1 – Layer #5, mortality composting facility, etc.

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.

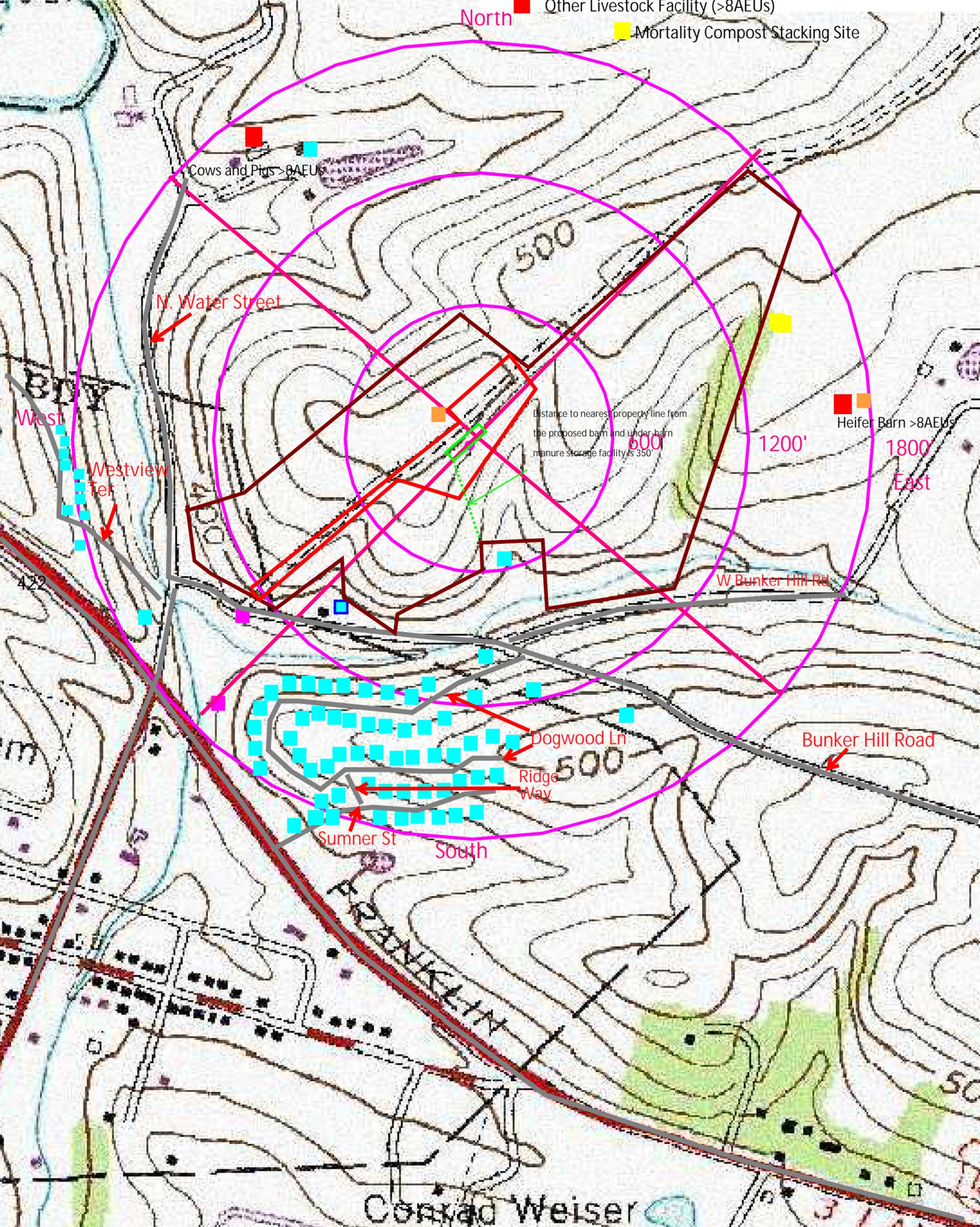
Carl Horst



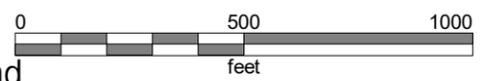
Owner: Edward and Sharon Horst
 Operator: Carl Horst
 Location: 209 Bunker Hill Road
 Womelsdorf, PA 19567
 Heidelberg Township
 Berks County
 HUC 10 Name: Tulpehocken Creek
 HUC 10 Code: 0204020304



- Municipal Road
- Property Boundary (Owned by Edward&Sharon Horst)
- Operation Boundary (Operated by Carl Horst)
- Proposed Animal Housing/Manure Storage
- Operationally Related Facility
- Neighboring Facility
- Neighboring Facility with Intervening Topography/Vegetation
- Public Use Facility
- Public Use Facility with Intervening Topography/Vegetation
- Other Livestock Facility (>8AEUs)
- Mortality Compost Stacking Site



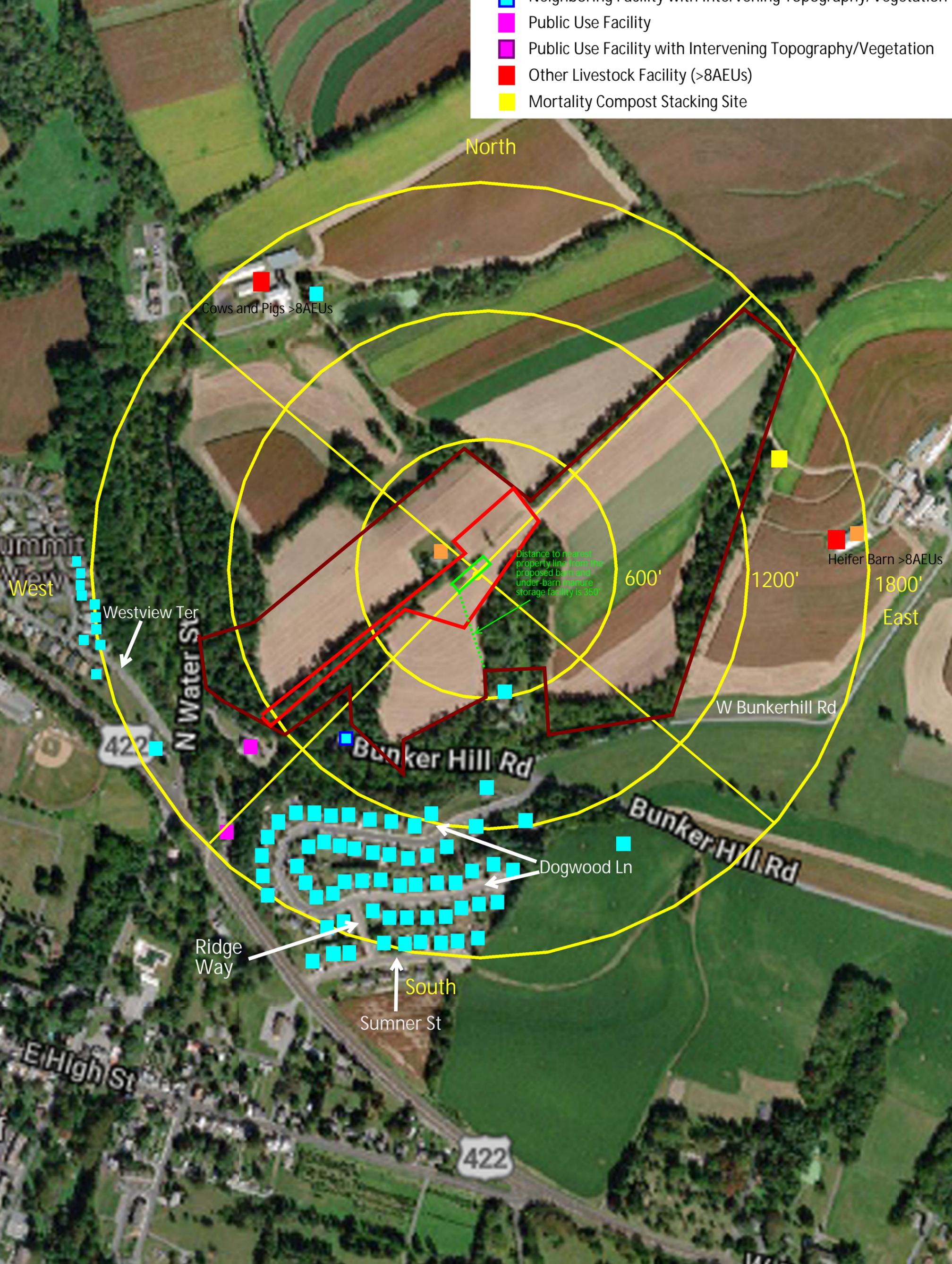
Carl Horst



Owner: Edward and Sharon Horst
 Operator: Carl Horst
 Location: 209 Bunker Hill Road
 Womelsdorf, PA 19567
 Heidelberg Township
 Berks County
 HUC 10 Name: Tulpehocken Creek
 HUC 10 Code: 0204020304



- Municipal Road
- Property Boundary (Owned by Edward & Sharon Horst)
- Operation Boundary (Operated by Carl Horst)
- Proposed Animal Housing/Manure Storage
- Operationally Related Facility
- Neighboring Facility
- Neighboring Facility with Intervening Topography/Vegetation
- Public Use Facility
- Public Use Facility with Intervening Topography/Vegetation
- Other Livestock Facility (>8AEUs)
- Mortality Compost Stacking Site



Appendix 3: Plan Evaluation – OSI

Act 38 Odor Management Plan - Odor Site Index

Operator Name	Carl Horst	
Planner Name	Sarah Frame	
Type of Operation	Swine	
Voluntary Existing AEU's	0	
Proposed AEU's	162.74	
Previously Approved AEU's	0	
AEU's Covered by OMP	162.74	
Evaluation Distance	1800'	
Part A: Odor Source Factors		OSI Score
Facility Size Covered by OMP	162.74	2
Site Livestock History	Zero AEU's _12pts	12
Manure Handling System	Poultry/ Swine / Cattle - deep pit under building, liquid or dry _4pts	4
		18.00
Part B: Site Land Use		
Ag Security Zone	No (0 pct)	0
Ag Zoning	Yes (-10 pct)	-16.1
Preserved Farm	No (0 pct)	0
		-16.10
Part C: Surrounding Land Use		
Other Livestock >8 AEU in evaluation distance	1 or more (0 pts)	0.00
Distance to Nearest Property Line	>300' (0 pts)	0.00
If nearest property is <300', is it preserved farmland	No (0 pts)	0.00
Neighboring Homes		130.00
Public Use Facilities		13.00
		143.00
Species Adjustment Factor	Swine,duck,veal (.15)	166.635
	Final OSI Score	166.635
	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	0	0	0	Select from list	Select from list	
Facility Value	15	7	3	0	0	
Home Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total Facilities 0.0
# Public Use Facilities	0	0	0			Total Public 0.0
Public Use Value	40	20	10	5	3	
Public Use Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total East 0.0
South Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	1	5	51	Select from List	Select from List	
Facility Value	10	5	2	0	0	
Home Shielding	<600 None (1)	600-1200 Some (.6)	1200-1800 None (1)	Select from list	Select from list	Total Facilities 127.0
# Public Use Facilities	0	0	1			Total Public 7.0
Public Use Value	30	15	7	4	2	
Public Use Shielding	Select from list	Select from list	1200-1800 None (1)	Select from list	Select from list	Total South 134.0
North Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	0	1	Select from List	Select from List	
Facility Value	6	3	0.5	0	0	
Home Shielding	Select from list	Select from list	1200-1800 None (1)	Select from list	Select from list	Total Facilities 0.5
# Public Use Facilities	0	0	0			Total Public 0.0
Public Use Value	25	13	6	3	1	
Public Use Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total North 0.5
West Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	0	5	Select from list	Select from list	
Facility Value	6	3	0.5	0	0	
Home Shielding	Select from list	Select from list	1200-1800 None (1)	Select from list	Select from list	Total Facilities 2.5
# Public Use Facilities	0	0	1			Total Public 6.0
Public Use Value	25	13	6	3	1	
Public Use Shielding	Select from list	Select from list	1200-1800 None (1)	Select from list	Select from list	Total West 8.5
						Grand Total 143.0

Appendix 4: Biosecurity

Biosecurity Protocol Contact Information

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

Name:	<u>Carl Horst</u>	Phone:	<u>610.413.4501</u>
E-mail:	<u>N/A</u>	Relationship:	<u>Owner</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.

Approved Nutrient Management Plan

Since this is a new operation, there is an Act 38 NMP developed for this operation, but it has not been approved yet by the Berks County Conservation District.

Farming Relationship – Edward Horst (Father) and Carl Horst (Son)

Carl's proposed hog barn with under-barn manure storage facility will be built on his father's property (Ed Horst). Ed's livestock and Carl's livestock will be considered separate operations; however, they will work together on both operations. Because of this relationship, Ed's heifer barn, located in the evaluation distance area, will be considered both an "operationally related facility" and an "other livestock operation," as noted on the site map.

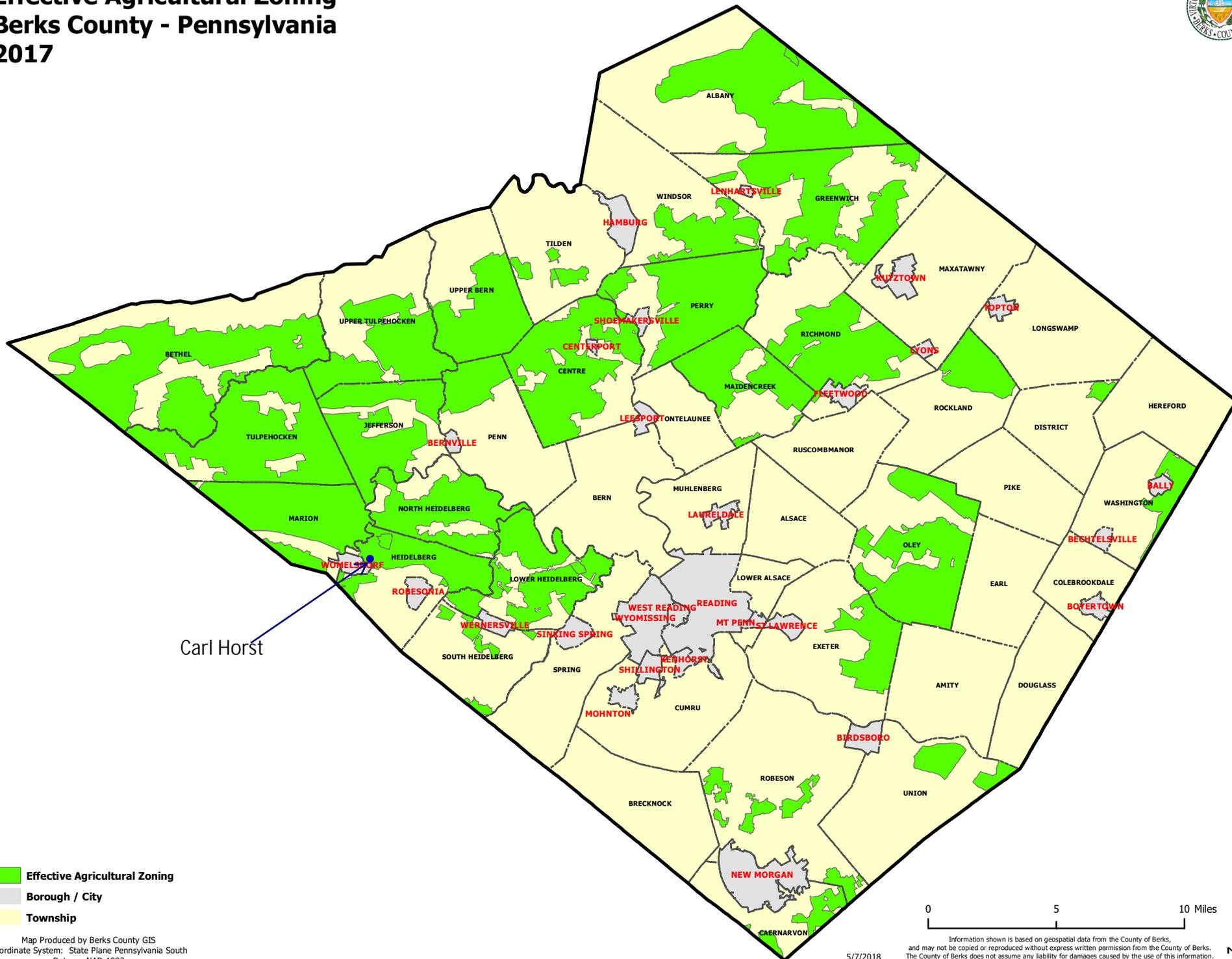
Agricultural Zoning

See attached Berks County Agricultural Zoning map for verification.

Appendix 3 Manure Group Information Crop Yrs. 2020, 2021, 2022	Spring Liquid Hog		Fall Liquid Hog	
Manure Report Date (note if averaging several reports)	Book Values		Book Values	
Laboratory Name	PSU Agronomy Guide		PSU Agronomy Guide	
Manure Type	Swine		Swine	
Manure Unit (lbs/ton or 1000 gal)	lb/1000 gal		lb/1000 gal	
Total Nitrogen (N) (lbs/ton or 1000 gal)	31.00		31.00	
Ammonium N (NH ₄ -N) (lbs/ton or 1000 gal)	Complete NH ₄ -N		Complete NH ₄ -N	
Total Organic N (lbs/ton or 1000 gal)	Check N values in Manure Avg Input Go to NMP Index		Check N values in Manure Avg Input	
Total Phosphate (P ₂ O ₅) (lbs/ton or 1000 gal)	24.00 Go to Appendix 3 Input		24.00	
Total Potash (K ₂ O) (lbs/ton or 1000 gal)	22.00 Go to Manure Avg Input		22.00	
Percent Solids	4.00 Grazing Calculator		4.00	
PSC Value (analytical or book value)	1.00		1.00	
Percent Moisture	96.00		96.00	
Manure Group AEU's	81.37		81.37	
Description: Site & Season Applied	Under Barn Storage	Spring	Under Barn Storage	Fall
Inventory Method	Calculated		Calculated	
	Collected Calc.	Uncollected Calc.	Collected Calc.	Uncollected Calc.
Manure Group Identification	Spring Liquid Hog		Fall Liquid Hog	
CALCULATED: Total Manure Collected Per Manure Group	208,400.0		208,400.0	
Units	gallons		gallons	
RECORDS: Total Manure Collected Per Manure Group				
Unit				
Manure Used On-Farm	Collected 0.0	Uncollected 0.0	Collected 0.0	Uncollected 0.0
Units	Gallons		Gallons	
Manure Exported	208,400.0		208,400.0	
Units	gallons		gallons	
Manure Allocation Balance	0.0	0.0	0.0	0.0
Units	Gallons		Gallons	
Manure Balance as a Percent of Total Manure Collected	0.0%		0.0%	
Total Rainfall and Runoff	0		0	
	gallons		gallons	

Appendix 3 Manure Group Information Crop Yrs. 2020, 2021, 2022	Spring Liquid Hog		Fall Liquid Hog		
	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	Swine Grow-Finish		Swine Grow-Finish		
Animal Type	Swine grow finish: 10-28 wk.		Swine grow finish: 10-28 wk.		
Animal Number	1,200		1,200		
Animal Weight	165		165		
Animal Group AUs	198.00		198.00		
Animal Group AEUs	81.37		81.37		
Daily Manure Production per AU	7.0		7.0		
Total Days Manure Produced	150		150		
Total Manure Produced	207,900		207,900		
Days On Pasture	0		0		
Hours Per Day On Pasture	0		0		
Total Bedding	0		0		Grazing Calculator
Total Washwater	500		500		
CALCULATED - Total Uncollected Manure Per Animal Group					
CALCULATED-Total Manure Collected Per Animal Group	208,400		208,400		App 3 Input

Effective Agricultural Zoning Berks County - Pennsylvania 2017



- Effective Agricultural Zoning
- Borough / City
- Township

Map Produced by Berks County GIS
 Coordinate System: State Plane Pennsylvania South
 Datum: NAD 1983

5/7/2018

Information shown is based on geospatial data from the County of Berks, and may not be copied or reproduced without express written permission from the County of Berks. The County of Berks does not assume any liability for damages caused by the use of this information.





TO Karl G. Brown
Executive Secretary
State Conservation Commission

FROM C. Frederick Fiscus III, P.G. 
Chief
Conservation District Support Section

DATE February 28, 2020

RE Fiscal Year Budgeting Spreadsheet for
County Conservation District Staff Salaries
and Benefits by Staff Position and Program

ACTION REQUESTED: Approve, conservation districts use of the “Fiscal Year Budgeting Spreadsheet for County Conservation District Staff Salaries and Benefits by Staff Position and Program”, starting with fiscal year 2020-21.

MESSAGE:

This requested action is a follow-up to my presentation of the “Fiscal Year Budgeting Spreadsheet for County Conservation District Staff Salaries and Benefits by Staff Position and Program” (Budgeting Spreadsheet) at the Commission’s January 2020 Briefing Session. Feedback received during and after that presentation has been mostly positive with one additional conservation district requesting a copy of the Budgeting Spreadsheet for review. This brings the total to seven conservation districts, ranging in staff size from 4 to 22, that have piloted the attached Budgeting Spreadsheet.

Positive arguments for conservation districts completing this Budgeting Spreadsheet on an annual basis are: the ability for conservation districts, the Commission and state agencies to prove to county commissioners and state representatives the worth of conservation districts in leveraging state and federal dollars, the ability for the Commission and state agencies to confirm that cross-program funding and match obligations meet program requirements and the ability for the Commission to provide up to date conservation district salary and benefit information upon request.

The one negative argument we have heard more than once from conservation district managers is; this is one more reporting requirement on top of all the other reporting requirements they currently have. Staff is sensitive to this argument and recommends the Commission indefinitely suspend the current requirement for submission of the annual Conservation District Fund Allocation Program (CDFAP) year-end Financial Statement. The Financial Statement is rarely referenced by Commission staff and is not a requirement of Conservation District Law. The Financial Statement is a requirement of the CDFAP Statement of Policy and the requirements

within the CDFAP Statement of Policy may be amended at any time by an official action of the Commission.

Additionally, staff recommends the due date for completion and submission of the new Budgeting Spreadsheet be September 30th, following the start of the fiscal year. Staff also recommends the Commission require conservation districts to submit an updated Budgeting Spreadsheet by September 30th, following the end of the fiscal year, documenting the conservation district's actual expenditures for that fiscal year.

Summary of actions staff is requesting of the Commission:

1. Approve, the required use of the "Fiscal Year Budgeting Spreadsheet for County Conservation District Staff Salaries and Benefits by Staff Position and Program" by conservation districts starting with fiscal year 2020/21.
2. Approve, the submission due date of September 30th, following the beginning of a new fiscal year, for submission of the Budgeting Spreadsheet. The Budgeting Spreadsheet will be submitted to the Commission and document the anticipated expenditures, to the best of the conservation district's knowledge, for the current fiscal year.
3. Approve, the submission due date of September 30th, following the end of each fiscal year, for submission of an updated Budgeting Spreadsheet. The updated Budgeting Spreadsheet will be submitted to the Commission documenting the actual conservation district expenditures of the previous fiscal year.
4. Approve, indefinitely suspending the requirement for Conservation Districts to submit the annual CDFAP year-end Financial Statement, beginning with the 2020 Financial Statement due March 31, 2021, as required by the CDFAP Statement of Policy.

Attachment



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

February 24, 2020

To: Members
State Conservation Commission

From: Karl G. Brown
Executive Secretary

RE: Conservation District Financial Management Workgroup (FMW)

Requested Action: Establishment of a Conservation District Financial Management Workgroup (FMW).

Background: This proposal is the outcome of an ad hoc workgroup that has been meeting over the past several months to discuss standardizing a chart of accounts and financial policies for Conservation Districts in Pennsylvania. This proposal would establish a standing Commission “Financial Management Workgroup” to oversee the development of an accounting and administrative procedures manual containing a standard chart of accounts and or a comprehensive financial management system.

Staff recommends that members of the current ad hoc workgroup be appointed to the Commission’s standing Financial Management Workgroup. These members were selected through discussions with PACD and through SCC/DEP Staff interactions with conservation district staff across the state. Members Include: 1) Michele Long – Pike CD, Manager; 2) Brandi Marks – Centre CD Fiscal Technician; 3) Doug Beri Jr. – Indiana CD, Manager; 4) Judy Becker – Northumberland CD, Manager; 5) Renee Swineford – Snyder CD, Administrative Assistant; and 6) Ray Knaub – CPA. Appropriate SCC and DEP Staff will also participate in this workgroup.

In order to accomplish this task, the workgroup requests permission to research and interview consultants who specialize in financial management. By interviewing consultants, the workgroup hopes to better understand if an accounting and administrative procedures manual containing a standard chart of accounts and or a comprehensive financial management system are the appropriate financial management tools to be developed at this time. In addition, these interviews will also help the workgroup better understand the estimated cost for development, implementation and ongoing maintenance of such a system, as well as a timeline for development and implementation.

Based on its research and consultant interviews, the workgroup will provide a summary of their findings and any recommended actions for the Commission’s consideration. It should be noted that the proposed standing Commission work group will not have any authority to commitment the Commission or any of its member agencies to funding agreements or contracts. Any commitment of funds and or entering into any contract or agreement necessary to implement these recommendations would require an action of the Commission or one of its member agencies.



Bureau of Waterways Engineering and Wetlands

Chapter 105 Dam Safety and Waterway Management

Overview of Proposed Regulation Revisions
State Conservation Commission
March 10, 2020

Purpose

Department is proposing amendments to provide:

- Clarify existing requirements
- Delete or update obsolete requirements and references
- Incorporate new or revised definitions
- Correct typographical errors

The proposed revisions *does not* include revisions to application fees.

Purpose continued

- Add new subsections or update existing regulations to clarify application requirements for
 - alternatives analysis
 - cumulative impacts
 - environmentally beneficial projects or activities
 - aquatic resource assessment and mitigation criteria

Summary of Proposed Revisions

- Adds, revises or deletes definitions
- Proposed new permit waivers
- No new fees proposed
- Application requirements clarified
- Eliminates prescribed 60-day period to provide deficient items in completeness and technical
- Adds enrollment to the Private Dam Financial Assurance Program

Summary of Proposed Revisions

- Compensation for aquatic resource impacts
- Removal of dams and removal or abandonment of water obstructions and encroachments.
- Clarified and updated dredged and fill requirements
- Clarified prior converted cropland—statement of policy

Stakeholder Outreach Efforts

- Chapter 105 Agricultural Workgroup
- State agency representatives
- Major dam owners
- Water Resources Advisory Committee (WRAC)
- Agricultural Advisory Board (AAB)
- State Conservation Commission (SCC)
- Citizens Advisory Council (CAC)
- County Conservation District Workgroup
- Formal Process
 - Environmental Quality Board (EQB)
 - Public Notice in the *Pennsylvania Bulletin*



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

**For more information contact
Roger Adams, Director
Bureau of Waterways Engineering
and Wetlands
717-772-5951
roadams@pa.gov**



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

March 3, 2020

To: Members
State Conservation Commission

From: Johan E. Berger, Conservation Program Specialist
Financial Administration, Policy, Certification & Conservation District Programs

Through: Karl G. Brown
Executive Secretary

RE: Proposal – CEG Program Guidelines and Delegation Agreement

Attached are ‘final draft’ documents pertaining to the administration and implementation of the Conservation Excellence Grant Program (CEG Program) for consideration and approval by the State Conservation Commission (Commission) for a pilot program with the Lancaster County and York County conservation districts.

The documents include the ‘*Conservation Excellence Grant Program 2019-2020 Program Guidelines*’ (Draft 8) and the ‘*Agreement for Delegation of Administrative Responsibilities for the Conservation Excellence Grant Program*’ (Draft 5) and ‘*Required Output Measures*’. The proposed guidelines and the delegation agreement are an outcome of discussions between Commission staff, the Lancaster County and York County conservation districts and other stakeholders in the agriculture support service community.

The proposed CEG Program guidelines establishes the criteria for a pilot program in Lancaster County and York County conservation districts in fiscal year 2019-20. The proposed guidelines include: criteria describing the eligibility of and prioritization of agricultural best management practice projects; the application process and evaluation of project applications; funding limitation for grants to eligible applications; and the role of conservation districts in the implementation of the CEG Program.

The CEG Program legislation, Act 39, permits the Commission to delegate authority for administration of the CEG program to county conservation districts. The proposed delegation agreement establishes the delegation of program administration authority to the conservation districts by the Commission and the transfer of funds to the districts for implementation and administration of the program. The delegation agreement describes: the roles of the conservation districts (acceptance, review and approval of applications and technical assistance to applicants); the Commission’s role (policy development, implementation support to conservation districts and general program oversight) in the implementation of the CEG Program; and outlines the use of funding resources available to the conservation districts for

grants to approved CEG applicants and administrative and technical assistance costs incurred by the district.

Commission staff have consulted with the Lancaster and York county conservation districts, PDA legal counsel, Policy staff and Comptroller contracting and legal staff and have integrated their comments in the 'final draft' of the attached guidelines and delegation agreement.

Commission staff has shared the draft documents from Governor Office of Policy and anticipates a response prior to the March 10, 2020 public meeting. If any further changes are suggested from that responses, staff will review those changes with the Commission with the intent to incorporate concurred changes into the draft documents for Commission consideration, if appropriate.

Commission staff will seek 'final' approval of the CEG Program guidelines and delegation agreement at the March 3, 2020 public meeting. Approval of these program documents will allow Commission staff to prepare the guidelines for publication in the *PA Bulletin* and distribution of the delegation agreement to the conservation districts for signature.

Attachment (3)

STATE CONSERVATION COMMISSION
Conservation Excellence Grant Program
2019-2020 Program Guidelines
DRAFT 9 03 03 2020

The State Conservation Commission (Commission) announces the program requirements and application process for grants under the Conservation Excellence Grant Program (Program). The Program is authorized by the act of July 1, 2019 (P.L. ___, No. 39), 3 Pa.C.S. §§ 3101-3110 (CEG Program Act).

1. Program Objective.

The purpose of the Program is to provide financial and technical assistance for the implementation of best management practices (BMPs) on agricultural operations in high-priority locations within this Commonwealth through grants, loans and tax credits, or a combination of all three, as authorized under § 852(7) of the Conservation District Law, 3 P.S. § 852(7).

2. Definitions.

The following words and terms have the following meanings:

“Accelerated erosion.” The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

“Agricultural Erosion and Sedimentation Plan.” A site-specific plan consisting of both drawings and a narrative that: (1). identifies best management practices to minimize accelerated erosion and sediment before, during and after earth disturbance activities when plowing or tilling activities or animal heavy use areas disturb 5,000 square feet (464.5 square meters) or more of land, and (2). is in compliance with 25 Pa. Code § 102.4(a).

“Agricultural operation.” The management and use of farming resources for the production of crops, livestock or poultry.

“Agricultural plowing or tilling activity.” Earth disturbance activity involving the preparation and maintenance of soil for the production of agricultural crops. The term includes no-till cropping methods, the practice of planting crops with minimal mechanical tillage.

“Animal Heavy Use Area.” Barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where due to the concentration of animals it is not possible to

establish and maintain vegetative cover of a density capable of minimizing acceleration erosion and sedimentation by usual planting methods. The term does not include entrances, pathways and walkways between areas where animals are housed or kept in concentration.

"Best management practice." A practice or combination of practices determined by the State Conservation Commission or United States Department of Agriculture Natural Resources and Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrients and sediment to protect surface water and groundwater.

"Commission." The State Conservation Commission established under section 4 of the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation District." A county conservation district established under the Act of May 15, 1945 (P.L. 547, No.217) known as the Conservation District Law.

"Conservation Plan." A US Department of Agriculture Natural Resources Conservation Service plan, including a schedule for implementation, that identifies site specific conservation best management practices on an agricultural operation.

"Earth disturbance activity." A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

"Eligible Applicant." Any person, individual, partnership, corporation or legal entity that engages in an agricultural operation in this Commonwealth and has legal or financial responsibility for the agricultural operation.

"Eligible Project Costs." Project design, engineering and associated planning; project management costs, including contracting, document preparation and applications; project construction and installation; equipment and materials; post-construction inspections.

"Manure Management Plan." A written site-specific plan that: (1) Identifies current standards to manage nutrients for water quality protection from the land application of manure and agricultural process wastewaters that is acceptable to the Commission; and (2) is developed to meet the requirements of 25 Pa. Code § 91.36(b)(1)(i) (relating to land application of animal manure and agricultural process wastewater; setbacks and buffers).

"Nutrient Management Plan." A written site-specific plan which incorporates best

management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in § 504 (relating to powers and duties of commission) and § 506 (relating to nutrient management plans).

"*Program.*" The Conservation Excellence Grant Program established and implemented under the act of July 1, 2019 (P.L. ____, No. 39), 3 Pa.C.S. §§ 3101-3110.

"*Tier One Chesapeake Bay Counties.*" Lancaster and York Counties.

"*Tier Two Chesapeake Bay Counties.*" Franklin, Lebanon, Cumberland, Centre, and Bedford Counties.

"*Tier Three Chesapeake Bay Counties.*" Adams, Northumberland, Perry, Snyder, Huntingdon, Columbia, Mifflin, Lycoming, Schuylkill, Bradford, Juniata, Clinton, Tioga, Susquehanna, Clearfield, and Fulton Counties.

"*Technical Service Provider.*" An individual, entity or public agency certified by the USDA-NRCS and placed on the approved list to provide technical services to program participants or to USDA program participants or any other entity approved by the Commission.

"*USDA-NRCS.*" The United States Department of Agriculture Natural Resources and Conservation Service.

"*Watershed Implementation Plan.*" The Commonwealth of Pennsylvania's Phase 3 Chesapeake Bay Watershed Implementation Plan (WIP), final dated August 2019. [https://www.dep.pa.gov/Business/Water/Pennsylvania%e2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%e2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx)

3. Role of Conservation Districts.

(a) Under § 852(3) of the Conservation District Law, 3 P.S. § 852(3), and § 3109 the CEG Program Act, the Commission may delegate certain duties and responsibilities under the Act to conservation districts that are willing to enter into an agreement to carry out these duties and responsibilities.

(b) Under § 852(7) of the Conservation District Law, 3 P.S. § 852(7), and § 3110 of the CEG Program Act, the Commission may advance funds to conservation districts for the purposes of the Act.

(c) Under § 3107 of the CEG Program Act, priority must be given for certain locations in the Commonwealth when approving applications for eligible projects. The first priority locations are counties designated by the Department of Environmental Protection (DEP) as Tier

1 Chesapeake Bay counties in the Phase 3 Chesapeake Bay Watershed Implementation Plan (WIP). The next priority locations are counties designated by DEP as Tier 2 and 3 Chesapeake Bay counties. The last priority locations include all other counties.

(d) To the extent authorized by a delegation agreement, conservation districts shall review and approve applications for eligible projects under the Program and satisfy other duties and responsibilities delegated by the Commission, including:

- (i) Developing ranking criteria with guidance from the Commission.
- (ii) Coordinating with the Commission on the award of tax credits and/or low interest loans.

4. Delegation Agreement.

The delegation agreement will:

- (a) Be for a term of up to five (5) years.
- (b) Specify the duties and responsibilities of the delegated conservation districts.
- (c) Provide for the commitment of sufficiently trained staff and available resources for conservation districts to satisfy delegated duties and responsibilities.
- (d) Require the conservation district to maintain records of activities performed in carrying out delegated duties and responsibilities.
- (e) Provide for the Commission and conservation districts to work cooperatively in developing and implementing guidelines and policies related to the CEG Program.
- (f) Provide for the Commission to monitor and supervise the conservation district's performance of delegated duties and responsibilities.

5. Allocation of Available Funds.

In fiscal year 2019-20, a total of up to \$2.5 million is available under the CEG Program. In fiscal year 2019-20, the Commission will initially advance 50 percent of allocated funds for the Program, which may be used for grants to eligible applicants and to cover administrative and technical assistance expenses to delegated conservation districts.

The funds will be divided between Lancaster and York Counties as follows:

- (a) Up to \$1 million shall be awarded to Lancaster County; up to \$1 million shall be awarded to York County for grants to eligible applicants with eligible project costs
- (b) Up to \$250,000 shall be awarded to Lancaster County and up to \$250,000 shall be awarded to York County for administrative and technical assistance expenses)
- (c) Funds uncommitted or unspent by Tier 1 Counties may be reallocated at the discretion of the Commission to Tier 2, Tier 3, and other Counties.
- (d) In subsequent fiscal years, subject to available funding, the Commission intends to allocate available funds to Tier 1, Tier 2, Tier 3, then other Counties.

6. Application.

(a) Application process. A person may apply to a delegated conservation district for a grant for an eligible project under the program with an application created by the Commission. The application will include all of the following:

- (i) The location of the project.
- (ii) The type of the project.
- (iii) The status of the project.
- (iv) The type and combination of funding requested under the Program.
- (v) The total cost of the project.
- (vi) Verification that an agricultural Erosion and Sedimentation Plan, or a Conservation Plan, A Manure Management Plan, or a Nutrient Management Plan has been developed and is available.
- (vii) Any other information required by the Commission, including the source and amount of other funding sources utilized for the project.

(b) Applications shall be submitted to delegated conservation districts. See Appendix xxx. Website?

(c) Application Review--The delegated conservation district shall review complete applications based upon the criteria established in Section 7 of these Guidelines (relating to criteria for evaluation of applications) on an ongoing basis and in the order complete applications are received. In all cases, delegated conservation districts will review complete applications and approve projects, at a minimum, on a quarterly basis.

7. Application Evaluation Criteria.

In approving applications for eligible projects under the program, priority will be given to complete applications based upon the following criteria:

(a) Priority locations as follows and in this order:

- (i) Counties designated by the Department of Environmental Protection as Tier 1 Chesapeake Bay counties.
- (ii) Counties designated by the Department of Environmental Protection as Tier 2 and 3 Chesapeake Bay counties.
- (iii) All other counties.
- (iv) Specific watershed locations within a county consistent with a County-Wide Action Plan developed under the Phase III WIP.

(b) Priority practices as follows, in no particular ranking order:

- (i) Livestock exclusion fencing.
- (ii) Stream-side buffers.
- (iii) Streambank restoration.
- (iv) Barnyard and feedlot runoff abatement.
- (v) Stream crossings.
- (vi) Off-stream watering.
- (vii) Manure storage facilities.
- (viii) Nutrient management plans and manure management plans.
- (ix) Conservation plans or agricultural erosion and sedimentation plans.
- (x) Cover crops.
- (xi) Any other priority practices approved by the Commission, including any practices determined by the delegated conservation district and approved by the Commission to be consistent with a County-wide Action plan under the Phase III WIP. This may include practices approved under the Resource Enhancement and Protection (REAP) program.

(c) The level and extent of planning and technical assistance, such as inventory and evaluation, design work, permits and similar types of assistance, already completed to allow for accurate estimates of project costs and timely completion of the project.

(d) The extent to which an applicant is willing to accept a reasonable mix of grants, loans and tax credits or to supply nongovernmental matching funds for the project, except for small projects with a total project cost under \$25,000.

(e) Any other criteria that is consistent with the criteria in (a)-(d) and approved by the Commission.

8. Project Certification.

(a) If a project's BMPs require review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the BMP shall be certified by a registered professional engineer.

(b) Any other BMP shall be certified by a technical service provider, staff from the delegated conservation district having the appropriate job approval authority, the USDA-NRCS, or any other qualified person who has appropriate training and expertise and is approved by the Commission.

(c) Costs incurred to satisfy the certification requirements of this section are deemed eligible project costs up to 2% of the total costs of the approved project, unless otherwise approved by the Commission.

9. Funding Limitations.

(a) A single grant awarded by the delegated district to an eligible applicant may not exceed \$250,000.

(b) Small project grants awarded to an eligible applicant shall be less than \$25,000.

10. Notice of Determination.

(a) Within 60 days of receipt of a complete application, the delegated conservation district shall notify the applicant of all of the following:

- (1) Whether the project is approved for funding under the Program.
- (2) The total amount of funds approved for the project.
- (3) The amount of each type of funding approved for the project.

(b) The district shall notify the applicant of an incomplete application with 10 business

days of receipt of the application.

11. Documentation

Upon approval of an application, the delegated conservation district will enter into a contract with the applicant for a term not to exceed two (2) years.

12. Notice and Verification of Completion.

Upon completion of a project funded under the CEG Program, the approved applicant shall notify the delegated conservation district within 30 days that the project has been completed on forms approved by the Commission. The notice under this Section shall include the required certification under Section 8 (relating to project certification).

13. Inspection.

Projects funded under this program may be subject to inspection by the Commission or the Commission's delegated conservation district.

14. Recordkeeping.

All successful applicants are required to maintain on site all records and receipts for all funded project costs for the longest lifespan of any installed BMP under the CEG Program and for a minimum of 5 years.

15. Questions and additional information.

Questions on this program may be directed to, State Conservation Commission,

Karl G. Brown,
Executive Secretary

**AGREEMENT FOR DELEGATION OF
ADMINISTRATIVE RESPONSIBILITIES
FOR THE CONSERVATION EXCELLENCE GRANT PROGRAM**

THIS DELEGATION AGREEMENT is made this _____ day of _____, 2____, by and between the Commonwealth of Pennsylvania (“Commonwealth”) through the Pennsylvania State Conservation Commission ("Commission") with their principal offices located at 2301 N. Cameron Street, Harrisburg, PA 17110, and the _____ County Conservation District, with its principal offices located at _____ (“District”).

WITNESSETH:

WHEREAS, the act of July 1, 2019 (P.L. ____, No. 39), 3 Pa.C.S. §§ 3101-3110 (CEG Program Act), established the Conservation Excellence Grant Program (CEG Program) to provide technical and financial assistance for the implementation of best management practice projects on agricultural operations in high-priority locations within the Commonwealth through grants, loans and tax credits, or a combination of all three;

WHEREAS, the Commission shall administer the CEG Program as authorized under § 852(7) of the Conservation District Law, 3 P.S. § 852(7), which provides the Commission with the power to administer grant, loan and tax credit programs for landowners to implement nonpoint source and other best management practices on their properties;

WHEREAS, § 3105 of the CEG Program Act allows the Commission to award grants to the extent funding is made available by the General Assembly, award loans through the Agriculture-Linked Investment Program, 3 Pa.C.S. §§ 601 et seq., or any other loan program approved by the Commission, and request that the Pennsylvania Department of Revenue issue tax credits to eligible projects through the Resource Enhancement and Protection Tax Credit Program under Article XVII-E of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code, 72 P.S. § 8701-E et seq.;

WHEREAS, under the CEG Program, the Commission establishes guidelines to approve eligible projects and gives priority to certain project locations and practices as set forth in § 3107(1) and (2) of the CEG Program Act, 3 Pa.C.S. § 3107(1) and (2), when reviewing applications, in addition to considering other factors;

WHEREAS, the Commission is authorized to advance funds to county conservation districts to carry out the purposes of the CEG Program under § 3110 of the CEG Program Act, 3 Pa.C.S. § 3110;

WHEREAS, § 3109 of the CEG Program Act authorizes the Commission, as it deems appropriate, to delegate certain duties and responsibilities to county conservation districts that enter into a delegation agreement to carry out these duties and responsibilities;

WHEREAS, the Commission deems it appropriate and the _____ County Conservation District is agreeable to entering into an agreement to carry out the CEG Program duties and responsibilities;

WHEREAS, the District wishes to conduct projects for the implementation of best management practice projects on agricultural operations in high-priority locations within _____ County;

WHEREAS, such laws, programs and guidelines provide for the execution of this agreement for the delegation by and between the _____ County Conservation District 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:

ARTICLE I
GENERAL CONDITIONS

- 1.1. **Delegation:** The Commission hereby delegates to the District certain responsibilities of the CEG Program, in _____ County for program implementation in accordance with all applicable state statutes, programs, guidelines, and the required output measures set forth in Attachment "A";
- 1.2. **Work Elements:** The District must obtain prior written approval from the Commission of changes or additions to the General Conditions of this Agreement, including, but not limited to the required output measures contained in Attachment A;
- 1.3. **Term, Effective Date.** The term of this Agreement shall be for up to five years, beginning on _____, 2020 and ending on _____, 202X. This Agreement shall become effective on the date of the last required Commonwealth signature.
- 1.4. **Payment for CEG Program Activities.** Upon full execution of this Agreement, the Commission may pay for expenditures for work pursuant to project contracts entered into by the District from _____, 2020 through _____, 202X. All project work pursuant to contracts entered into during the term of this Agreement shall be completed, and expenditures for such work paid by the Commission to the District, no later than June 30, 202X.
- 1.5. **Spending of Funds.** All funds awarded to the District under this Agreement shall be utilized by the District consistent with this agreement, CEG guidelines or other policy and guidance provided by the Commission. Unless waived by the Commission, all funds awarded to the District annually must be spent within 24 months from the date the State

budget is approved for that fiscal year, but not later than June 30, 202X, or the funds will revert back to the control of the Commission for future apportionments

- 1.6. **Requirements for Operation of CEG Program.** All projects funded under the CEG Program shall be conducted in accordance with the Commission's most current guidelines for the program, as published on the Commission's website at: https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/Pages/default.aspx .
- 1.7. **No Personal Financial Benefit.** A District director or employee, or Commission member or staff, may apply for a grant under the CEG Program for himself/herself, an immediate family member, or a business with which he/she is associated; however, that individual may not participate in the evaluation, ranking or any deliberation for approval or disapproval of the application. This shall not preclude the payment of normal salary and benefits to employees provided in their normal course of employment of any of the above individuals
- 1.8. **Examination of Records;** The Commission 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 duties and responsibilities.

ARTICLE II AWARD AND USE OF FUNDS

- 2.1. **Award of Funds.** Contingent upon the availability of funds, the Commission may award funds to participating Districts at least annually consistent with § 3110 of the CEG Program Act.
 - (a) No more than 25% of the total grant allocation to the delegated conservation district may be used for small projects with a total project cost less than \$25,000.
 - (b) The Commission may authorize more than 25% of the allocation to be used for small projects at its discretion.
- 2.2. **Apportionment Allocation Worksheet.** After the funds have been encumbered and approved by the Comptroller for each fiscal year, the Commission shall provide the District an Apportionment Allocation Worksheet showing the total allocation, the working capital advance payment available to the District and subsequent reimbursements paid to the District for implementation of the CEG Program for that fiscal year.
- 2.3. **Transfer of Funds.** The Commission shall transfer available funds to participating Districts in a manner consistent with § 3110 of the CEG Program Act for grant awards.
- 2.4. **Administrative Costs.** The District may utilize up to 20% of the total awarded funds for administrative and technical assistance costs as established by the Commission for

implementation of the CEG Program. Eligible administrative and technical assistance costs may include but are not limited to salary and salary related benefit expenses for technical, engineering and clerical staff implementing the program; office and technology expenses, materials and supplies; and travel expenses related to the implementation of the program.

ARTICLE III
DISTRICT DUTIES AND RESPONSIBILITIES

- 3.1 **Annual Budget.** The District shall prepare an estimated annual budget for the CEG Program including costs for administration, technical assistance and projects, which is consistent with the Commission's award to the District. The district will adhere to the proposed estimated budget set forth in the agreement, as approved by the Commission. The district shall notify the Commission, in writing, of any deviation from the proposed budget. The district must receive written approval for any change exceeding 10% of the applicable budget category.
- 3.2 **Supervision of Program.** The District shall exercise direct supervision over the Program established within its county.
- a. The District shall:
 - i. Employ or retain sufficiently trained staff and resources necessary to carry out the District's duties and responsibilities as specified in this Agreement.;
 - ii. Perform all administrative functions to implement the CEG Program in conformance with CEG Program guidelines established by the Commission;
 - iii. Approve and implement written policies as directed by the Commission including those related to public access, public comment, conflict of interest, and administration of the CEG Program;
 - b. The District may, upon approval by the Commission, subcontract technical assistance duties and responsibilities to a qualified entity or registered professional engineer or any other person who has appropriate training and expertise. Subcontractors must comply with all applicable requirements in the Appendices, as incorporated into this Agreement through Article V, Section 5.9.
- 3.3 **Compliance with Laws.** The District shall conduct the CEG Program in accordance with Sections 3106 through 3108 of the CEG Program Act, along with all other standards and conditions established by the Commission, and in compliance with all applicable Federal, State, and local statutes, ordinances, rules, and regulations.
- 3.4 **Retention of Records and Documents.** The District shall retain and make available to the Commission or its agent all financial records, supporting documents, and other records pertaining to CEG Program activities for audit purposes for a period of three

years after final payment is made, the Agreement has expired, or all other pending matters are resolved, whichever is longer.

- 3.5 **Submission of Reports.** The District shall submit all CEG Program accomplishment reports, financial audit statements, and other reports on prescribed forms and at times as specified by the Commission. This includes quarterly reports detailing progress on projects, and quarterly financial statements. The Commission may withhold any program funds awarded to the District until receipt of required reports or the completion of all conditions of the Agreement.
- 3.6 **Notification to Commission; Meetings.** The District shall immediately notify the Commission in writing of any unusual development or circumstances that could significantly change or otherwise affect the District's ability to implement the CEG Program or the duties and responsibilities outlined in this Agreement. The Commission and the District shall meet at the request of either party to discuss the progress of work under the program and any concerns pertinent to the program.
- 3.7 **Accounting of Funds.** The District shall maintain a separate accounting of the funds received under the CEG Program. The District shall include an itemized accounting of administrative costs claimed by the District. The District shall deposit funds in a federally insured interest bearing account. Interest earnings from the account shall be applied only to the CEG Program.

ARTICLE IV
DUTIES AND RESPONSIBILITIES OF THE COMMISSION

- 4.1 **Program Oversight.** The Commission shall
- a. Provide administrative and technical oversight and training to the District for execution of the duties and responsibilities described in Attachment A,
 - b. Provide the District with CEG Program guidelines and application form(s), which shall include copies of the required application and project certification forms and any other appropriate project and reporting forms as developed and approved by the Commission;
 - c. Be available to the District for consultation on matters relating to the CEG Program, provide program information regularly and timely through Commission staff, including related correspondence or publications to assure adequate communications concerning program changes;
 - d. Provide the District with informational materials developed for the CEG Program to assist the District in informing the interested public;
 - e. Be responsible to perform those duties required by the CEG Program Act that have not been delegated to the District;

- 4.2 **Apportionment of funds.** The Commission shall award grants to the District, to the extent funds are available, to enable the District to fulfill its duties and responsibilities as described herein.

ARTICLE V
STANDARD COMMONWEALTH TERMS AND CONDITIONS

- 5.1 **Disputes.** Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Contract that is not resolved by agreement of the parties shall be decided by the Commission or its designee, who shall reduce such decision to writing and mail or otherwise furnish a copy thereof to the District. The decision of the Commission or its designee shall be final and conclusive subject to an appeal taken in accordance with the laws of the Commonwealth. In connection with any appeal proceeding under this Article, the District shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute under this Article, the District shall proceed directly with the performance of the Agreement in accordance with the decision of the Commission or its designee.
- 5.2 **Amendments.** No alteration or modification of the terms of this Agreement shall be valid unless made in writing and signed by the parties, and no oral understanding or agreements not incorporated herein, and no alterations or modifications of the terms in this Agreement shall be binding on the parties unless made in writing and executed by the parties.
- 5.3 **Temporary Suspension.** If, at any time during the term of this Agreement, the Commission determines that the terms and conditions of this Agreement are not materially being met, the Commission may, after 30-day written notice, suspend the District's authority to proceed with work under this Agreement until corrective action has been taken to the satisfaction of the Commission or until the Agreement is terminated and all unspent funds are returned to the Commission.
- 5.4 **Termination.** This Agreement may be terminated by any of the signatory parties upon 30-day written notice to the other parties. Within 10 days of such termination, the District shall release to the Commission all files, records and unspent monies pertaining to this Agreement.
- 5.6 **Indemnification**
- a. 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 Pa. C.S.A. § 504(9);

- b. 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.
- 5.7 Assignment.** The District shall not assign any interest in this Agreement, nor shall any interest be transferred by novation or assignment without prior written consent of the Commission.
- 5.8 Applicable Law.** This Agreement 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 Pennsylvania courts.
- 5.9 Additional Compliance Requirements.** The following additional compliance requirements are attached and incorporated into this Agreement. The District shall comply with, and be bound by, the provisions set forth in these attachments:
- a. Appendix A – Pennsylvania Electronic Payment Program
 - b. Appendix B – Nondiscrimination/Sexual Harassment Clause, with respect to which the District is the “Grantee”
 - c. Appendix C – Contractor Integrity Provisions, with respect to which the District is the “Contractor.”
 - d. Appendix D – The Americans With Disabilities Act provisions, with respect to which the District is the “Contractor.”
 - e. Appendix E – Right-to-Know Provisions, with respect to which the District is the “Grantee.”
 - f. Appendix F – Contractor Responsibility/Offset Provisions, with respect to which the District is the “Contractor.”
- 5.10 No Third-Party Beneficiaries.** The terms and provisions of this Agreement are intended solely for the benefit of each party to this Agreement and their respective successors and permitted assigns, and it is not the intention of the parties to confer third-party beneficiary rights upon any other person.
- 5.11 No Waiver.** Any forbearance by the Commission or the Department in exercising any right or remedy under this Agreement, or otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.
- 5.12 Severability.** The provisions of this Agreement shall be severable. If any article, clause or provision of this Agreement, or any part thereof, is declared to be invalid or unenforceable by any tribunal having jurisdiction, such invalidity, or unenforceability shall not affect the validity or enforceability of the remaining portions of this Agreement unless the result would be manifestly inequitable or unconscionable.

5.13 Entire Agreement. This Agreement, when signed by all of the parties hereto, constitutes the full and complete agreement of all parties and shall not be in any manner interpreted or fulfilled in contradiction of its express terms as provided above.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have signed this Agreement on the dates indicated below.

STATE CONSERVATION COMMISSION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT AGRICULTURE

Executive Secretary (Date)

Secretary (Date)

Attest:

_____ CONSERVATION DISTRICT

District Secretary/Treasurer (Date)

District Chairman (Date)

Vendor ID No.

Approved as to legality and form:

Office of Chief Counsel (Date)
Department Agriculture

Office of General Counsel (Date)

Office of Attorney General (Date)

I hereby certify that funds in the amount of \$ _____ are available under:
SAP FUND BUDGET YR COST CENTER GENERAL LEDGER (INSERT CODES)

Comptroller (Date)

Doc. #: _____

Appendix A
PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM

- a. The commonwealth may make contract payments through ACH, upon your election. If you so elect, within 10 days of the grant award, the recipient must submit or must have already submitted its ACH and electronic addenda information, if desired, to the commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street – 9th Floor, Harrisburg, PA 17101. Electronic PEPP enrollment form is available at www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf
- b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.
- c. It is the responsibility of the recipient to ensure that the ACH information contained in the commonwealth's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments

Appendix B
NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee 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.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not 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 of its employees.
3. Neither the Grantee nor any subgrantee nor any 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 grant agreement, subgrant agreement, contract or subcontract.
4. Neither the Grantee nor any subgrantee nor any 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.
5. The Grantee, any subgrantee, contractor or any 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 grant services are performed shall satisfy this requirement for employees with an established work site.
6. The Grantee, any subgrantee, contractor or any subcontractor shall not 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 any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and 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 Grantee, any subgrantee, any contractor or any 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 granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.
9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.
10. The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Appendix C

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.

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

a. "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.

b. "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.

c. "Contractor" means the individual or entity, that has entered into this contract with the Commonwealth.

d. "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.

e. "Financial Interest" means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. "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.

g. "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.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

- (1)** been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;
- (2)** been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;
- (3)** had any business license or professional license suspended or revoked;
- (4)** 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
- (5)** 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 it 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.

f. 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).

g. 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.

h. 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.

i. 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.

j. 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.

**Appendix D
AMERICANS WITH DISABILITIES ACT**

During the term of this agreement, the contractor agrees as follows:

1. 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 no individual with a disability shall, on the basis of the disability, be excluded from participation in this agreement or from activities provided for under this agreement. As a condition of accepting and executing this agreement, 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 the benefits, services, programs, and activities provided by the Commonwealth through contracts with outside contractors.

2. The contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth as a result of the contractor's failure to comply with the provisions of paragraph 1.

**Appendix E
RIGHT TO KNOW LAW - GRANT PROVISIONS - 8-K-1580, 2/1/2010**

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, 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 Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee 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 Grantee's or Subgrantee's possession arising out of this Grant Agreement 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 Grant Agreement.

d. If Grantee or Subgrantee 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 Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement

signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee 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, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee 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. Grantee or Subgrantee 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, Grantee or Subgrantee 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 Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee 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 Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

Appendix F

Contractor Responsibility/Offset Provisions

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 obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:*

*Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138*

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 "A"
REQUIRED OUTPUT MEASURES:

PROGRAM OUTREACH

1. The district will provide information to interested persons on financial assistance and technical assistance programs supporting implementation of best management practices contained in identified in; associated with] nutrient management, manure management agricultural erosion and sediment control and conservation plans.
2. The District will advise applicants of alternative funding sources for project implementation such as tax credits, loans and grants

PROGRAM IMPLEMENTATION

The District will assist the Commission in the administration of the Conservation Excellence Grant Program (CEG Program) to support the implementation of best management practices contained in[identified in; associated with] nutrient management, manure management agricultural erosion and sediment control (Ag E&S) and conservation plans when funding is made available to the Commission.

1. Each signatory District to the agreement will provide administrative assistance for the CEG Program, which includes loans available through the Agriculture Linked Investment Program (AgriLink) as set forth in 3 Pa.C.S. §§ 601-607 and tax credits available through the Resource Enhancement and Protection Tax Credit Program (REAP) as set forth in 72 P.S. §§ 8701-E-8710-E. Districts will be compensated for administrative activities completed according to rates established by the Commission.
 - a) The District will make available and receive applications for the CEG Program on an ongoing basis.
 - b) The District will review applications for completeness and determine the eligibility of the applicant based on ranking criteria established by or approved by the Commission.
 - c) The District will, approve or disapprove applications for grant awards and determine the amount of the award for approved applicants according to the CEG Program guidelines and administrative policies established by the Commission.
 - d) For projects that have not been certified by USDA NRCS, a registered professional engineer or technical service provider, the District will provide the certification under § 3106 of the CEG Program Act if the project satisfies the requirements of the program. Certification by district staff may be completed by those staff who have appropriate job approval authority either issued by NRCS or appropriate training and expertise as approved by the Commission.

2. The District will provide interested persons with information, including application forms provided by the Commission related to loans available through AgriLink. .
 - a) The District will evaluate the proposed project costs included on the” Statement of Concurrence of Project Costs” within the loan application package and sign the Statement if they concur with the costs.
 - b) The District will provide any available additional information as requested by the applicant or lending institution, including but not limited to verification of a Manure Management Plan, Nutrient Management Plan, Ag E&S Plan or conservation plan, for a complete application package under AgriLink.
3. The District will provide interested persons with information, including application forms provided by the Commission related to REAP.
4. If requested by the applicant, the District will complete the following REAP application forms or required portions of those forms requiring District input according to REAP guidelines.
 - a) REAP application – Section 2 – Verification Page;
 - b) REAP application – Project Completion – Certification of BMPs - The District having the appropriate job approval authority issued by USDA-NRCS may complete a portion of this form only when the District has been involved in the project design, cost development or construction oversight. If a private engineer or USDA NRCS staff person develops the project design and costs or is involved in construction oversight, they are the appropriate person to complete this form.
5. The District may assist, , interested operators with their CEG Program application forms, including those within the AgriLink and REAP programs, when requested, under the following conditions:
 - a. The District has resources remaining after satisfying other obligations, duties and responsibilities; and
 - b. The District limits the type of assistance to providing operators with additional clarification on application forms, rather than completing the forms for the operator and mailing or hand delivering a completed form on behalf of the operator.
- 6.. The District will provide the necessary reports on quarterly activities for the CEG Program, including the number of operators that received assistance and the number of CEG Program applications processed by the District.
- 7.. The District will submit the appropriate requests for replenishment of funds on a quarterly basis, or as needed, to the Commission.

TECHNICAL ASSISTANCE

The District will provide technical assistance in accordance with Commission guidelines and consistent with the Pennsylvania NRCS Field Office Technical Guide.

REQUIRED OUTPUT MEASURES:

1. The District will assist in nutrient management, manure management, Ag E&S and conservation plan implementation by providing or facilitating, as resources

allow, general technical assistance to program participants with approved plans. 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 Pennsylvania professional engineering certification. Where District staff do not have the job approval authority to certify a project, they may assist the appropriate agency staff that are providing the final certification..

2. The District will provide technical assistance, as resources allow, consistent with Paragraph 1 above for the CEG Program, which includes the AgriLink and the REAP programs. Districts will be compensated for activities completed according to rates established by Commission.
 - a) When an applicant is receiving funding under the CEG Program, including the AgriLink and REAP programs and has requested the assistance of the District, the District will provide or facilitate technical assistance, as resources allow, in project design, development and/or review of project costs. This assistance may also include installation and monitoring of the project.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: February 24, 2020

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 January / February 2020.

For the months of January and February 2020, staff and delegated conservation districts have:

1. Odor Management Plans:
 - a. 10 OMPs in the review process
 - b. 6 OMPs Approved
 - c. 2 OMP approval Rescinded
2. Reviewed and approved 143 Nutrient Management (NM) Plans in the 4th quarter of 2019.
 - a. Those approved NM plans covered 31,867 acres
 - b. Those approved NM plans included 88,538 Animal Equivalent Units (AEUs), generating 1,043,077 tons of manure.
3. Managing twenty-four (24) enforcement or compliance actions, currently in various stages of the compliance or enforcement process.
4. Continue to daily answer questions for NMP and OMP writers, NMP reviewers, delegated Conservation Districts, and others.
5. Assisted DEP with various functions and as workgroup members in Federal and State settings for the Chesapeake Bay Program.
6. Working on data collection and a re-run of the NM/MM workload analysis that was performed 3 years ago.
7. Coordinate / Conduct/ and Provide support for the 5 different workgroups of the Manure and Nutrient Planning Technical Team (NMPTT)



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 14, 2020

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 July 1, 2019 and January 29, 2020, a total of 7 conservation districts were evaluated. Five districts evaluated were meeting program requirements and had an overall ranking of "satisfactory". Two districts evaluated were meeting program requirements and had an overall ranking of "outstanding".

Below are highlights of SCC/DEP recommendations (number of times).

1. Recommend reviewing electronic/cloud-based storage and the backup policy.
Does this meet record retention for CD/NM program? (1 of 7)

2. Recommend increased outreach in OM to CAOs and CAFOs during status review visits. (1 of 7)
3. Recommend developing a NM technical assistance policy specific to the County (2 of 7)
4. Recommend keeping a spreadsheet to track Imported/Exported manure for the county. (2 of 7)
5. CD staff has a good working relationship with other partnering agencies. (7 of 7)
6. Recommend CD staff pursue a basic NRCS job approval rating. (3 of 7)
7. Recommend adding Con-6 or note sheet to each NM plan file. (3 of 7)
8. Recommend formalizing at least 1 reciprocal agreement with a neighboring county (1 of 7)
9. Recommend developing a spreadsheet to track NMPs for the county. (1 of 7)
10. Recommend updating the CD complaint intake spreadsheet to include all items on the Complaint handling and problem assessment form. (1 of 7)
11. Recommend the District develop an agricultural complaint policy. (1 of 7)
12. CD is doing a good job of program education and outreach and promoting cost share programs such as EQIP and REAP. (6 of 7)
13. CD has developed an excellent working relationship with the plain sect (Amish) community in the county which is very advantageous for NM program compliance efforts as all CAOs in the county are Amish veal operations. (1 of 7)
14. The SCC appreciates efforts in providing outreach to their CAOs concerning Odor Management. (1 of 7)
15. The SCC commends the CD for having most plan reviews completed, and plans acted upon within such a short timeframe. This was evident with the spot-checked NMPs, as well as the very few requests for plan review extensions over the past few years. (1 of 7)
16. DEP thanks the CD for working out 100% of their complaints through voluntary compliance. (1 of 7)
17. DEP acknowledges and appreciates the CD prompt submission of their Quarterly Reports to the Department for both the Act 38 and Chapter 91 Programs. (1 of 7)
18. CD is doing a good job implementing the NM Program and keeping up with status reviews, compliance letters, etc. (2 of 7)
19. SCC reminds the CD to send CAFO NMP information to DEP for publishing in the PA Bulletin for both NMP Applications and Actions. (1 of 7)
20. SCC recommends that the CD involves the SCC prior to any third strike compliance letter being mailed out. (1 of 7)
21. SCC recommends that the CD does a better job of communicating with SCC staff. (1 of 7)
22. SCC and DEP reminds the CD to send follow-up letters to operators after investigating a complaint regardless of the outcome of the complaint investigation. (1 of 7)
23. CD has a very good understanding of the NM regulations, policies and NMP/NBS Spreadsheets which greatly helps with performing very thorough plan reviews. (1 of 7)

Below are highlights of conservation district comments (number of times)

1. District would like a template of a manure tracking sheet. (2 of 7)
2. If more funds were available, the district would hire a full time NMS. (1 of 7)

3. District has concerns over the privacy of information submitted to PracticeKeeper as part of the required record keeping. (1 of 7)
4. District would like additional information on a fee schedule for Chapter 91. (1 of 7)
5. District believes PracticeKeeper is a little bit of a wildcard right now and would like continued training on this system. (1 of 7)
6. District would like to see one recordkeeping system for all delegated programs. (1 of 7)
7. CD appreciates that program quarterly reporting is a streamlined process and not as cumbersome as some other programs. (1 of 7)
8. CD appreciates good heads-ups and reminders for program changes, etc. from those involved with the program. (1 of 7)
9. CD suggests that it's good to have a tracking system for Chapter 91 MMPs, but a good chunk of time is spent on reporting due to having to hand calculate AEUs, manure generation numbers, etc. CD recommends scaling it down. (1 of 7)
10. CD really likes PA One Stop and would like to incorporate it into Practice Keeper, especially for Ag E & S Plans. (1 of 7)
11. In answering the question, in what ways could support from state staff be improved *regarding compliance / enforcement measures*, the CD offers that DEP support could be improved by providing prompt and consistent action on water quality pollution events that the District has investigated and reported to them. (1 of 7)
12. The CD characterize their farmer's receptiveness to the Act 38 Program as a requirement, that if given the option they would not obtain. (1 of 7)
13. Regarding educational and/ training, the CD offers that between offered trainings, the NM Website, PA Code, and the NM Newsletter, most topics are addressed. The CD also shares that they rely heavily on their regional coordinator for clarification needs. (1 of 7)
14. The CD offers that the SCC is very responsive to inquiries and requests for assistance. (2 of 7)
15. Regarding ways to improve trainings, the CD offers that the NM Certification Training is a good overview of the program concepts. Having a certified NMS in the District office and SCC support to answer questions as they arise is very helpful. The CD offers the following ways to possibly improve offered training:
 - a. Suggest using a "trial" NMP for plan review attendees to review prior to the class. However, different from what is currently done, let folks know ahead of time that if they do an exceptional job on this review, it could count toward their certification.
 - b. Begin by reviewing a plan together in class.
 - c. Teach methods of performing reviews.
 - d. A separate class / training is needed to "pull it all together". (1 of 7)
16. Regarding training that is needed but not currently offered, the CD would like to see additional BMP selection and placement training. Additionally, a final training on how to write the plan would be helpful. All of the trainings cover pieces (which is good information) but putting it all together is left to the new planner and that is a big struggle, particularly figuring out where to start. (1 of 7)
17. Regarding ways state staff could help with outreach efforts, the CD offers
 - a. Continue to keep the NM Website up-to-date;

- b. Keep program changes to a minimal;
 - c. Migrate all quarterly reporting to Practice Keepers. (1 of 7)
18. Regarding ways to help the plan review process, the CD offers that the two week or more time frame needed to get a CAFO action posted in the PA Bulletin seems excessive. It would be great if districts could submit by Tuesday or Wednesday and have it posted on Saturday of the same week. (1 of 7)
 19. CD appreciates that NM program expectations and directions are clear. (1 of 7)
 20. CD would like to see more localized and regional trainings that would be more relevant to County farms. (1 of 7)
 21. CD would like to see more trainings that focus on dealing with very large operations such as the CAFOs that are operating in the county. (1 of 7)
 22. CD values PA One Stop and urges state agencies to ensure that it remains available. (1 of 7)
 23. Suggest encouraging CD's to have a stronger relationship with their local District Attorney's Office for difficult situations. (1 of 7)
 24. Would like to see a "friendly" program for VAO participants. (1 of 7)
 25. Strongly recommend cross training staff VS reciprocal agreements with adjacent districts. (1 of 7)
 26. CD suggests that the NM certification training cycle timeframe be compressed so that it doesn't take such a long time for new staff to become provisionally certified and able to perform NMP reviews. (1 of 7)
 27. CD would like to be invited to participate in more NM/MM committees and workgroups. (1 of 7)



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: February 25, 2020

TO: Members
State Conservation Commission

FROM: Karl J. Dymond
State Conservation Commission *KJ Dymond*

SUBJECT: March 2020 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 January 2020 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 February 24, 2020.

The table below summarizes approved plans grouped by the Nutrient Management Program Coordinator

	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	4	98
2017	25	24	44	3	96
2018	14	13	40	1	68
2019	12	11	14		37
2020	1	2	3		6
Total	140	150	387	22	
Grand Total					699

As of February 24, 2020, there are six hundred ninety-nine **approved** plans and/or amendments, nine plans have been **denied**, twelve plans/ amendments have been **withdrawn** without action taken, seventy-two plans/ amendments were **rescinded**, and ten plans/ amendments are going through the **plan review process**.

OMP Actions – Status Report

Action	OMP Name	County	Municipality	Species	AEUs	OSI Score	Status	Amended
1/3/2020	Zimmerman, Dwight	Berks	Upper Tulpehocken Twp	Broilers	170.59	21.8	Approved	A
1/10/2020	Dallas Equine Center, LLC - Pinewood Acres	Luzerne	Ross Twp	Horse	3.30	21.5	Approved	
2/4/2020	Stoltzfus, Elias S	Lycoming	Limestone Twp	Veal	48.00	40.4	Approved	
2/7/2020	Herbruck Poultry Ranch, Inc	Franklin	Montgomery Twp	Layers	7560.00	20.3	Approved	A
2/10/2020	Saylor, Jason - Witmer Farms	Perry	Liverpool Twp	Pullets	47.64	13.7	Rescinded	A
2/10/2020	Saylor, Jason - Witmer Farms	Perry	Liverpool Twp	Pullets	47.64	13.7	Rescinded	
2/12/2020	Martin, Leon - Broiler Barns	Northampton	Lewis Twp	Broilers	156.00	42.7	Approved	
2/18/2020	Weaver, David	Berks	Maxatawny Twp	Broilers	194.40	49.95	Approved	

As of February 24, 2020



BUILDING BRIDGES

Farmers* Municipalities* Citizens
Conservation Districts* Agribusiness

To: Members February 29, 2020
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: January - February

- Project Advisory Committee w/ SARE Poultry Pest Short Course development w/ Dr. Machtinger
- Assisted with a Local Food Event – Farmer to Chef meeting
- Westmoreland County's Next Gen in Ag. event – June 2020
- Blair/Huntingdon Winter Workshop – March 18
- DCNR Multi-functional Buffer workshop development at Blair County – Spring 2020
- Planning a goat/sheep pasturewalk for July 2020.
- Assist with Odor Management Certification Exam revisions.

Conflict Issues/Municipal Assistance

- Centre County – rat complaint

Meetings/Trainings/Events

- Farmer to Chef meeting – Jan 13
- Westmoreland Next Gen in Ag planning meeting – Jan 16
- Set up Ombudsman Display at PACD winter Conf – Jan 22
- Odor Management Workshop – Jan 22
- Presentation to “Ethics in Ag” class at Penn State – Altoona – Feb 11
- Digital Media presentation at the Building for Tomorrow Staff Conference - Feb 12
- Goat and Sheep workshop planning meeting – Feb 21
- Centre County farmer visit with the Conservation District (rat complaint) – Feb 25
- Meet with videographer to plan grazing YouTube videos – Feb 26
- Attend PA Veteran Farming Conference – Feb 28

Reports & Grant Applications

--BCCD Board Report



BUILDING BRIDGES

Farmers * Municipalities * Citizens
Conservation Districts * Agribusiness

To: Members
State Conservation Commission
March 10, 2020

From: Shelly Dehoff
Agriculture/Public Liaison

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

Re: Agricultural Ombudsman Program Update

Activities: Since mid-January 2020, I have taken part or assisted in a number of events, including the following:

- Called in to Mushroom Farmers of PA meeting in Chester Co
- Met with Beth Futrick and Brook Duer (PA Ag and Shale Law Center) to determine how best to work together in the future
- Events as South Central Task Force Agriculture Subcommittee Planning Specialist
 - ran monthly Ag Subcommittee meetings
 - organizing ag-related trainings by PSU for emergency response
 - facilitated discussion at PA State Fairs Convention related to active shooter events, using former FBI Special Agent as my subject matter expert
 - organizing “Canine Encounters” for law enforcement officers related to handling aggressive dogs in less-lethal ways
 - compared notes with new Chair of Region 13 Ag Subcommittee in western PA; want to help each other with ideas and resources in the future
 - researching resources and speakers for training for producers/family and agri-business industry for suicide awareness/prevention
 - attended Health & Safety Seminar, especially to listen to speaker re: suicide awareness/prevention
 - arranged meeting to discuss Mass Evacuation considerations for humans/livestock/pets
- Attended and assisted at Lancaster Co. Agriculture Council meetings
- attended Keystone Poultry Expo/Manure Summit at Spooky Nook
- starting to work with PSU Extension to create publication re: biosecurity for neighbors to farms (existing items are mostly for farmers about the importance, but not for non-farmers about why they should respect it)
- attended “Next Generation” ag career day at Farm/Home Center for FFA members
- Attended “All Bay” meeting

Local Government Interaction: I have been asked to provide educational input regarding agriculture:
none currently

Moderation or Liaison Activities: I have been asked to provide moderation or liaison assistance with a particular situation:
Lancaster Co—resident and township have disagreement about stormwater issues and occupancy permit for new house
Perry Co—farmer getting harassed by neighbor, wanted input

Research and Education Activities:

Lancaster Co—consultant had questions re: PennDOT and Plain Sect re: manure transfer pipes under state roads
Cumberland Co—inquiry about wording in ordinance and impacts on farming
Cumberland Co— inquiry from CD about farmer being sued re: use of food processing residuals
Somerset Co—request for assistance with linking school district with articulation options for colleges (getting Scott Sheely involved for connections)

Fly Complaint Response Coordination: I have taken complaints or am coordinating fly-related issues in:
none currently