

State Conservation Commission Meeting

January 17, 2018

Toftrees Golf Resort - State College, PA

Agenda

Briefing Session – 10:00am

1. Review of Public Meeting Agenda items
2. Ag Recognition Update – Greg Hostetter, Deputy Secretary, PDA

Business Session – 1:45PM – 3:45PM

A. Opportunity for Public Comment

B. Business and Information Items

1. Approval of Minutes –
 - a. November 14, 2017 Public Mtg.(A)
 - b. December 12, 2017 Conference Call (A)
2. Nutrient and Odor Management Program
 - a. Odor Management Plan - Nelson H. Auken, Berks County – Karl Dymond, SCC (A)
 - b. Odor Management Plan, Chris Hoover, Lancaster County – Karl Dymond, SCC (A)
 - c. Nutrient Management Plan, Middle Branch Farm – Dr. Loree Guthrie, Monroe County – Frank Schneider, SCC (A)
3. Dirt, Gravel and Low Volume Road Program
 - a. Changes to the Dirt, Gravel, and Low Volume Roads Program Conservation District Allocation Formulas – Roy Richardson, SCC (A)
 - b. Changes to the Dirt, Gravel, and Low Volume Roads Program Statement of Policy – Roy Richardson, SCC (A)
 - c. Dirt, Gravel, And Low Volume Roads Program – “Draft” 5-year agreement – Roy Richardson, SCC (NA)
4. Annual Conservation District Audit Report; Karen Books, DEP (A)
5. Susquehanna County Conservation District Reserve Account Request – Johan Berger, SCC (A)
6. 2018 Conservation District Director Appointment Update; Karl Brown, SCC (NA)
7. Chesapeake Bay Ag Inspection Reporting via Practice Keeper – Steven W. Taglang, DEP(NA)
8. Spotted Lanternfly in PA – Dana Rhodes, Bureau of Plant Industry, PDA (NA)

C. Written Reports

1. Program Reports

- a. Act 38 Nutrient and Odor Management Programs Report
- b. Act 38 Facility Odor Management Program - Status Report on Plan Reviews
- c. Certification and Education Programs Accomplishment Report
- d. REAP Program
- e. Dirt, Gravel & Low Volume Road Maintenance Program 2017 Report

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

D. Cooperating Agency Reports Adjournment

Next Public Meetings/Conference Calls:

February 13, 2018 - Conference Call

March 13, 2018 – PDA, Harrisburg PA

DRAFT

**STATE CONSERVATION COMMISSION
MEETING
PA Department of Agriculture, Harrisburg, PA
Tuesday, November 14, 2017 1:00 p.m.**

Draft Minutes

Members Present: Deputy Secretary Greg Hostetter, PDA for Secretary Russell Redding; Ramez Ziadeh, DEP for Secretary Patrick McDonnell; Michael Flinchbaugh; Donald Koontz; Ron Kopp, Ross Orner; Ron Rohall, MaryAnn Warren; Pete Vanderstappen, NRCS for Denise Coleman; Chris Houser, PSU for Dean Roush (via conference call); Drew Gilchrist, DCNR for Secretary Cindy Adams Dunn; Denise Brinley, DCED, Chuck Duritsa, PACD.

A. Public Input

There were no public comments presented.

B. Business and Information Items

1. a. Approval of Minutes – September 12, 2017 - Public Meeting.

MaryAnn Warren moved to approve the September 12, 2017 public meeting minutes. Motion seconded by Don Koontz. Motion carried.

b. Approval of Minutes – October 10, 2017 - Conference Call.

Ross Orner moved to approve the October 10, 2017 conference call minutes. Motion seconded by Deputy Secretary Greg Hostetter. Motion carried.

2. Proposed 2018 Public Meeting and Conference Call Dates. Karl Brown, SCC.

Commission members were provided with a list of suggested meeting and conference call dates for 2018. Staff has reviewed this list for known conflicts and has cleared these dates with the Commission co-chairpersons. When adopted, each of these meetings and conference calls will be published as public meetings consistent with the requirements of the Pennsylvania Sunshine Law requirements.

Ron Rohall moved to approve the proposed 2018 public meeting and conference call dates. Motion seconded by MaryAnn Warren. Motion carried.

3. Appointment of Vice-Chair for 2018. Karl Brown, SCC, explained the Conservation District Law requires the Commission to elect a “vice-chairperson” at the last regularly scheduled meeting of the calendar year to serve as vice-chairperson for the next calendar year. The responsibility of the vice-chairperson is to preside over business meetings in the absence of the chairperson. Michael Flinchbaugh currently serves as vice-chairperson and has expressed a willingness to continue to serve in this capacity if nominated.

Ron Kopp moved to re-appoint Michael Flinchbaugh as the vice-chairperson for 2018. Motion seconded by Don Koontz. Motion carried.

4. Nutrient and Odor Management Program

- a. Lauren Swicklik – Pinewood Acres, Luzerne County. Michael Walker, SCC, reported that Pinewood Acres is an equine boarding and training facility operated by Lauren Swicklik in Luzerne County. The operation is a concentrated animal operation under the Pennsylvania Nutrient Management Act and is required to develop and implement a Nutrient Management Plan. The proposed Nutrient Management Plan for Lauren Swicklik indicates needed BMPs to be implemented on the operation, namely the installation of the following items – Forage and Biomass Planting for management of all the pastures and ACA management for the two ACAs located on this operation. These practices will assist the operation with protecting water quality and with overall management of this horse boarding and training operation. The plan is before the Commission due to the fact that Luzerne Conservation District has not entered into a Nutrient Management Program delegation with the Commission.

Don Koontz made a motion to approve the Pinewood Acres Nutrient Management Plan. Motion seconded by Ross Orner. Motion carried.

- b. PA Nutrient Management and Manure Management Manual Program Administrative Manual – Version 4.0. Frank Schneider, SCC, reported that the current version of the Nutrient Management Program Administrative Manual was last updated in October 2015. Nutrient Management Program staff have been working over the last two years to review and update this administrative manual. Comments were solicited from manual users in August 2016 and staff received 27 comments and suggestions for changes. This manual provides administrative guidance to conservation districts to guide their day-to-day Act 38 and Chapter 91 duties under the Nutrient Management and Manure Management Program delegation agreement.

Ross Orner made a motion to approve the Version 4.0 Pennsylvania Nutrient and Manure Management Program Administrative Manual. Motion seconded by Don Koontz. Motion carried.

5. Dirt, Gravel, and Low Volume Road Program Update.

- a. Agreements, Contracts, Allocations, and Financial Tracking. Roy Richardson, SCC and Steve Bloser, Center for Dirt and Gravel Road Studies reported that several important Dirt, Gravel, and Low Volume Road Program agreements are due to expire in 2018, including the 5-year agreement between the Commission and participating conservation districts, and the MOU between the Commission and Penn State University regarding the operation of the Center for Dirt and Gravel Road Studies. SCC Staff, in cooperation with conservation districts and Center staff, have reviewed these documents and are drafting recommended changes to these documents. In addition, Commission, Center, and conservation district staff are also working on recommendations for changes in program allocations formula, financial tracking, and the Quality Assurance Quality Control (QAQC) process. The Policy and Planning Workgroup has reviewed the allocation formulas which distribute Dirt and Gravel (DG) and Low Volume (LV) Road program funding to districts. Several formula changes will be recommended to both the DG and LV allocation formulas that will impact CD allocations.

DG formula recommended changes are centered around two issues:

- Looking at how the GIS program extracts data for the miles of worksites.
- Looking at how the GIS program extracts data for HQ/EV watersheds.

LV formula recommended changes are centered around two issues:

- Looking at the weighting factors for Urban versus Rural roads.
- Adding a weighting factor for roads in HQ/EV watersheds.

Action Requested: No action requested.

- b. Quality Assurance Quality Control (QAQC) Overview. Justin Challenger, SCC reported that with the 7-fold increase in program funding received in 2014, the Commission established a goal of conducting a QAQC visit for each participating district at least once every three years. That goal was recently achieved with the completion of 65 QAQC visits over the last 3 years. Credit for this success goes to Commission, Center, and DEP staff (field representatives) for this outstanding work and especially Justin Challenger (SCC, DGLVRP) who coordinated these activities. Based on the findings of these visits, Commission, Center, and district staff are developing recommendations for changes to the QAQC process for the next round of visits.

Action Requested: No action requested.

6. Pennsylvania Agricultural Recognition Program Update. Deputy Secretary Greg Hostetter, PDA reported that the Department, in cooperation with SCC, DEP, and other interested parties, is working to develop recommendations for a Pennsylvania agricultural conservation recognition program. This program would recognize agricultural operations who have documented compliance with baseline regulatory compliance and who have also exceeded these requirements in some manner. This concept was a recommended outcome of the PA Agriculture In-Balance Conference. This program has an anticipated roll-out at the PA Farm Show in January 2018. Some of the highlights of this program are as follows:

- Proof to prove to neighbors the validity of the farm
- Proving compliance to the EPA
- Being environmentally responsible
- Risk-management

Action Requested: No action requested.

7. PAG-02 Authorizations. Ramez Ziadeh, DEP reported that DEP recently announced changes to its PAG-02 general permit for storm water discharges. The Department published an Administrative extension of PAG-02 for another year through December 2018, and on November 4, 2017, published a notice of its intent to reissue the current PAG-02 for a 5-year term in order to allow the Department time to propose sound revisions to the current general permit. Ramez explained more about the PAG-02. It is an EPA permit developed and administered by DEP in Pennsylvania. It is handled by conservation districts in PA and lasts for 5 years. New/draft permits are reviewed by the EPA before being approved by DEP. Two notices were published in the PA Bulletin on October 21, 2017.

Action Requested: No action requested.

8. CERCLA/EPCRA Agricultural Emissions Reporting Update. John Howard, PDA Legal Counsel, reported that farms with continuous releases of certain reportable hazardous substances (ammonia and hydrogen sulfide) from livestock and poultry operations are required by EPA to report these releases. These releases were exempt by EPA in a December 2008 final rulemaking. However, a 2017 court decision invalidated the exemption in this final rulemaking. As a result, farms that release more than a reportable quantity of these substances (100 pounds per 24 hours) must file an initial report with EPA no later than November 15, 2017. Ammonia will be a triggering factor. Hydrogen sulfide will be less of an issue. If a farm has less than 100 pounds per 24 hours, they do not need to report.

Action Requested: No action requested.

C. Written Reports – Self Explanatory

1. Program Reports
 - a. Act 38 Nutrient and Odor Management Program Report
 - b. Act 38 Facility Odor Management Program & Status Report on Plan Reviews
 - c. Certification and Education Program Accomplishment Report
 - d. REAP Program Accomplishment Report
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports

DEP – No report.

DCNR–Drew Gilchrist reported that DCNR’s Bureau of Recreation and Conservation (BRC) is currently holding workshops across the state for potential applicants to its 2018 Community Conservation Partnership Grant Program. The program provides funding to municipal and non-profit organizations for trails, recreation facilities, open space acquisition, and riparian buffers. Applications will be accepted between January 22 and April 11, 2018. For more information, look at the DCNR website under grants or contact the BRC Regional Advisor in your region.

PACD – Chuck Duritsa reported that the Fall Regional meetings are now completed. He mentioned that there are grant opportunities through NACD and NRCS. PACD is applying for a Riparian Buffer grant. PACD also facilitated an Introduction to Conservation Planning training, sponsored by the State Conservation Commission and NRCS.

DCED – Denise Brinley reported that Team PA Foundation is having sessions with Shell, who does energy transition scenarios. Shell will present various scenarios as to how PA can look into the next 25 years with its energy. This will be a tool for policymakers to understand our future energy needs.

NRCS – no report

PSU – Chris Houser, Director of Agronomy and Natural Resource Programs, reported that the water team is broadening into ag water, storm water, and urban water. Currently, online trainings in these areas are available. The agronomy team is not as far along in their development of online trainings. There is a new website which promotes online courses.

There is also a social media video about the College of Agriculture. This includes a 30-second ad with Jim Harbaugh, who explains how Penn State is impacting farmers.

PDA – Deputy Secretary Greg Hostetter reported that everyone should be on the lookout for the Spotted Lanternfly. It was first sighted in Berks County and has now spread to 6 other counties. PDA is working with the PA Game Commission on Chronic Wasting Disease management. The WIP3 committees are fully involved and meet often to reach their 2025 goals. Deputy Secretary Hostetter mentioned that he enjoyed his trip to Armstrong County to see the H2O On the Go display. Fair season is now over, and the Department is preparing for the 2018 Farm Show.

Adjournment: Meeting adjourned at 2:55 p.m.

Next Public Meeting: December 12, 2017 – Conference Call

January 17, 2018 – Toftrees Golf Resort, State College, PA

STATE CONSERVATION COMMISSION CONFERENCE CALL
PA Department of Agriculture, Room 405
Tuesday, December 12, 2017 @ 8:30 am

DRAFT MINUTES

Members Present: Deputy Secretary Greg Hostetter, PDA for Russell Redding; Ramez Ziadeh for Secretary Patrick McDonnell, DEP; Drew Gilchrist, DCNR for Secretary Cindy Adams-Dunn; Dr. Richard Roush, Penn State; Dr. Dennis Calvin, Penn State; Donald Koontz; Michael Flinchbaugh; Ross Orner; MaryAnn Warren; Ron Kopp; Ron Rohall; and Chuck Duritsa, PACD.

B. Agency/Organization Updates

1. DCNR – Drew Gilchrist, DEP Regional Advisor

Drew reported that the Community Conservation Partnership Program, administered by the Bureau of Recreation and Conservation, was pleased to announce in early December the investment of \$44 million in 266 projects across PA for recreational opportunities, the conservation of natural resources, and the revitalization of local communities. These investments included 49 trail projects, the preservation of 8000 acres of open space, nine riparian buffer projects, 14 river conservation projects, and over 100 projects for rehabbing and developing playgrounds, ball fields, and green infrastructure projects. A complete list of funded projects is available on the DCNR website.

2. NRCS – no report

3. DCED – no report

4. PACD – Chuck Duritsa

Chuck reported that PACD is applying for a Riparian Buffer Grant through NRCS. PACD has also been involved with House Bill 1932, which involves proposed amendment to the Nutrient Management Act.

5. Pennsylvania Department of Agriculture – Deputy Secretary, Greg Hostetter

Deputy Secretary Hostetter mentioned that the Farm Show is in January 2018. One new exhibit at the show will be a calving corner. Dairymen are sharing their industry and the miracles of birth to the public. The WIP process has several meetings per week. They meet frequently to formulate tangible plans for the agricultural community.

6. Penn State – Dr. Dennis Calvin and Dr. Richard Roush

Dr. Calvin mentioned that Penn State has organized a Spotted Lanternfly task force comprised of about 25 people from research and extension. They are formulating an educational webinar for county commissioners and township supervisors about the lanternfly. In September 2017, a new web design was released for the university. They are in the process of checking for problems within the system. Charlie White was selected to replace Dr. Doug Beegle and officially starts his position at Penn State on January 1, 2018. He has already been engaged with the SCC and its Nutrient Management Program. Dean Roush mentioned that there will be a cross-college meeting about water quality and storm water.

7. DEP – Ramez Ziadeh

Acting Executive Deputy Secretary Ziadeh reported that PAG-02 was reissued with an effective date of December 8, 2017. DEP is currently working on PAG-12 (CAFO) to finalize the draft and to take it to the Ag Advisory Board meeting on December 21, 2017. As of Monday, December 18, 2017, Tim Schaeffer will be joining DEP as the Deputy Secretary of Water Programs.

C. Information and Discussion Items

1. **Status of 2018 Conservation District Director Appointments– Karl Brown**

Karl Brown reported that all SCC members received a memo that provided an overview of the status of the 2018 conservation district director appointments by county. To date, 39 counties (60%) have submitted director nominations for Commission review and recording. Commission staff will continue to review and process appointments as they are received.

2. **Nutrient Management Program Legislative Update – Karl Brown/Frank Schneider**

House Bill 1932 (PN 2732) is a bill introduced by Representative Zimmerman which would amend the Nutrient Management Act. This bill would, among other things, change the time frames allowed for a NM plan to be reviewed and acted on, requiring a plan to be approved, modified or disapproved within 90 days of being deemed administratively complete. If a plan was not acted on in the first 90 days, then it would be deemed approved. In addition, it also creates an option for a plan to be “modified” and then approved by the plan reviewer (delegated CD or SCC). SCC members were given a memo and flow diagram that provides additional information regarding this agenda item. SCC Nutrient Management Program staff, in cooperation with PDA and DEP staff, are developing a bill analysis that will be provided to SCC

members when available. This bill was pulled from the December 12, 2017 agenda at the House Committee meeting.

Karl Brown mentioned that the Pennsylvania Senate Bill 799, introduced to establish a competitive bidding program to reduce the state's clean water costs, was considered in the PA Senate Environmental Resources and Energy Committee on Tuesday, October 17, 2017. This bill is referred to as the Bion Bill 799. It will delineate rules for PDA, DEP, and PennVest.

3. **Spotted Lanternfly Update – Karl Brown/Dr. Ruth Welliver**

Dr. Ruth Welliver, PDA Bureau of Plant Industry, attended the SCC Conference Call to further explain the issues concerning the spread of the Spotted Lanternfly. The Spotted Lanternfly (SLF) is an invasive plant hopper type insect that has been discovered in Berks and surrounding counties (September 2014). It is native to China and several other Southeast Asian countries, where it has become a major pest. The primary host species of the SLF is the tree of heaven, although it also attacks many other plants, such as grapes, apples, stone fruits, hops, and certain timber species. The SLF is a disruptive pest which impacts homeowners, agriculture, forests, ecosystems, and commerce and spreads quickly. PDA, in cooperation with state and federal partners, has developed and is implementing a strategy to address the control of SLF in Pennsylvania. Early detection is vital for the protection of Pennsylvania businesses and agriculture. The SCC will work in conjunction with Plant Industry to educate all of the conservation districts in Pennsylvania about the Spotted Lanternfly. There needs to be education to landowners and people working around conservation districts so that this pest does not spread. Some strategies for containment of this pest include outreach education and vegetation management.

4. **Pennsylvania Agricultural Conservation Stewardship (PACS) Program Update – Karl Brown**

PDA, in cooperation with SCC and DEP staff, continue to work with local, state, and federal partners to develop the concepts of the Pennsylvania Agricultural Conservation Stewardship (PACS) Program. State agency staff have recently held conference calls with conservation districts, as well as private sector service providers to discuss these concepts. This program will recognize Pennsylvania farmers who voluntarily step up to document their environmental stewardship. The program focuses on documenting basic regulatory compliance, along with conservation practices that take farmers beyond baseline regulatory compliance to ensure that all resource concerns are addressed. Deputy Secretary Greg Hostetter reported that the PACS will kick off at the PA Farm Show in January 2018.

5. **CERCLA Emissions Reporting Update – Karl Brown**

On November 22, 2017, the DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. The court is expected to issue the mandate on January 22, 2018. NO reporting is necessary until the mandate is issued. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right to Know Act (EPCRA) require facilities to report releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period. Following a hazardous substance reportable release, a facility owner or operator must notify federal authorities under CERCLA and state and local authorities under EPCRA.

6. **DEP Executive Staff Appointment- Karl Brown**

DEP Secretary Patrick McDonnell recently announced the appointment of Tim Schaeffer to the position of Deputy Secretary for Water Programs starting December 18. As Deputy, he will be responsible for overseeing the operations of the Bureaus of Waterways Engineering and Wetlands, Safe Drinking Water, and Clean Water, Compacts and Commissions Office and Planning for the Fish and Boat Commission. Prior to his State service, Tim served in leadership roles for Audubon Pennsylvania, PA Environmental Council, and PA Organization for Watersheds and Rivers. He has a PhD from State University of New York, College of Environmental Science and Forestry, where his doctoral dissertation addressed local governments as partners in adaptive natural resource management; a Juris Doctorate from Syracuse University College of Law; a Master of Science in public policy and management from Carnegie Mellon University; and a Bachelor of Arts from Gettysburg College.

7. **Next meeting – January 17, 2018 at Toftrees Resort in State College, PA**

8. **Adjournment.** The meeting was adjourned at 9:24 am.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

Agenda Item B.2.a

DATE: December 28, 2017

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
Nelson H. Auker, Berks County

KJ Dymond

Action Requested

Action to approve is requested on the Nelson H. Auker odor management plan.

Background

This farm is located at 16 Rehrersburg Road, Bethel, PA 19507; Tulpehocken 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 December 14, 2017. 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.

Farm Description

The Nelson H. Auker agricultural operation is an existing broiler 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 60 feet for the animal housing facilities and 50 feet for the manure storage facility.

- A property line setback waiver is required to meet the Nutrient Management Program regulations and is attached to the plan.

There are not any Other Livestock Operations (≥ 8 AEUs) within the Evaluation Distance Area of this plan. However, there are a number of Other Livestock Operations a short distance outside of the evaluation distance area,

The surrounding land use for this area is Rural including the predominant terrain features of: open farm land with homes along the road frontage.

Assessment

Animal Housing Facilities:

Existing Facilities – This site includes 60,000 broilers (120.51 AEUs) in the following existing animal housing facilities:

- Broiler Barn #1 – 40' x 154' – 15,000 broilers
- Broiler Barn #2 – 40' x 300' (2-story) – 30,000 broilers
- Broiler Barn #3 – 40' x 300' (1-story) – 15,000 broilers
- These barns will be decommissioned & demolished.

Proposed Regulated Facilities – This plan amendment proposes the expansion of the operation with 12,000 additional broilers (24.1 AEUs) in the following animal housing facility(ies):

- Broiler Barn #1 – 63' x 500' – 36,000 broilers
- Broiler Barn #2 – 63' x 500' – 36,000 broilers
- Note, the existing bird quantity (60,000 broilers (120.51 AEUs)) will be transferred into the proposed barns.

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(ies):

Request for Action Memo: Nelson H. Auker OMP

- Roofed, Dry Manure Storage – 16’ x 50’ x 6’ high – 4,800 cu.ft.
- A property line setback waiver is required to meet the Nutrient Management Program regulations and is attached to the plan.

Odor Site Index

On October 31, 2017, I performed a site assessment of the surrounding houses and businesses in the ‘Evaluation Distance Area’ to confirm the buildings identified on the plan map. This was conducted right after the on-site pre-plan submission meeting with Dr. Mikesell (PSU), the plan writer, the operator and myself.

The confirmed Odor Site Index value for the proposed Broiler Barns # 1 & 2 and the Roofed Manure Storage Facility indicates a high potential for impacts with a score of 116.1. Due to the high potential for impacts, the appropriate Level I Odor BMPs for this broiler operation are required and are properly identified in the plan. The proposed plan provides adequate detail and direction for facilitating the operator’s Implementation and Operation & Maintenance of these required Odor BMPs, as well as the necessary documentation needed to demonstrate compliance with the plan and regulations.

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

- Level II Odor BMPs – Windbreak Shelterbelt #1 & #2.

Recommendation

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

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

Karl G. Brown, Executive Secretary

Date

Odor Management Plan

Prepared For:

Nelson H Auker

16 Rehrersburg Road

Bethel, PA 19507

717-644-7219

County/ Municipality: Berks County/Tulpehocken Township

Mailing Address (if Different from Site Address)

Prepared By:

Glenn D Hershey

OM Certification # 55-OMC

3050 Yellow Goose Road

Lancaster, PA 17601

717-393-2176

glennh@redbarnag.com



For Official Use Only	
Date of Plan Submission:	December 7, 2017
Date of Plan Approval:	
Date(s) of Plan Updates (not requiring SCC action):	

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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.*

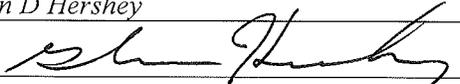
- Pennsylvania Act 38 Concentrated Animal Operation (CAO)
- Pennsylvania CAFO (Concentrated Animal Feeding Operation (CAFO) program)
- Odor Management Program Volunteer Animal Operation (VAO)

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: Glenn D Hershey Certification number: 55-OMC
Signature of Planner:  Date: 11-20-2017
Date(s) Evaluation Distance Area Site Visit Conducted: 10/31/2017

Odor Management Plan Name: Nelson H Auker

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:
Print Name of Operator/ Authorized Representative:

Nelson H Auker Date: 11-30-17

Nelson H Auker

Title of Operator/ Authorized Representative:

Owner/Operator

Business Legal Name of the Operation:

N/A

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:	Broiler
Proposed Animal Numbers:	12,000
Proposed AEUs (per animal type):	24.1
Voluntary Existing Animal Type:	0
Voluntary Existing AEUs (per animal type):	0
Total AEUs Covered by this Plan:	24.1
AEUs per acre for the operation:	144.6

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: 116.1

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.

Broiler

Feed Wastage – Feeding equipment will be adjusted to ensure the appropriate flow rate of feed into the feeder.

Feeder height will be checked daily and raised as needed to match the height of the birds. Feed junction boxes will be monitored daily for malfunction. Feed spills will be removed after any necessary repairs are performed. Feed height in the feed trough will be monitored daily and adjusted as needed.

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

Broiler

Ventilation Components – Ventilation system components including computer controls, static pressure meters, fans and power winches for the curtains will be checked daily for functionality.

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.

Fans are cleaned and inspected after each flock every 6 weeks.

Inlet openings are adjusted to provide adequate air distribution daily or as needed.

Static pressure monitors are calibrated daily by computer.

Curtains are controlled by computer and checked daily.

Curtains, cables, winches, and other components of the ventilation system are inspected daily.

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

Broiler

Moisture Control – Water delivery system and drinkers will be checked daily for leaks. Repairs will be performed as needed. The height of the nipple waterers will be inspected and adjusted daily to ensure that birds are always reaching up to the waterers.

•Litter Maintenance – After each flock a litter windrower will be used to compost the manure in barn and the composted litter will be used to bed the next flock. Complete clean out will be once a year.

4. Mortalities will be removed daily and managed appropriately.

Broiler

Mortalities will be removed daily during walk through and placed in mortality composter for composting.

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

Broiler

-Phase feeding – Diet formulation will be matched to bird weight and age.

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

Broiler

Empty manure from storage facility per proposed Nutrient Management Plan.

Manage surface water-

- keep surface water from entering manure storage area by grading the surrounding area to avoid run on.
- Keep surface water from leaving the manure storage area by covering or mixing in dry material to absorb potential rainwater.
- A visual inspection of the manure storage area will be completed monthly 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:

Windbreak Shelterbelts

Windbreak shelterbelts are rows of trees and fast-growing vegetation planted near the exhaust stream from poultry facilities. This serves to increase turbulence and mixing with fresh air to help dilute odorous compounds before they travel downwind from the facility, and the foliage on some species has been shown to absorb certain compounds, including ammonia.

Implementation

1. Timeframe – see Plant Material chart, Planting Dates column. The general construction will involve two rows of vegetation as shown below:

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
Shelterbelt 1 - Row 1: Streamco Willow	Rooted Cutting	Spring 2019	6 feet	90	18 feet
Shelterbelt 1 - Row 2: Arborvitae	3' – 4' Balled & Burlapped	Spring 2019	12 feet	45	N/A
Shelterbelt 2 - Row 1: Streamco Willow	Rooted Cutting	Spring 2019	6 feet	30	18 feet
Shelterbelt 2 - Row 2: Arborvitae	3' – 4' Balled & Burlapped	Spring 2019	12 feet	15	N/A

3. Location and Layout of Shelterbelts 1 & 2 (include drawing):

Shelterbelts will consist of two rows of plant material. The row nearest the production building will consist of *Salix purpurea* “Streamco willow” planted on 6-foot centers. The outer row will consist of hybrid arborvitae (*Thuja plicata x standishii*) planted on 12-foot centers.

4. Site Preparation & Planting Methods Notes for Shelterbelts 1 & 2

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 or planting equipment.

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

Operation and Maintenance for Shelterbelts 1 & 2

- Inspections – Inspect windbreak shelterbelt components weekly during the growing season and protect plants from damage so proper function is maintained.
- Replace Deadstock – Replace dead or dying plants as discovered or if discovered during the non-growing season, replace as soon as conditions permit during the next planting season.
- Competing Vegetation – Control competing vegetation either mechanically, chemically, or with a mulch bed to allow proper establishment and growth. 1” of mulch will be placed around the plants in the rows.
- Irrigation – Install and begin supplemental irrigation for a minimum of two years.
- 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. Steps taken to reduce dust and feed accumulation in pens, aisles, and on animals. –**
Document occurrences when the accumulation of spilled feed was not able to be addressed in a timely manner and the corrective action taken. Document when any part of the feed delivery system malfunctions or is in need of repair and document the corrective actions taken.
- 2. Ventilation is managed to provide sufficient airflow throughout the facility to keep animals and facility surfaces clean and dry.**
Document occurrence of damage to ventilation system and corrective action(s) taken. Document any discrepancies with cleaning process/protocol and the corrective actions taken.
- 3. Manure will be managed to minimize damp, exposed manure that contributes to odor generation.**
Document any damage to watering system and corrective action taken.
Document occurrences of when the accumulation of manure was not able to be addressed in a timely manner and the corrective actions taken.
- 4. Mortalities will be removed daily and managed appropriately.**
Document discrepancies with daily removal and corrective action taken.
- 5. Feed Nutrients will be matched to animal nutrient requirements to avoid excess nutrient excretion.**
Document any discrepancies with feeding protocol and corrective action taken.
- 6. Manure/compost storage facility**
Document any discrepancies with proper manure storage management and 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. **Planting of Shelterbelts 1 & 2.** Document any discrepancies with the planting process and the corrective actions taken.
2. **Operation and Maintenance for Shelterbelts 1 & 2.** Document any discrepancies with the following operation and maintenance and the corrective actions taken.
 - a. Inspections
 - b. Replace Deadstock
 - c. Competing Vegetation
 - d. Irrigation

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.

(Copy This Page For Future Use)

Odor Management Plan Name: Nelson H Auker

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: _____

Title of Operator: _____

Level I Odor BMPs – Maintenance Log YEAR _____

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

(Copy This Page For Future Use)

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

Level II Odor BMPs – Quarterly Observation Log YEAR _____

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

(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: Windbreak Shelterbelt		
<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Planting Shelterbelt 1</i>		
<i>Planting Shelterbelt 2</i>		
<i>Operation and Maintenance for Shelterbelt 1 & 2</i>		
<i>Inspections</i>		
<i>Replace Deadstock</i>		
<i>Competing Vegetation</i>		
<i>Irrigation</i>		

Appendix 1: Operation Information

Part A: Odor Source Factors

1. Site Livestock History: 120.51

Detail the Maximum AEUs 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: Broiler Existing Animal Numbers: 60,000

3. Existing Animal Equivalent Units (AEUs) per Animal Type: 120.51

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
Existing Barn 1	40' x 154' (2 story)	15,000 broilers	None
Existing Barn 2	40' x 300' (2 story)	30,000 broilers	None
Existing Barn 3	40' x 300' (1 story)	15,000 broilers	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.

The manure in the broiler barns is cleaned out after each flock and is exported to the broker.

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 AEU**s are the new additional AEU's associated with the proposed regulated animal housing facility (ies).
- **Voluntary Existing AEU**s are the AEU's associated with the existing animal housing facility (ies).
- **Proposed AEU**s and **Voluntary Existing AEU**s are used for determining the Odor Site Index evaluation distance area.
- **Transferred Existing AEU**s are existing AEU's on the site that will be transferred into the animal housing facility being evaluated.
- **Total AEU**s 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 AEU's, as measured from the time of the initial plan approval.

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

Proposed Animal Numbers per animal type: 12,000

Proposed AEU's per animal type: 24.1

(b) Voluntary Existing Animal Types: 0

Voluntary Existing Animal Numbers: 0

Voluntary Existing AEU's per animal type: 0

(c) Total AEU's Covered by this Plan: 24.1

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

(e) Total AEU's/ Acre for the operation: 144.62

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

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

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

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

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

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

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

Animal Housing Facility <input type="checkbox"/> None Proposed	Dimensions	Livestock Capacity
Proposed Broiler Barn 1	63' x 500'	36,000 broilers
Proposed Broiler Barn 2	63' x 500'	36,000 broilers

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.*

The manure in the broiler barns will be, in barn, turned and composted after each flock and completely cleaned out once a year and loaded directly on the truck hold off the farm or stored in the manure storage/compost facility until it is exported to the broker. The mortality will be composted with broiler manure in the manure storage/compost facility.

- (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
Roofed, dry manure storage	16' x 50' x 6' high	4,800 cu ft

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)*
Construction of the broiler barns and manure storage is planned for the summer/fall 2018 - 2019.
- 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).

- 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 1 measurement 63(ft.) Not Applicable
- b. Animal Housing Facility 2 measurement 60(ft.) Not Applicable
- c. Manure Storage Facility measurement 50(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

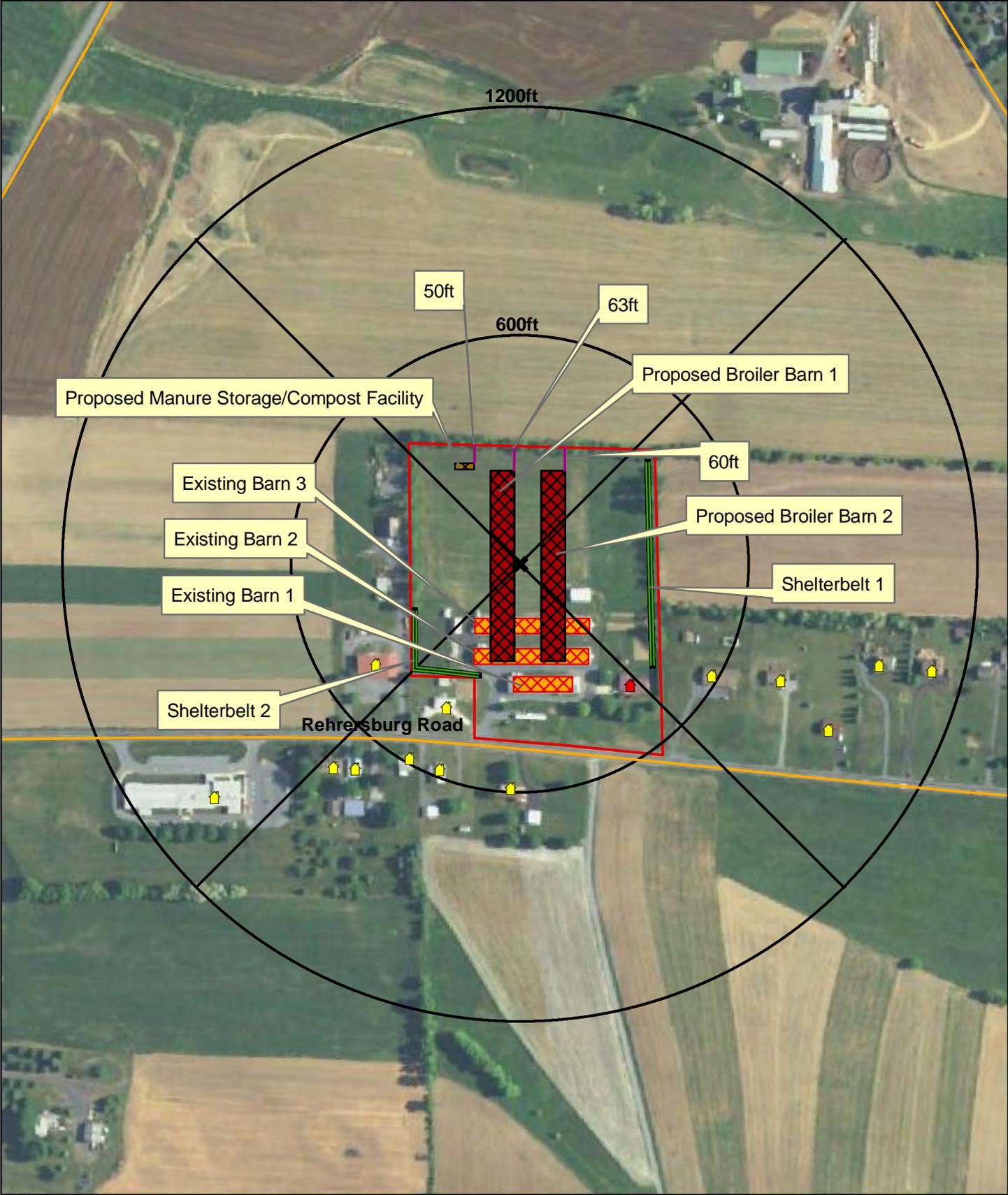
The purpose of the site map is to facilitate the plan review process of identifying specific details about the operation being evaluated. Odor Management Plans must include a site map of the operational related facilities drawn to scale with a map legend, identifying at a minimum the following:

- 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.

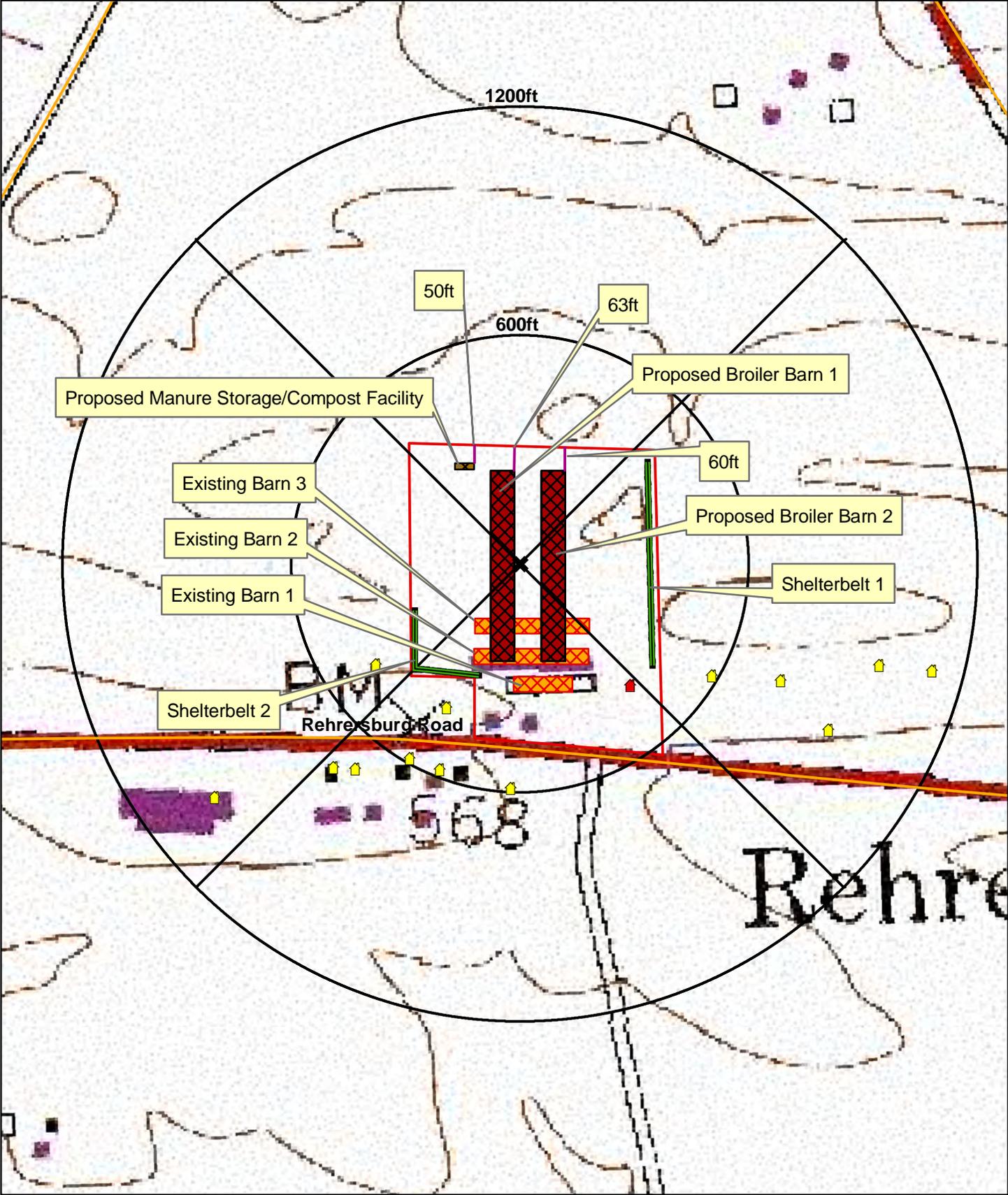
OSI - Aerial Map NELSON AUKER



1 inch = 350 feet



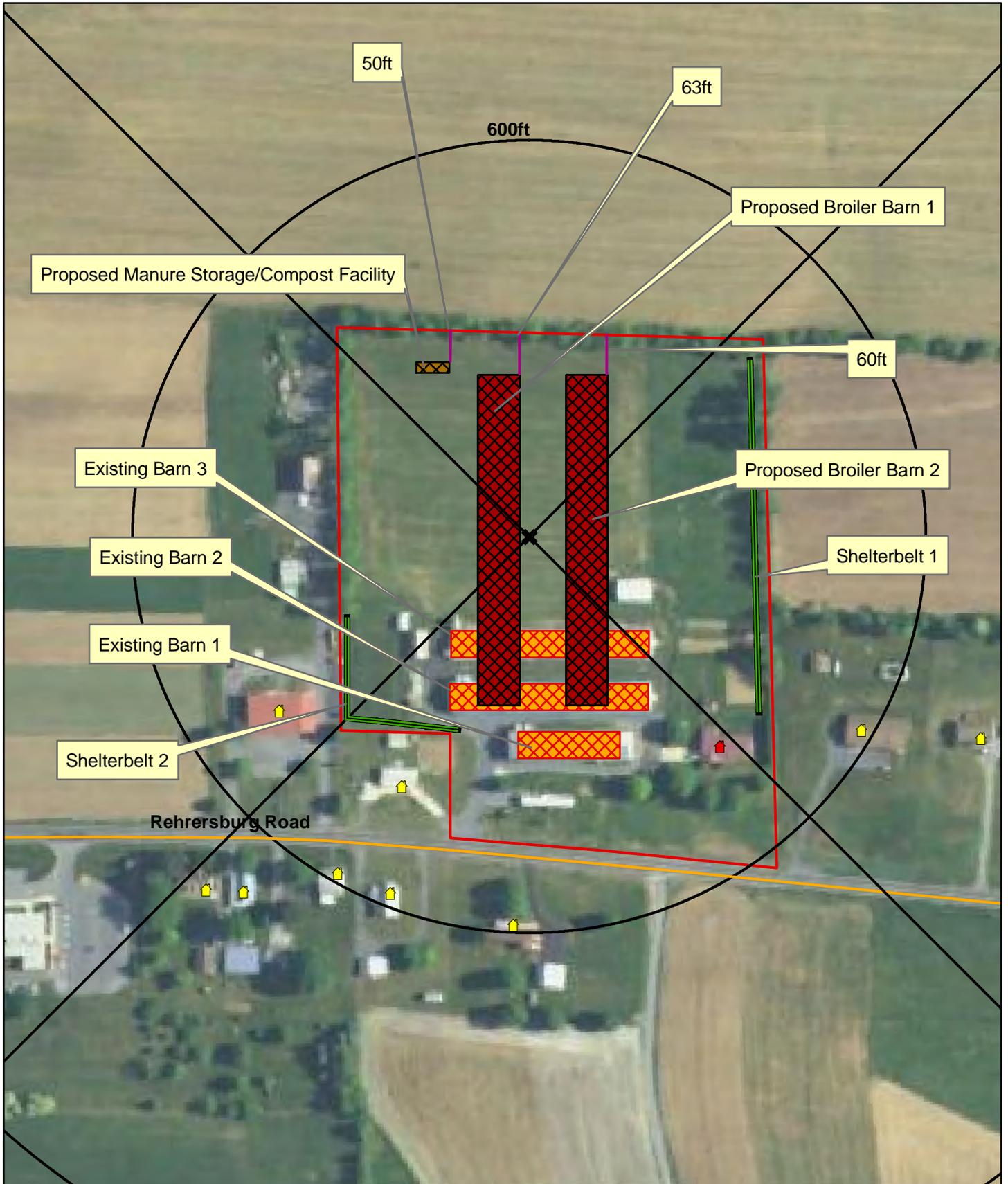
OSI - Topo Map
NELSON AUKER



1 inch = 350 feet



OSI - Farmstead Map NELSON AUKER



1 inch = 200 feet



Legend

-  Farm_Boundary
-  Geographic_Center
-  Neighboring_Homes_Facilities
-  Operation_Related_Neighboring_Homes
-  Windbreak_Shelter_Belt
-  Property_Line_Distance
-  Quadrant_Lines
-  Evaluation_Distance_1200ft
-  Evaluation_Distance_600ft
-  berks_local_state_roads
-  Proposed_Broiler_Barns
-  Proposed_Manure_Storage/Compost_Facility
-  Existing_Barns_will_be_Decommissioned

Appendix 3: Plan Evaluation – OSI

Act 38 Odor Management Plan - Odor Site Index

Operator Name	Nelson H Auker		
Planner Name	Glenn Hershey		
Type of Operation	Broilers		
Voluntary Existing AEU's	0		
Proposed AEU's	24.1		
Previously Approved AEU's	0		
AEU's Covered by OMP	24.1		
Evaluation Distance	1200'		
Part A: Odor Source Factors			OSI Score
Facility Size Covered by OMP	24.1		2
Site Livestock History	50-199 AEU's _6pts		6
Manure Handling System	Poultry - Multi-flock litter, with or w/o external covered storage-4pts		4
			12.00
Part B: Site Land Use			
Ag Security Zone	No (0 pct)		0
Ag Zoning	No (0 pct)		0
Preserved Farm	No (0 pct)		0
			0.00
Part C: Surrounding Land Use			
Other Livestock >8 AEU in evaluation distance	Zero (5pts)		5.00
Distance to Nearest Property Line	<150' (10 pts)		10.00
If nearest property is <300', is it preserved farmland	No (0 pts)		0.00
Neighboring Homes			102.00
Public Use Facilities			0.00
			117.00
Species Adjustment Factor	Broilers,turkeys (-.1)		116.1
Final OSI Score			116.1
Level 2 BMPs Required			

Act 38 Odor Management Plan - Odor Site Index

East Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	1	4		Select from list	Select from list	
Facility Value	15	7	3	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	Select from list	Select from list	Select from list	Total Facilities 43.0
# Public Use Facilities						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 43.0
South Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	4	2		Select from list	Select from List	
Facility Value	10	5	2	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	Select from list	Select from list	Select from list	Total Facilities 50.0
# Public Use Facilities						Total Public 0.0
Public Use Value	30	15	7	4	2	
Public Use Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total South 50.0
North Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities				Select from List	Select from List	
Facility Value	6	3	0.5	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						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 0.0
West Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	1	1		Select from list	Select from list	
Facility Value	6	3	0.5	0	0	
Home Shielding	<600 None (1)	600-1200 None (1)	Select from list	Select from list	Select from list	Total Facilities 9.0
# Public Use Facilities						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 West 9.0
						Grand Total 102.0

Appendix 4: Biosecurity

Biosecurity Protocol Contact Information

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

Name:	<u>Nelson H Auker</u>	Phone:	<u>717-644-7219</u>
E-mail:	<u>nelsonauker@gmail.com</u>	Relationship:	<u>Owner/operator</u>

Appendix 5: Supporting Documentation

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

Provide a heading for each topic discussed in this Appendix.

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

Yes there is an existing NMP for the existing 60,000 broilers through crop year 2018. A new NMP is in the process of being developed which will include the new barns and additional 12,000 broilers for crop years 2019 – 2021.

Appendix 3 – Neighboring Facilities

The building in the west quadrant between the 600' and 1200' distance that looks like a school, it is not. It is used for offices for the school district in the area.

**Manure Storage Setback Waiver
(From Neighboring Landowner)**

To Whom It May Concern:

I hereby consent to waive the required setback distance of 100 feet from my property line for the proposed manure storage facility to be built on the parcel of property with tax #~~41117445756~~ currently owned by Nelson Acker.

My property is identified by parcel #8644117445756.

I understand that this manure storage facility will be closer to my property line than required setbacks provided under §83.351(a)(2)(vi)(H) of the regulations developed to implement Act 38 of 2005. This manure storage facility has my consent to be no closer than 20 feet from my adjoining property line. I understand that such a waiver is acceptable to the Pennsylvania State Conservation Commission under §83.351(a)(2)(vi)(H) of the aforementioned regulations.

Irvin M Hoover
Landowner Name (print)

Irvin M Hoover
Landowner Signature

17 Airport Rd Bethel
Landowner Address

12-2-17
Date

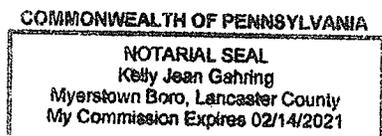
717 933-4703
Telephone Number

State of PA
County of Lebanon

On this, the 2 day of December, 2017, before me, the undersigned notary public, personally appeared Irvin Martin Hoover, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Kelly Jean Gahring
Notary Public



Rk.	Feed	Grower	# Ct.	Total Cost	Cost less Gwr. Pmt.	Grower Payment	Fuel Cost	FeedCost Per Lb.	Avg Age	Avg Wgt	Actual F.C.	ADJ F.C.	Wgt Gain	% Cond	% Live
1			6	\$0.4364	\$0.3674	\$0.0690	\$0.0064	\$0.2699	42.20	6.26	1.769	1.675	14.84	1.318	92.83
2			6	\$0.4463	\$0.3810	\$0.0653	\$0.0052	\$0.2801	43.45	6.23	1.836	1.745	14.36	1.622	92.67
3			6	\$0.4439	\$0.3815	\$0.0625	\$0.0072	\$0.2843	43.36	5.96	1.863	1.812	13.73	1.659	93.37
4			6	\$0.4410	\$0.3730	\$0.0679	\$0.0057	\$0.2724	42.18	5.95	1.782	1.732	14.09	1.274	93.40
5			6	\$0.4438	\$0.3812	\$0.0627	\$0.0081	\$0.2822	43.66	5.93	1.845	1.798	13.58	1.484	92.33
6			5	\$0.4557	\$0.3916	\$0.0641	\$0.0067	\$0.2888	42.97	5.86	1.873	1.835	13.65	1.317	93.08
7			5	\$0.4482	\$0.3826	\$0.0657	\$0.0053	\$0.2827	42.15	5.86	1.832	1.795	13.88	1.387	93.72
8			6	\$0.4289	\$0.3633	\$0.0656	\$0.0075	\$0.2624	43.05	5.84	1.810	1.776	13.56	1.338	93.58
9			5	\$0.4359	\$0.3665	\$0.0694	\$0.0048	\$0.2667	41.94	5.84	1.762	1.728	13.92	1.319	94.76
10			6	\$0.4359	\$0.3684	\$0.0675	\$0.0063	\$0.2581	41.83	5.82	1.788	1.757	13.84	1.148	92.43
11			6	\$0.4422	\$0.3743	\$0.0679	\$0.0048	\$0.2762	44.04	5.81	1.794	1.763	13.70	1.309	93.23
12			6	\$0.4456	\$0.3807	\$0.0649	\$0.0078	\$0.2806	43.18	5.81	1.826	1.796	13.44	1.276	94.32
13			5	\$0.4418	\$0.3735	\$0.0683	\$0.0049	\$0.2785	42.78	5.81	1.807	1.777	13.58	1.264	95.18
14			6	\$0.4451	\$0.3763	\$0.0687	\$0.0076	\$0.2698	41.52	5.72	1.755	1.739	13.73	1.184	91.50
15			6	\$0.4344	\$0.3684	\$0.0660	\$0.0050	\$0.2639	42.57	5.71	1.832	1.816	13.41	1.287	93.07
16			6	\$0.4533	\$0.3873	\$0.0660	\$0.0084	\$0.2777	42.43	5.70	1.811	1.796	13.43	1.216	93.23
17			8	\$0.4525	\$0.3885	\$0.0640	\$0.0106	\$0.2749	42.91	5.69	1.908	1.896	13.29	2.007	90.44
18			6	\$0.4497	\$0.3838	\$0.0659	\$0.0061	\$0.2794	42.40	5.66	1.826	1.818	13.34	1.381	94.12
19			6	\$0.4461	\$0.3790	\$0.0671	\$0.0072	\$0.2751	42.32	5.66	1.795	1.787	13.36	1.257	93.92
20			6	\$0.4328	\$0.3688	\$0.0640	\$0.0066	\$0.2647	42.57	5.63	1.836	1.832	13.22	1.207	93.43
21			6	\$0.4588	\$0.3952	\$0.0636	\$0.0061	\$0.2853	42.53	5.60	1.856	1.856	13.17	1.349	92.43
22			6	\$0.4516	\$0.3898	\$0.0617	\$0.0077	\$0.2883	42.97	5.59	1.879	1.880	13.02	1.491	92.63
23			6	\$0.4525	\$0.3899	\$0.0627	\$0.0082	\$0.2856	42.16	5.56	1.860	1.866	13.17	1.456	93.58
24			6	\$0.4417	\$0.3806	\$0.0612	\$0.0056	\$0.2725	43.04	5.53	1.889	1.899	12.90	1.588	92.12
25			6	\$0.4557	\$0.3904	\$0.0653	\$0.0084	\$0.2815	42.67	5.51	1.817	1.830	12.91	0.969	93.82
26			6	\$0.4498	\$0.3852	\$0.0646	\$0.0075	\$0.2794	42.00	5.49	1.819	1.835	13.08	1.087	93.30
27			6	\$0.4521	\$0.3800	\$0.0721	\$0.0073	\$0.2671	40.19	5.34	1.719	1.757	13.20	1.096	93.60
AVERAGE				\$0.4452	\$0.3796	\$0.0657	\$0.0068	\$0.2758	42.56	5.75	1.822	1.800	13.53	1.344	93.19

Average Flocks = 5.9 (assuming 6 flocks/year for COA calculation)

Average bird Weight = 5.75 lbs / 2 = 2.875 lbs

Production Days = 42.56 X 6 Flocks/year = 255 days

CAO Calculations

For:

Nelson Auker

by:

Red Barn Consulting Inc.

October 12, 2017

Calculation of Animal Equivalency Units (AEU's)

	Type of Livestock	Number	Ave. Wt.	Days/Year	AEU's
1	Existing/Transfer Broilers	60,000	2.875	255	120.51
2	Proposed/Additional Broilers	12,000	2.875	255	24.10
3					0.00
4					0.00
5					0.00
6					0.00
7					0.00
8					0.00
9					0.00
10					0.00
11					0.00
12					0.00
13					0.00

Available Acreage (Tilled and pasture, owned and rented)

Total AEU = 144.62
 AEU/acre = 144.62 **CAO**

16 Rehrersburg Rd



Map data ©2017 Google 1 mi



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: December 18, 2017

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
Chris Hoover, Lancaster County

KJ Dymond

Action Requested

Action to approve is requested on the Chris Hoover odor management plan.

Background

This farm is located at 366 Blackburn Road, Quarryville, PA 17566; East Drumore Township, Lancaster 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 December 18, 2017. 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.

Farm Description

The Chris Hoover agricultural operation is a proposed layer 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 227 feet for the animal housing facility and 250 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 AEU) located within the Evaluation Distance Area include a cattle operation in the west 1200' – 1800' quadrant.

The surrounding land use for this area is Rural including the predominant terrain features of: open farm land and large forested areas. There is a trailer park in the east 600' – 1200' and the 1200' – 1800' quadrants.

Assessment

Animal Housing Facilities:

Existing Facilities – This site does not include any existing animal housing facilities.

Proposed Regulated Facilities – This plan proposes the expansion of the operation with 15,500 breeder hens (55.03 Layer AEU) and 1,700 breeder roosters (8.13 Layer AEU) in the following animal housing facility:

- Layer Barn – 42' x 600' – 17,200 bird 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:

- Roofed Manure Stacking Structure – 42' x 28' x 6'
- A property line setback waiver is not required to meet the Nutrient Management Program regulations.

Odor Site Index

On November 17, 2017, I performed a site assessment of the surrounding houses and businesses in the 'Evaluation Distance Area' to confirm the buildings identified on the

plan map; this was done after the on-site pre-plan submission meeting with Dr. Mikesell (PSU), the plan writer, the operator and myself.

Special Site Conditions: The following special site condition exists for this site and was considered in the assessment and completion of the Odor Site Index for the plan: the significant amount of existing shielding (dense vegetation and topography) in the northern and eastern quadrants.

The confirmed Odor Site Index value for this proposed layer operation indicates a high potential for impacts with a score of 116.98. Due to the high potential for impacts, the appropriate Level I Odor BMPs for a layer operation are required and are properly identified in the plan. The proposed plan provides adequate detail and direction for facilitating the operator's Implementation and Operation & Maintenance of these required Odor BMPs, as well as the necessary documentation needed to demonstrate compliance with the plan and regulations.

Also due to the high potential for impacts, one or more specialized Level II Odor BMPs are required, in addition to the Level I Odor BMPs for a layer operation.

- Solid Manure Storage Systems Management
- Earthen Windbreak Wall
- Windbreak Shelterbelt.

Recommendation

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

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

Karl G. Brown, Executive Secretary

Date

Odor Management Plan

Prepared For:

Chris Hoover
366 Blackburn Road
Quarryville, PA 17566
717-286-4744

County/ Municipality: Lancaster County / East Drumore Township

Prepared By:

Justin Welk
OM Certification # 137OMC
TeamAg Incorporated
120 Lake Street
Ephrata, PA 17522
717-721-6795
justinw@teamaginc.com



For Official Use Only	
Date of Plan Submission:	November 22, 2017
Date of Plan Approval:	_____
Date(s) of Plan Updates (not requiring SCC action):	_____

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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.*

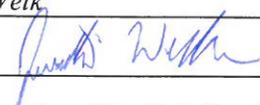
- Pennsylvania Act 38 Concentrated Animal Operation (CAO)
- Pennsylvania CAFO (Concentrated Animal Feeding Operation (CAFO) program
- Odor Management Program Volunteer Animal Operation (VAO)

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: Justin Welk Certification number: 137 OMC
Signature of Planner:  Date: 10-23-17
Date(s) Evaluation Distance Area Site Visit Conducted: 10-13-17

Odor Management Plan Name: Chris Hoover

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.

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:

 Date: 11/3/17

Print Name of Operator/ Authorized Representative:

Chris Hoover

Title of Operator/ Authorized Representative:

Owner

Business Legal Name of the Operation:

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:	<u>Poultry -Cage Free Layers</u>
Proposed Animal Numbers:	<u>15,500 Breeder Hens / 1,700 Breeder Roosters</u>
Proposed AEUs (per animal type):	<u>55.03 Breeder Hens / 8.13 Breeder Roosters</u>
Voluntary Existing Animal Type:	<u>None</u>
Voluntary Existing AEUs (per animal type):	<u>None</u>
Total AEUs Covered by this Plan:	<u>63.16</u>
AEUs per acre for the operation:	<u>63.16</u>

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: 116.98

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:**

Animal Housing Facilities Related Odor BMP's

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

- *Feed Cleanup* – Spilled feed will be removed promptly.
- *Dust Control of Ventilation Components* – Fan motors, blades, and shrouds will be cleaned between flocks
- *Feed Wastage* – Feed wastage is generally related to substandard feed and pellet quality and will be monitored daily. Feed refusal behavior will be reported to the feed company; adjustments in feed preparation will be made as needed.
- *Cleaning and Sanitation* – Buildings will be pressure washed and disinfected between each flock.

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

- *Ventilation Components* – Ventilation system components including computer controls, static pressure meters, power winches, fans, and louvers will be checked daily for functionality.
- *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.
 - Fans shall be cleaned between flocks and inspected monthly
 - Inlet openings shall be adjusted daily by computer controls to provide adequate air distribution
 - Static pressure monitors will be calibrated as needed based on internal barn air quality
 - Curtains will be controlled as needed.
 - Curtains, cables, winches, and other components of the ventilation system shall be inspected annually.

- Natural Ventilation – This system will be used during the spring and fall of the year when temperatures are mild (60 to 70-degree Fahrenheit). The mechanical ventilation system will be turned off and the natural ventilation system will be used. The ventilation system will be designed to provide adequate fresh air while minimizing drafts for the laying hens and roosters.
 - Inlet openings shall be adjusted daily by computer controls to provide adequate air distribution
 - Curtains are automatically controlled by a thermostat.
 - Curtains, cables, winches, and other components of the ventilation system are inspected between flocks.
- 3. Manure will be managed to minimize damp, exposed manure that contributes to odor generation.**
 - Moisture Control – Water delivery system and nipples will be checked daily for leaks. Repairs will be performed as needed. The height of the nipple waterers is fixed and cannot be adjusted.
 - Litter Maintenance – Floor litter will be clean out between flocks.
 - Monitor for Egg Jams – Facility will be inspected daily for broken eggs. For systems using egg belts, seams will be monitored daily for failure. Broken eggs should not be discarded in the manure storage. Floor egg will be collected manually daily.
 - Clean Egg Conveyors – Components of the egg conveyors will be monitored weekly including the egg belt.
- 4. Mortalities will be removed daily from the bird area and managed appropriately.**
 - Composting – Mortalities shall be removed daily and managed appropriately through the use of composting. Composting will be done in its own separate facility. Once the composting process is completed, the finished compost shall be included with the layer manure in the manure storage facility and land applied in accordance with the nutrient management plan.
- 5. Feed nutrients will be matched to animal nutrient requirements to avoid excess nutrient excretion.**
 - Professional nutritionist formulates diets to match animal nutrient requirements.

Manure Storage Facilities Related Odor BMPs

- 6. Manage Manure Storage Facilities to reduce exposed surface area and off-site odor transfer.**
 - Manage Surface Water
 - Keep surface water from entering manure storage area - Grade surrounding area to avoid run on.
 - Manure Storage Area Cleanliness - A visual inspection of the manure storage area will be completed every time manure is hauled 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:**

1. **Solid Manure Storage Systems Management** - All layer manure will be stored in an enclosed manure storage facility at the east end of the proposed layer barn with three walls and doors to be fully enclosed to prevent wind stripping and covered with a roof to prevent precipitation from soaking the stored manure.

Implementation:

- a. The manure storage facility will be constructed in the spring of 2018.

Operation & Maintenance:

- a. The odor management facility will be inspected monthly for signing of leaking or damage to the facility.
- b. Damage will be repaired and recorded within 3 weeks of the inspection

2. **Earthen Windbreak Wall** – Designs have proven effective in reducing both downwind dust particle concentrations and odor concentration. Serves to increase turbulence and mixing with fresh air to help dilute odorous compounds before they travel downwind from the facility.

Implementation:

- a. Construct earthen bank windbreak wall the same time as regulated facilities. The wall needs to be at least the height of highest point of the ventilation fans This purpose of excavation of the regulated site is to deflect odors from the regulated barn into the upper air current.
- b. Earthen wall embankment will be the length of the building at 10' high (average) berm placed to deflect exhaust fan emissions. See Site Map for location & layout.
- c. Erosion will be controlled on each wall by seeding the disturbed areas to a hearty grass species.
 - a. Grass species will be selected that is best suited for the soil and growing conditions located around the regulated barn.
 - b. Supplemental watering will (as needed) be implemented.
- d. Earthen bank wall will be constructed before birds are placed into regulated barn.

Operation & Maintenance:

- a. Vegetation maintained to protect the integrity of the earthen bank to minimize potential soil runoff.
- b. Eroded soil from the earthen bank wall will be repaired and reseeded
- c. Earthen bank wall will be maintained for the lifetime of the regulated barn.

- d. Monthly inspections will be conducted to verify the integrity and to determine if any maintenance activities are needed.

3. Windbreak Shelterbelt

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

Implementation

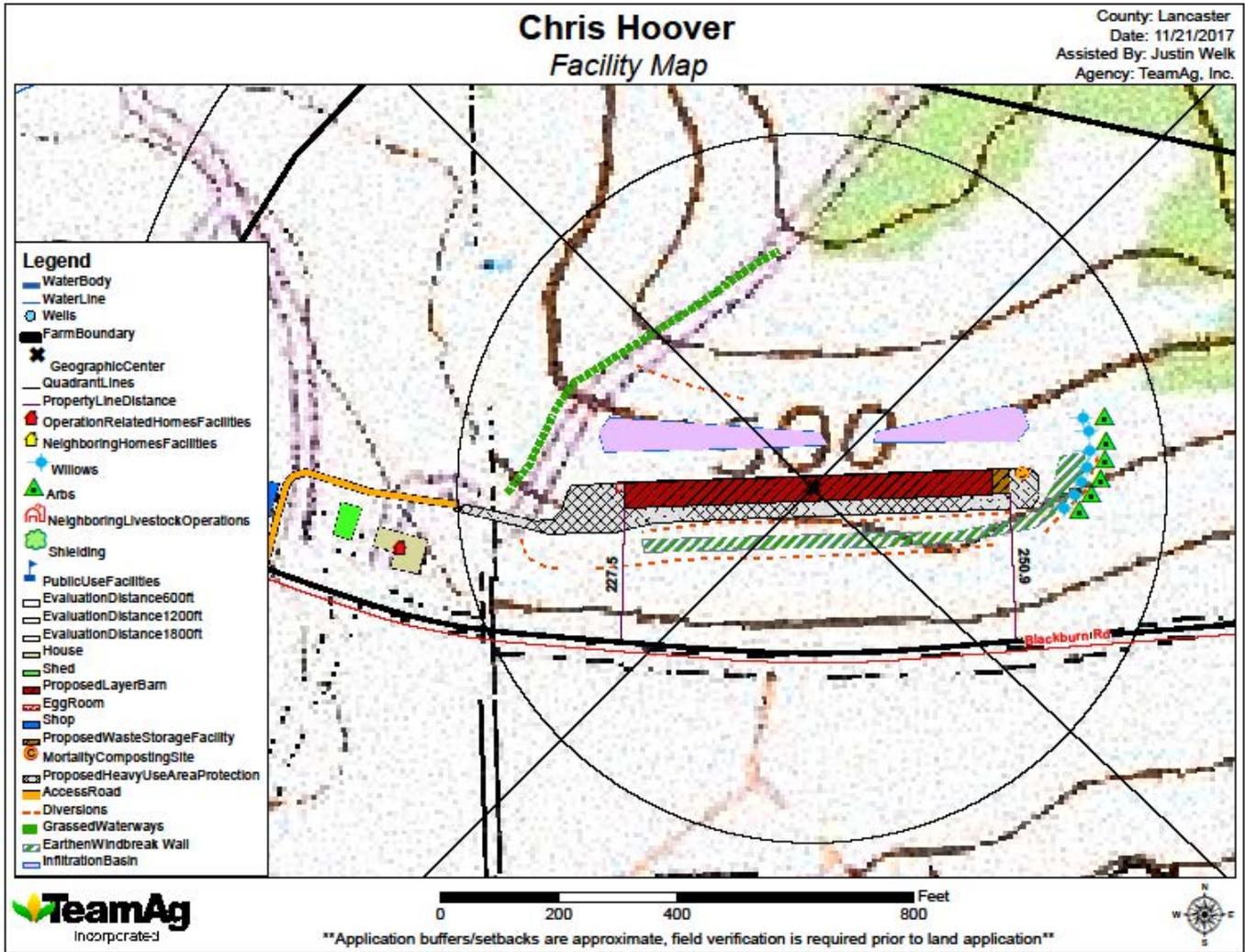
Timeframe – see Plant Material chart, Planting Dates column.

Plant Material

<i>Description</i>	<i>Species/ Cultivar</i>	<i>Kind of Stock</i>	<i>Planting Dates</i>	<i>Distance between plants w/in the Row</i>	<i>Approximate Plant Numbers</i>	<i>Distance Between Row</i>
<i>Streamco Willows (located in the row closest to the earthen wind break wall)</i>	<i>Willows</i>	<i>1 – 2’ propagated tree</i>	<i>Established after construction and grading is completed (season permitting)</i>	<i>6’</i>	<i>17 in the first row.</i>	<i>Located approximately 125-150’ from facility</i>
<i>Arbs (located in second row)</i>	<i>Arborvitaes</i>	<i>1 – 2’ Sapling</i>	<i>Established after construction and grading is completed (season permitting)</i>	<i>6’</i>	<i>16 in the second row</i>	<i>Located 10’ from Deciduous Trees</i>

Location & Layout

One windbreak shelterbelts will be established. A two-row shelterbelt will be established that wraps around from the eastern end of the roofed waste storage and continues for approximately 100’ along the eastern edge towards the north of the storage and layer house. The row closest to the facility will be comprised of at Streamco willows. The second row will be comprised of arborvitaes. The two rows shelterbelt will be along the ridge of the earthen wind break wall to increase height and provide a live filter to capture dust, particles, etc.



Temporary Storage Instruction

Container stock may be temporarily stored in a cooler or protected area and kept moist.

Site Preparation

Soil tests will be conducted and soil amendments added as recommended. Remove debris and control competing vegetation to allow enough spots or sites for planting or planting equipment.

Planting Methods

Container stock should be planted at 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.

Operation & Maintenance

Inspect windbreak / shelterbelt components weekly and protect from damage so proper function is maintained. Replace dead or dying plants as discovered or if discovered during the non-growing season replace as soon as conditions permit during the next planting season. Control competing vegetation either mechanically,

chemically or with a mulch bed to allow proper establishment and growth. Monitor weather conditions with regards to rain fall and begin supplemental irrigation as needed to maintain tree health / viability.

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 Cleanup / Feed Wastage– Document occurrences of damage to the feed delivery system, and the corrective actions taken, as well as occurrences when the accumulation of spilled feed was not able to be addressed in a timely manner
2. Dust Control of Ventilation Components – Document discrepancies with the cleaning and sanitation process. Document the dates of the maintenance activities and actions taken between flocks
3. Cleaning and Sanitation – Document occurrences of building cleaning and disinfecting.
4. Ventilation Components – Document any occurrences of the system components not working correctly, and the corrective actions taken. Document the between-flock maintenance activities.
5. Mechanical Ventilation – Document occurrences of the mechanical components not functioning properly and the corrective actions taken. When necessary, document static pressure monitor calibration.
6. Moisture Control – Document any repairs made to the water delivery system and nipple waterers.
7. Litter Maintenance – Document if a cake out of the litter is required, and the reason for the unanticipated maintenance.
8. Monitor for Egg Jams – Document when an above average number of eggs are breaking or jamming on the egg conveyer system. Indicate the reason for the jams/breaks and the corrective actions taken.
9. Clean Egg Conveyors – Document discrepancies with planned monitoring and cleaning of the egg conveyer system.

10. Mortality Management – Document any discrepancies with the planned daily disposal of the mortalities through the use of on-farm composting, and the corrective actions taken.
11. Feed Nutrients – Document unanticipated discrepancies in the planned feeding protocol, and the corrective actions taken.
12. Minimize Storage Volume – Document occurrences of manure export from the farm
13. Manage Surface Water – Document occurrences where surface water run-off and/or run-on is observed at the storage, and corrective actions taken.
14. Manure Storage Cleanliness – Document occurrences when manure scattered during manure export is cleaned up

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:

Solid Manure Storage Systems Management

1. Document occurrences when the layer manure is stored in an area other than the three-walled roofed waste storage facility.
2. Document dates (quarterly and after severe weather events) when the structural integrity of the roof and walls of the storage is evaluated. Note any problems that are identified and the corrective actions taken to resolve the problem.

Earthen Windbreak Wall

3. Operation and Maintenance
 - a. Inspect earthen wall monthly for erosion and noxious weeds. Document occurrences of erosion and noxious weeds and the corrective action.
 - b. Control vegetation through the use of mowing. Provide adequate height of vegetation to eliminated the possibility of erosion.
 - c. Document occurrences when the irrigation system is utilized to provide additional water to establish the newly seeded vegetation.

Windbreak Shelterbelt

1. Site Preparation
 - a. Soil Tests & Amendments– Document soil test results and amendments added to soil

2. Operation & Maintenance

- a. Document occurrences where dead or dying trees are replaced. If dead or dying trees are observed during the non-growing season, document that the trees will be replaced at the beginning of the following growing season.
- b. Document when mulch is applied around the trees to control competing vegetation. Provide documentation if additional control measures are taken (i.e. chemical controls) beyond mowing and mulching.
- c. Document occurrences when the irrigation system is utilized to provide additional water to the windbreak plants.

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.

(Copy This Page For Future Use)

Odor Management Plan Name: _____ Chris Hoover _____

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: _____

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:

1st Quarter
(January)

2nd Quarter (April)

3rd Quarter (July)

4th Quarter
(October)

LEVEL II ODOR BMP NAME: Solid Manure Storage Systems Management

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Alternate Storage Utilized</i>		
<i>Inspection / Repairs</i>		

Level II Odor BMPs – Quarterly Observation Log YEAR _____

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

(Copy This Page For Future Use)

Select
Quarter:

1st Quarter
(January)

2nd Quarter (April)

3rd Quarter (July)

4th Quarter
(October)

LEVEL II ODOR BMP NAME: Earthen Windbreak Wall

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Removed Noxious Weeds</i>		
<i>Supplemental Irrigation</i>		
<i>Repair Soil Erosion</i>		

Level II Odor BMPs – Quarterly Observation Log YEAR _____

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

(Copy This Page For Future Use)

Select
Quarter:

1st Quarter
(January)

2nd Quarter (April)

3rd Quarter (July)

4th Quarter
(October)

LEVEL II ODOR BMP NAME: Windbreak Shelterbelt

<i>List ACTIVITIES</i>	<i>DATE</i>	<i>NOTES</i>
<i>Soil Test & Soil Amendment</i>		
<i>Replace Dead or Dying Trees</i>		
<i>Mulching / Control Competing Vegetation</i>		
<i>Supplemental Irrigation</i>		

Appendix 1: Operation Information

Part A: Odor Source Factors

1. Site Livestock History: 0 AEU

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: 0 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
N/A			

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
N/A			

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

This is no existing manure handling systems or storage in this 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 AEU's 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 AEU**s are the new additional AEU's associated with the proposed regulated animal housing facility (ies).
- **Voluntary Existing AEU**s are the AEU's associated with the existing animal housing facility (ies).
- **Proposed AEU**s and **Voluntary Existing AEU**s are used for determining the Odor Site Index evaluation distance area.
- **Transferred Existing AEU**s are existing AEU's on the site that will be transferred into the animal housing facility being evaluated.
- **Total AEU**s 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 AEU's, as measured from the time of the initial plan approval.

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

Proposed Animal Numbers per animal type: 15,500 Breeders Hens, 1,700 Breeder Rooster

Proposed AEU's per animal type: 55.03AEU Breeder Hens / 8.13AEU Breeder Roosters

(b) Voluntary Existing Animal Types: 0

Voluntary Existing Animal Numbers: 0

Voluntary Existing AEU's per animal type: 0

(c) Total AEU's Covered by this Plan: 63.16 AEU

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

(e) Total AEU's/ Acre for the operation: 63.16 AEU/ac

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

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

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

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

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

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

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

Animal Housing Facility <input type="checkbox"/> None Proposed	Dimensions	Livestock Capacity
Proposed Poultry Barn	42' X 600'	17,200 Birds

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.*

Scrapers operate daily to remove manure under slats (nesting boxes) into the dry stack manure storage at the end of the building. There are a total of four scrapers. Two per each nesting box. The manure accumulated on the floor with shaving is clean out into the manure storage between flocks. All manure accumulates within the roofed manure stack storage. Due to small quantity of poultry mortalities the composting occurs in a separate facility located east of the manure storage facility. After the composting process is finished the

compost is transfer and incorporated into the layer barn manure storage facility. Manure is loaded onto Martin’s spreader during the fall and spring with a loader.

- (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
Proposed Roofed Manure Stacking Structure		42’X28’X6’	218 tons

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 Layer Barn and Roofed Manure Stacking Storage Early Spring through Summer 2018

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). Heifers are located onto pastureland by Edwin Martin on a farm located on the west quadrant at 1200'-1800' evaluation distance.

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 227.5(ft.) Not Applicable
- b. Manure Storage Facility measurement 250.9(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:

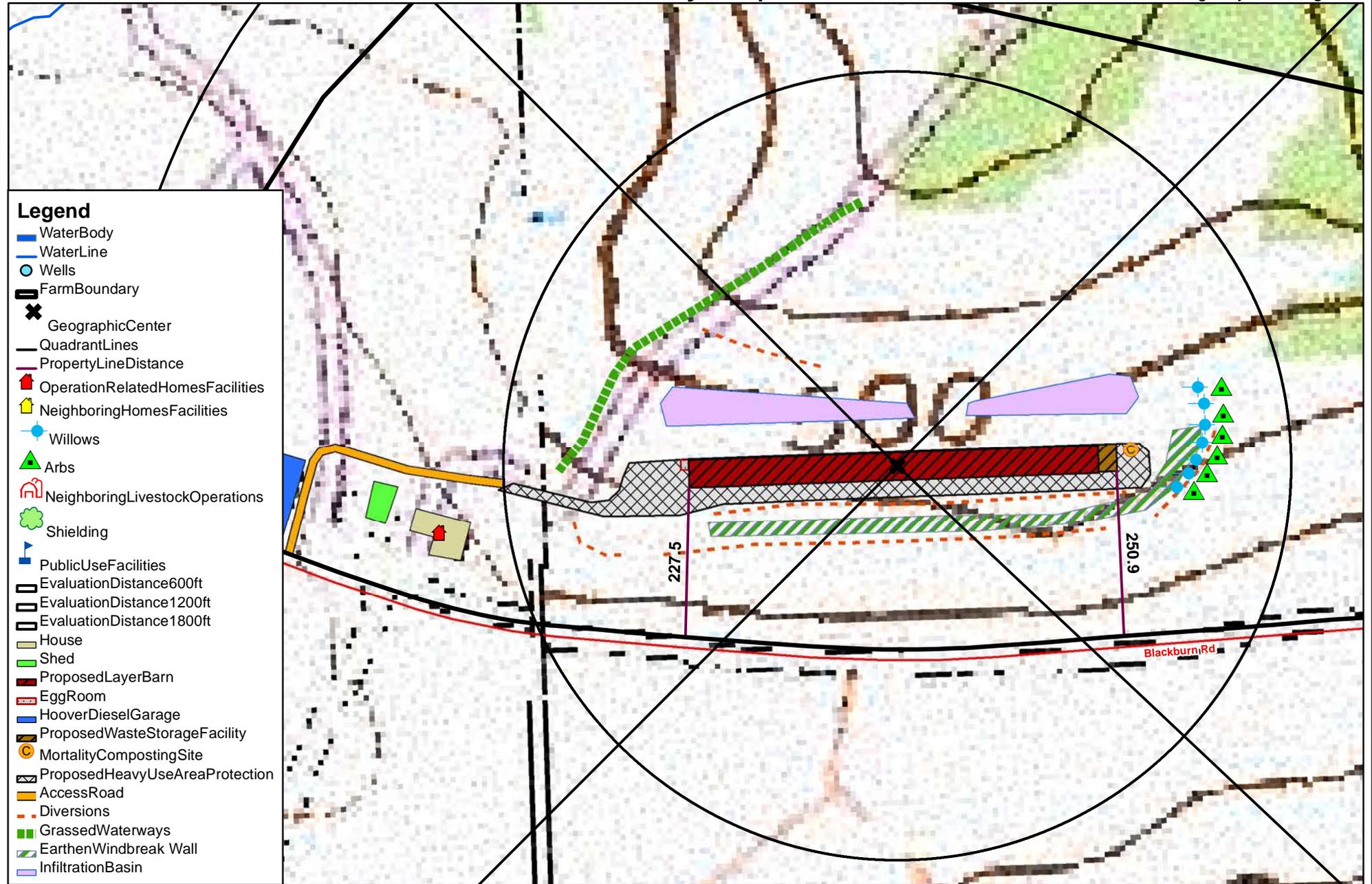
- Operation boundaries;
- Location of existing and proposed animal housing and manure storage facilities on the operation;
- Geographic center with concentric circles drawn at 600' intervals; and
- Distance to nearest property line from the nearest facility

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.

Chris Hoover Facility Map

County: Lancaster
Date: 12/14/2017
Assisted By: Justin Welk
Agency: TeamAg, Inc.



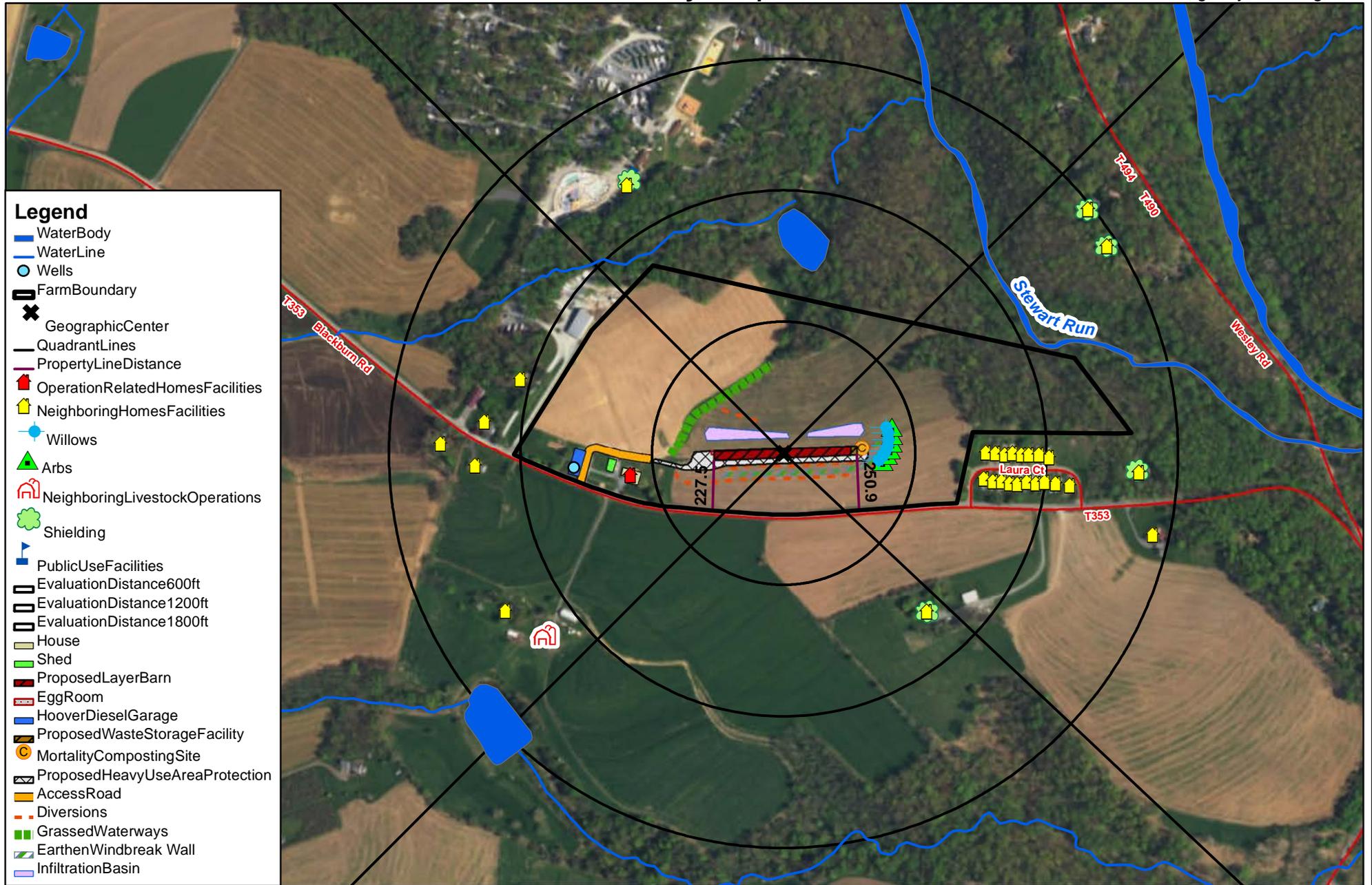
- Legend**
- WaterBody
 - WaterLine
 - Wells
 - FarmBoundary
 - ✕ GeographicCenter
 - QuadrantLines
 - PropertyLineDistance
 - OperationRelatedHomesFacilities
 - NeighboringHomesFacilities
 - Willows
 - ▲ Arbs
 - NeighboringLivestockOperations
 - Shielding
 - PublicUseFacilities
 - EvaluationDistance600ft
 - EvaluationDistance1200ft
 - EvaluationDistance1800ft
 - House
 - Shed
 - ProposedLayerBarn
 - EggRoom
 - HooverDieselGarage
 - ProposedWasteStorageFacility
 - MortalityCompostingSite
 - ProposedHeavyUseAreaProtection
 - AccessRoad
 - Diversions
 - GrassedWaterways
 - EarthenWindbreak Wall
 - InfiltrationBasin



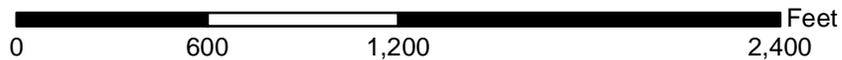
Application buffers/setbacks are approximate, field verification is required prior to land application

Chris Hoover Facility Map

County: Lancaster
Date: 12/14/2017
Assisted By: Justin Welk
Agency: TeamAg, Inc.



- Legend**
- WaterBody
 - WaterLine
 - Wells
 - FarmBoundary
 - ✕ GeographicCenter
 - QuadrantLines
 - PropertyLineDistance
 - 🏠 OperationRelatedHomesFacilities
 - 🏠 NeighboringHomesFacilities
 - Willows
 - ▲ Arbs
 - 🏠 NeighboringLivestockOperations
 - 🌿 Shielding
 - 🚩 PublicUseFacilities
 - EvaluationDistance600ft
 - EvaluationDistance1200ft
 - EvaluationDistance1800ft
 - 🏠 House
 - 🏠 Shed
 - 🏠 ProposedLayerBarn
 - 🏠 EggRoom
 - 🏠 HooverDieselGarage
 - 🏠 ProposedWasteStorageFacility
 - 🏠 MortalityCompostingSite
 - 🏠 ProposedHeavyUseAreaProtection
 - AccessRoad
 - - - Diversions
 - GrassedWaterways
 - EarthenWindbreak Wall
 - InfiltrationBasin

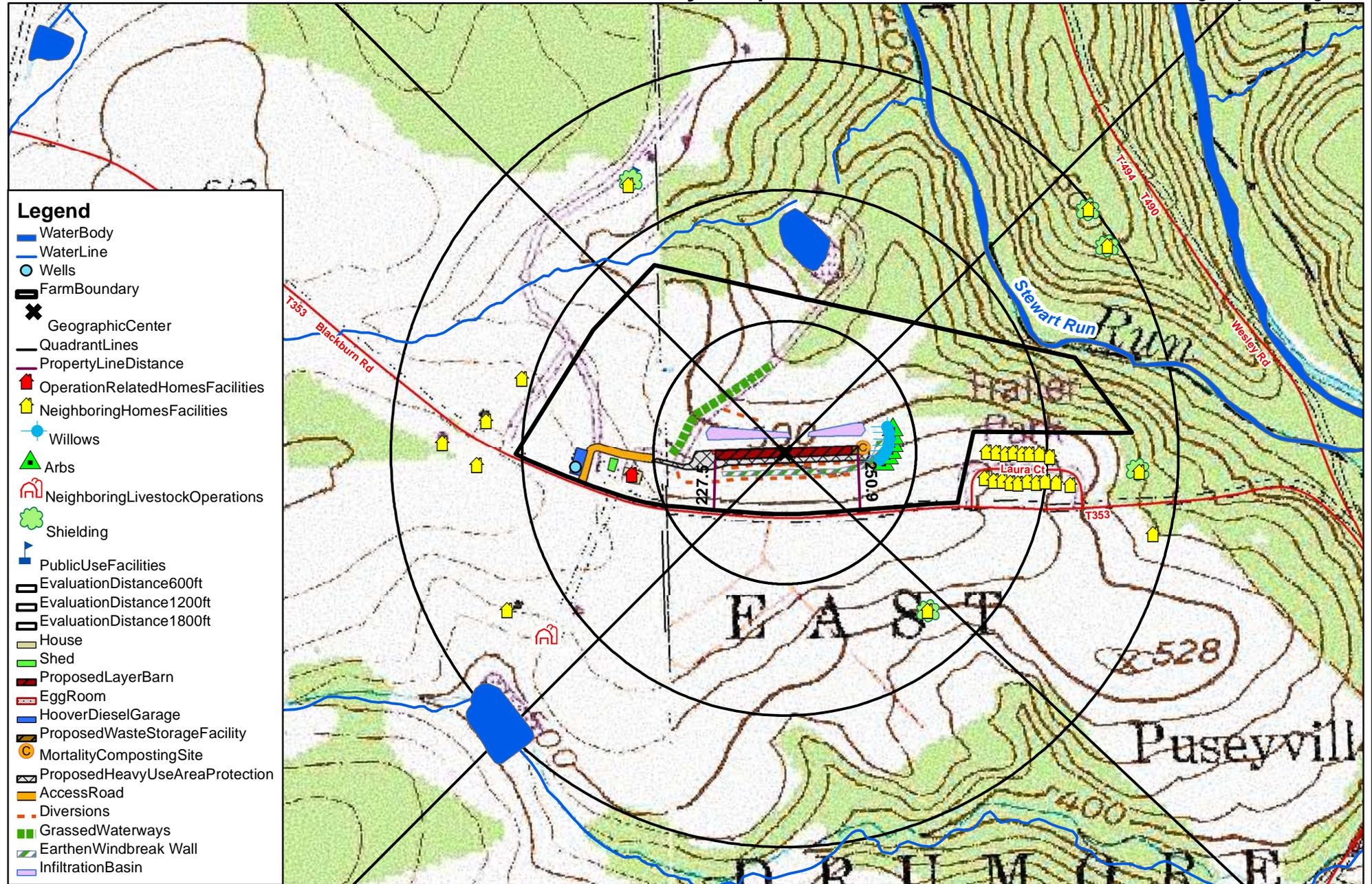


Application buffers/setbacks are approximate, field verification is required prior to land application

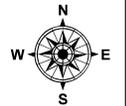


Chris Hoover Facility Map

County: Lancaster
Date: 12/14/2017
Assisted By: Justin Welk
Agency: TeamAg, Inc.



- Legend**
- WaterBody
 - WaterLine
 - Wells
 - FarmBoundary
 - ✕ GeographicCenter
 - QuadrantLines
 - PropertyLineDistance
 - OperationRelatedHomesFacilities
 - NeighboringHomesFacilities
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 - ProposedHeavyUseAreaProtection
 - AccessRoad
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Application buffers/setbacks are approximate, field verification is required prior to land application

Appendix 3: Plan Evaluation – OSI

Act 38 Odor Management Plan - Odor Site Index

Operator Name	Chris Hoover		
Planner Name	Justin Welk		
Type of Operation	Layers		
Voluntary Existing AEUs	0		
Proposed AEUs	63.16		
Previously Approved AEUs	0		
AEUs Covered by OMP	63.16		
Evaluation Distance	1800'		
Part A: Odor Source Factors			OSI Score
Facility Size Covered by OMP	63.16		2
Site Livestock History	Zero AEUs _12pts		12
Manure Handling System	Poultry - 3 sided,roofed,attached shed(air dried)_2pts		2
			16.00
Part B: Site Land Use			
Ag Security Zone	Yes (-5 pct)		-6.88125
Ag Zoning	Yes (-10 pct)		-13.7625
Preserved Farm	No (0 pct)		0
			-20.64
Part C: Surrounding Land Use			
Other Livestock >8 AEU in evaluation distance	1 or more (0 pts)		0.00
Distance to Nearest Property Line	151' to 300' (5 pts)		5.00
If nearest property is <300', is it preserved farmland	Yes (-5 pts)		-5.00
Neighboring Homes			120.13
Public Use Facilities			1.50
			121.63
Species Adjustment Factor	Layers,pullets,cattle (0)		116.98125
Final OSI Score			116.98
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	15	7	None	None	
Facility Value	15	7	3	0	0	
Home Shielding	<600 All (.5)	600-1200 None (1)	1200-1800 Some (.5)	Select from list	Select from list	Total Facilities 115.5
# Public Use Facilities	0	0	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 115.5
South Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	1	0	None	None	
Facility Value	10	5	2	0	0	
Home Shielding	Select from list	600-1200 All (.4)	Select from list	Select from list	Select from list	Total Facilities 2.0
# Public Use Facilities	0	0	0	0	0	Total Public 0.0
Public Use Value	30	15	7	4	2	
Public Use Shielding	Select from list	Select from list	Select from list	Select from list	Select from list	Total South 2.0
North Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	0	1	None	None	
Facility Value	6	3	0.5	0	0	
Home Shielding	Select from list	Select from list	1200-1800 All (.25)	Select from list	Select from list	Total Facilities 0.1
# Public Use Facilities	0	0	1	0	0	Total Public 1.5
Public Use Value	25	13	6	3	1	
Public Use Shielding	Select from list	Select from list	1200-1800 All (.25)	Select from list	Select from list	Total North 1.6
West Quadrant	<600	600-1200	1200-1800	1800-2400	2400-3000	
# Neighboring Facilities	0	0	5	None	None	
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	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 West 2.5
						Grand Total 121.6

Appendix 4: Biosecurity

Biosecurity Protocol Contact Information

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

Name:	<u>Chris Hoover</u>	Phone:	<u>717-286-4744</u>
E-mail:	<u>chris@hooverdiesel.com</u>	Relationship:	<u>Owner / Operator</u>

Appendix 5: Supporting Documentation

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

Provide a heading for each topic discussed in this Appendix.

Nutrient Management Plan

- Due to a proposed operation the nutrient management plan is in the process of planning and soon to be sent for review by LCCD.

Site Land Use Factors

- Attached are maps for Ag Security Area and Ag Zoning for Chris Hoover
- Neighbor Preserve Farm:
Loren Butcher - 337 Blackburn Road, Quarryville, PA 17566 (See Attached Map)
- There is a camp ground north/west of the site. This camp ground was informed about the new construction. People come to camp on the weekends. The managers are the only people that live at the resort year-round. There are cabins people can rent, but they do not live there permanently. At least half of this camp ground is not in the evaluation distance.

Animal Equivalent Unit Calculation

There operator rents the cropland to a neighbor on this farm. Therefore, Chris Hoover does not have any land for manure application. According to Nutrient Management Guideline 1 acre will be used to determine his calculation....

$$63.16 \text{ Total AEU's} / 1 \text{ acre} = 63.16 \text{ AEU/ac}$$

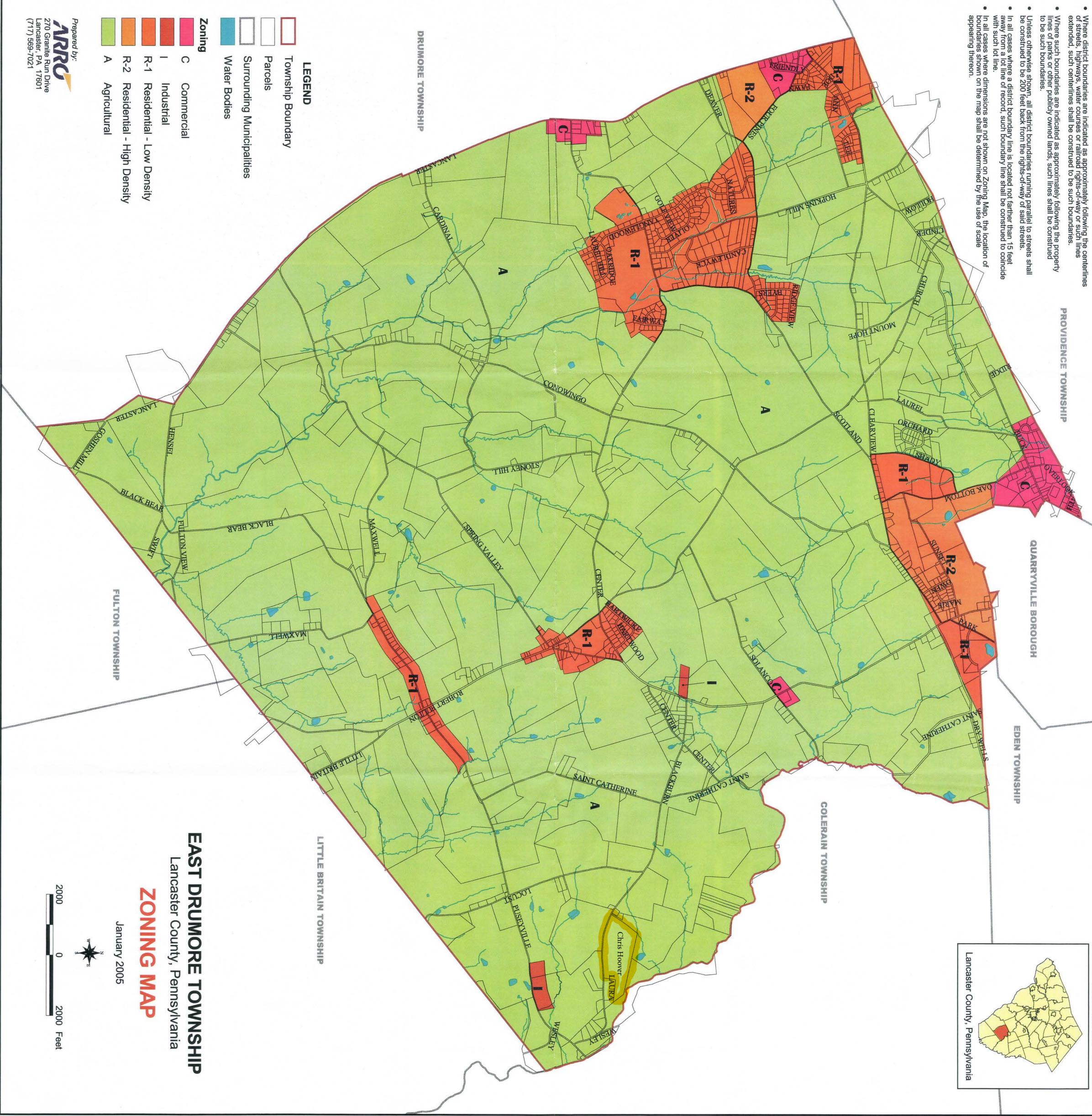
RULES FOR DETERMINING ZONING DISTRICT BOUNDARIES

- Where district boundaries are indicated as approximately following the centerlines of streets, highways, water courses or railroad rights-of-way or such lines extended, such centerlines shall be construed to be such boundaries.
- Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- Unless otherwise shown, all district boundaries running parallel to streets shall be construed to be 200 feet back from the rights-of-way of said streets.
- In all cases where a district boundary line is located not farther than 15 feet away from a lot line or record, such boundary line shall be construed to coincide with such lot line.
- In all cases where dimensions are not shown on Zoning Map, the location of boundaries shown on the map shall be determined by the use of scale appearing thereon.

LOCATION MAP



Lancaster County, Pennsylvania



LEGEND

- Township Boundary
 - Parcels
 - Surrounding Municipalities
 - Water Bodies
- Zoning**
- C Commercial
 - I Industrial
 - R-1 Residential - Low Density
 - R-2 Residential - High Density
 - A Agricultural

EAST DRUMORE TOWNSHIP

Lancaster County, Pennsylvania

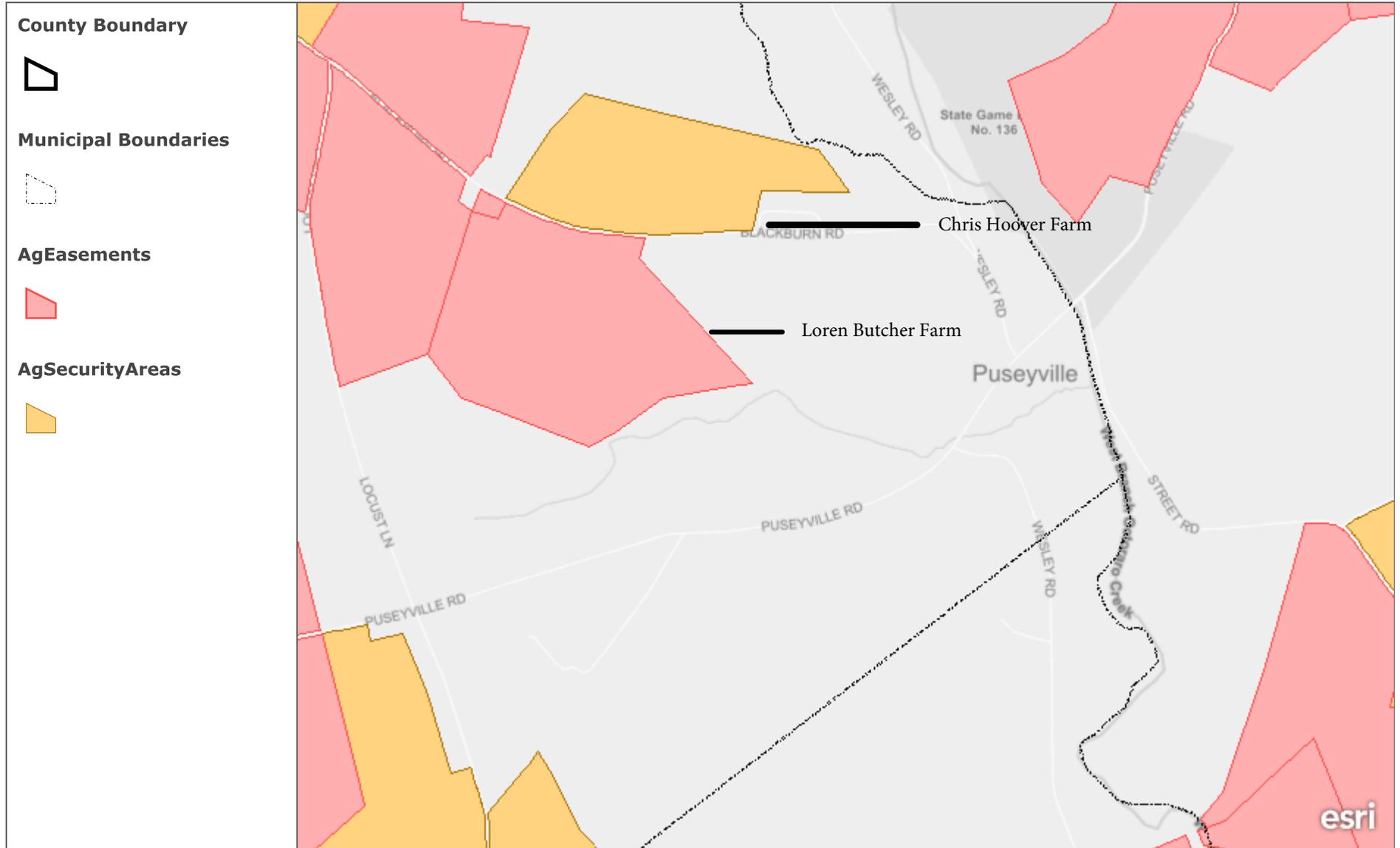
ZONING MAP

January 2005



Prepared by:
ARRCO
 270 Granite Run Drive
 Lancaster, PA 17601
 (717) 569-7021

Preserved Farms of Lancaster County

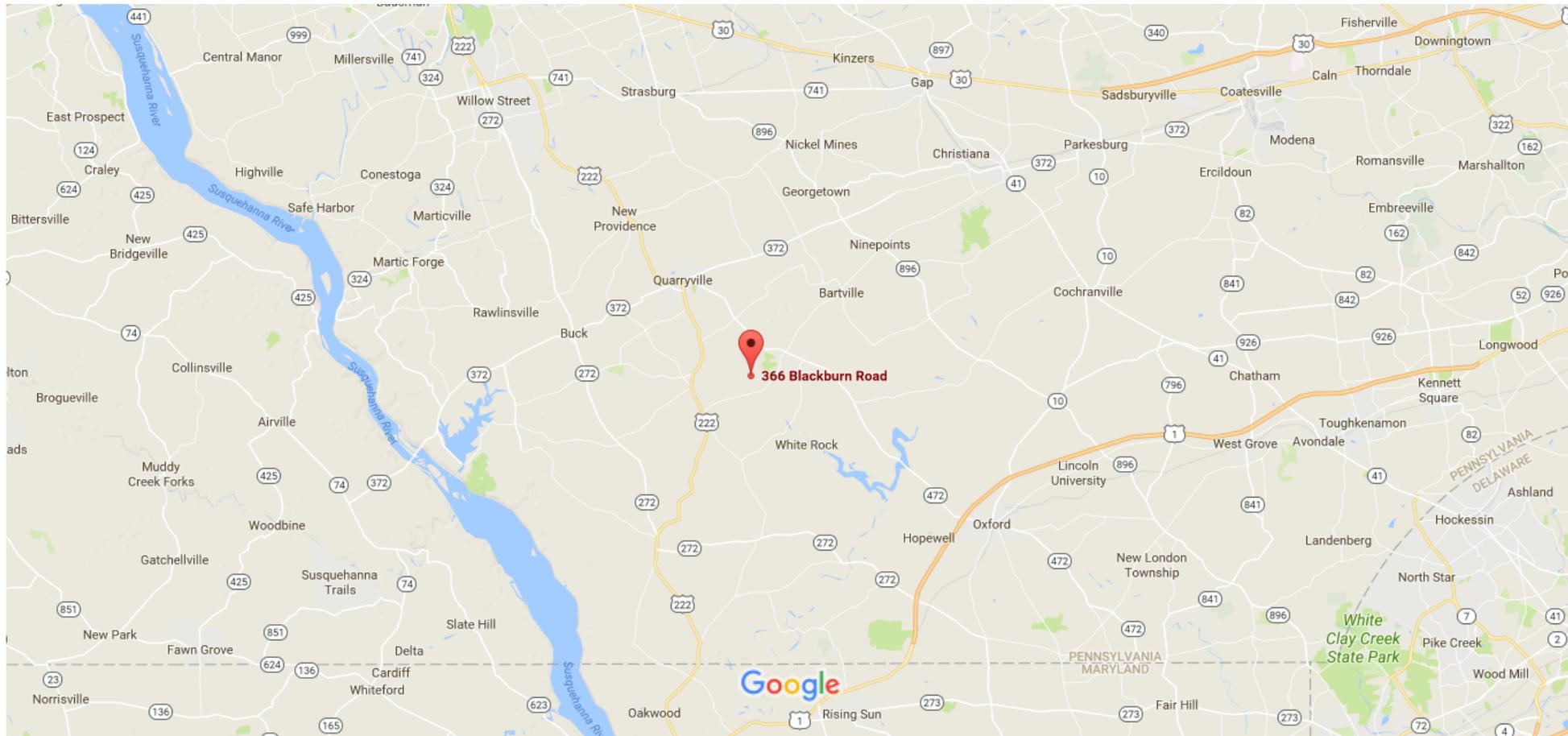


APB & LFT Preserved Farms, Agricultural Security Areas, Ag Zoning and Designated Growth Areas

0.4mi

© OpenStreetMap © MapBox

366 Blackburn Rd



Map data ©2017 Google 2 mi



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: December 11, 2017

TO: Members
State Conservation Commission

FROM: Michael J. Walker
State Conservation Commission

SUBJECT: Nutrient Management Plan Review (1)
Middle Branch Farm – Dr. Loree Guthrie, Monroe County, Pennsylvania

Action Requested

Action on a Nutrient Management Plan for the following operation in Monroe County:

1. Middle Branch Farm – Dr. Loree Guthrie,
5483 Route 447, Canadensis, PA 18325

Background

I have completed the required review of the subject nutrient management plan listed above. Final corrections to the plan were received at the Commission's office at PDA Region 2 on December 11, 2017. As of that date, the plan was considered to be in its final form. The operation, located in Monroe 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, at this time. The Monroe County Conservation District has accepted Nutrient and Manure Management Delegation under Act 38 and Chapter 91, but at this time, the delegation agreement is not yet fully executed.

A brief description of the operation, concluding the 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 Descriptions

Middle Branch Farm – Dr. Loree Guthrie, NMP, Monroe County – The Middle Branch Farm is owned and operated by Dr. Loree Guthrie. Dr. Guthrie operates an equine boarding and training agricultural operation, near the borough of Canadensis, Monroe County. The operation currently stables approximately 9 horses, 4 ponies and 2 miniature horses. The operation consists of both inside and outside training arenas and two separate animal housing units. The horses are stabled inside barns the majority of the time. The horses are exercised for approximately 2 hours per day for 170 days per year on the 7 pastures. Manure is handled as a solid form on this operation and is removed from the stalls and arenas daily. Manure deposited on the exercise lots or animal walkways is collected on an as-needed basis. All collected manure is retained and stacked in an 18 ft. by 20 ft. manure stacking facility. All collected manure is exported off the operation monthly to one known importer for non-agricultural land use. The importer composted the manure and then mixes it with topsoil for a soil amendment material. Approximately 117 tons of manure is generated per year by the horses at Middle Branch Farm, as indicated by their records.

The combined animal equivalent units at Middle Branch Farm are 12.7. The only crop production acres associated with this operation is approximately 5 acres of permanent pasture. Most the feed and bedding are brought on to the operation from outside sources. The animal equivalent units per acre for Middle Branch Farm operation are 2.54, classifying this operation as a concentrated animal operation under Act 38 of 2005.

The proposed NMP for Middle Branch Farm indicates needed BMPs to be implemented on the operation, namely Prescribed Grazing and a 35-foot Vegetative Buffer. These practices are needed for better overall management of this equine boarding and training operation.

Based on my review, the NMP developed for Middle Branch Farm – Dr Loree Guthrie operation meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

NON-FINAL FORM

Version 1

This NMP may be revised prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to board action. You may contact the Conservation District to determine the current status of the NMP

Nutrient Management Plan

For Crop Year(s)

2019-2021

November 13, 2017
Month, Day and Year

Prepared For

Dr. Loree Guthrie
Middle Branch Farm
5483 Route 447
Canadensis, PA 18325
570-994-8481

Prepared By

Stephanie Stolpe
NMC #1419
5550 Quakake Road
Weatherly, PA 18255
570-956-3149

Administratively Complete Date

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

FINAL FORM

This version of the plan will be considered for action by the Conservation District Board at their January 17, 2018 meeting

December 11, 2017
MONTH, DAY AND YEAR

Table of Contents

Nutrient Management Plan Summary (Excel)

Nutrient Management Plan Summary Notes (Excel)

Manure Spreader Calibration Notes (Excel)

Additional Nutrient Management Plan Requirements (Word)

Operator Management Map (Mapping Program)

Appendix 1: Nutrient Management Plan Agreement & Responsibilities (Word)

Appendix 2: Operation Information (Word)

Appendix 3: Manure Group Information (Excel)

Appendix 4: Crop & Manure Management Information (Excel)

Appendix 5: Phosphorus Index (Excel)

Appendix 6: Manure Management (Word)

Appendix 7: Stormwater Control (Word)

Appendix 8: Importer/Broker Agreements & Nutrient Balance Sheets (Word & Excel)

Appendix 9: Operation Maps (Mapping Program)

Topographic Map

Soils Map

Appendix 10: Supporting Information & Documentation (Excel)

(List below the required documents included in the plan.)

Nutrient Management Plan Summary

Total acres reported in NMP Summary: 5.0 Crop Year(s) 2019-2021

Whole Farm Note: If manure runs out for any field, consult Appendix 4 of the plan for that field. The fertilizer required on any part of the field that does not receive manure can be determined from the 'Net Nutrients Required' for that field.

Operation Acres: _____ Total Acres Available For Nutrient Application Under Operator's Control: Owned: 5 Rented: 0
 Total Acres: 20 Animal Equivalent Units: 12.70 Animal Equivalent Units Per Acre: 2.54

CMU/Field ID	Acres	Crop	Manure Group	Application Season	Application Management	Planned Manure Rate ¹	Starter/Other Fertilizer (lb/A)			Supplemental Fertilizer (lb/A)			Nutrient Balance (lb/A) ²			
							N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	
Pasture 1	0.75	Established Pasture (without legume)	Light Horse - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	21
Pasture 2	0.66	Established Pasture (without legume)	Light Horse - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	21
Pasture 3	0.77	Established Pasture (without legume)	Light Horse - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	21
Pasture 4	0.73	Established Pasture (without legume)	Light Horse - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	-9
Pasture 5	0.96	Established Pasture (without legume)	Ponies - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	-9
Pasture 6	0.46	Established Pasture (without legume)	Ponies - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	-9

¹ See rate calibration table (Nutrient Management Plan Summary Notes).
² Positive numbers = nutrient deficit; Negative numbers = nutrient excess

CMU/Field ID	Acres	Crop	Manure Group	Application Season	Application Management	Planned Manure Rate ¹	Starter/Other Fertilizer (lb/A)			Supplemental Fertilizer (lb/A)			Nutrient Balance (lb/A) ²			
							N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	N	P ₂ O ₅	K ₂ O	
Boarder's Pasture	0.65	Established Pasture (without legume)	Ponies - Uncollected	Grazing	Grazing anytime with nutrient uptake during growing season	Grazing	See Notes	0	0	0	88	0	0	0	-5	-9

¹ See rate calibration table (Nutrient Management Plan Summary Notes).

² Positive numbers = nutrient deficit; Negative numbers = nutrient excess

NMP Summary Notes

Crop Years 2019-2021

CMU/Field ID	Notes
Pasture 1	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Pasture 2	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Pasture 3	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Pasture 4	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Pasture 5	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Pasture 6	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.
Boarder's Pasture	Graze 2 horses for 2 hours a day for 170 days or equivalent March through November. During these months horses are not in pasture during inclement or very hot conditions.

¹ See rate calibration table (Nutrient Management Plan Summary Notes).

² Positive numbers = nutrient deficit; Negative numbers = nutrient excess

Manure Spreader Calibration Notes

Crop Years 2019-2021

	1				
Manure Application Rate		Manure Spreader Used	Spreader Settings	Tractor Used (if applicable)	Tractor Settings (speed, gear, rpm, pto, etc.)
Not Applicable					

Additional Nutrient Management Plan Requirements

Manure Management and Stormwater BMP Implementation Summary

Best Management Practice	NRCS Practice Code ¹	BMP Location	Implementation Season & Year
Prescribed Grazing	528	All Pastures	Ongoing
35' Vegetative Buffer	N/A	Boarder's Pasture	Ongoing

¹ If applicable, enter USDA-NRCS Practice Code. For other non-technical BMPs, leave blank.

In-Field Manure Stacking Procedures

Manure must be applied to the field within 120 days of stacking or the stacks must be covered. Stacks must be implemented and maintained according to sound BMPs, addressing concerns such as soil type, soil slope, shape of the pile, setbacks, and rotation of piles.

Not Applicable

Additional CAFO Requirements

In-field stacking criteria, winter storage requirements, and other issues identified by DEP's review of the nutrient management plan.

Not Applicable

Proposed Manure Storage Description

Type, dimensions, volume, freeboard and location on map.

Not Applicable

Description of Planned Alternative Manure Technology Practices

Type of practice, volume of manure addressed, and result of practice.

None

Exported Manure Summary

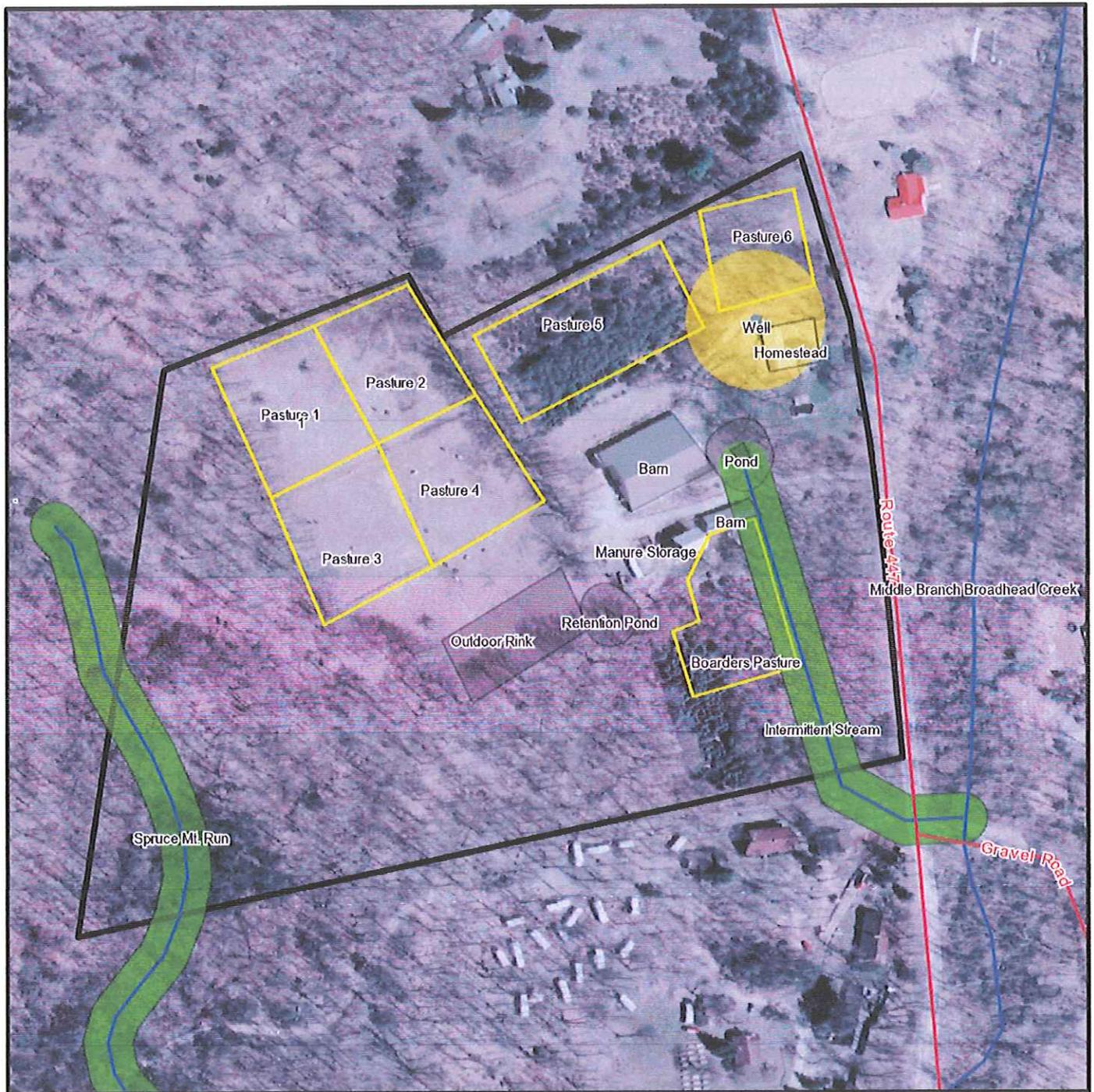
Summarize in a short paragraph the arrangements proposed for the manure to be exported from the operation. This information is described in more detail in Appendix 8 of this plan.

Manure is exported from the operation for landscaping purposes.

Operator Management Map

Three types of maps are required for an Act 38 Nutrient Management Plan: 1) Topographic Map, 2) Soils Map, and 3) Operator Management Map. The **Operator Management Map** is to be included here in the Nutrient Management Plan Summary and must include field identification, acreage and boundaries, manure application setback areas and buffers and associated landscape features (streams and other water bodies, sinkholes and active water wells), location of existing and proposed structural BMPs (including manure storage facilities), location of existing or proposed emergency manure stacking areas and in-field manure stacking areas, and road names adjacent to and within the operation. All features on the map must be clearly identified and include a legend for setback areas and other features. The Topographic Map and Soils Map must be included in Appendix 9.

Middle Branch Operator Map



* 208.0 feet per inch
 0 104 208 312 416 feet

Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field / CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |



Field Acreages

Field	Label	Description	Acres	Suitable Acres
1	Pasture 1		0.75	0.75
2	Pasture 2		0.66	0.66
3	Pasture 3		0.77	0.77
4	Pasture 4		0.73	0.73
5	Pasture 5		0.96	0.94
6	Pasture 6		0.46	0.27
	Boarders Boarder Pasture		0.65	0.51
		Totals	4.98	4.63

Appendix 1 Nutrient Management Plan Agreement & Responsibilities

Plan Implementation Requirements

This nutrient management plan has been developed to meet the requirements of the following programs:

<input checked="" type="checkbox"/>	Pennsylvania Act 38 of 2005	<input checked="" type="checkbox"/>	CAO	<input type="checkbox"/>	VAO (check one)
<input type="checkbox"/>	Pennsylvania CAFO (Concentrated Animal Feeding Operation) program				
<input type="checkbox"/>	Other program: _____				

Plans developed under these programs are required to be implemented as approved in order to maintain compliance with the specific law or program. Implementation includes adherence to manure and fertilizer application rates, timing, setbacks and conditions; installation of listed BMPs within implementation timeframes; and record keeping obligations of the program.

The nutrient management plan has been developed as a: (check one)

<input type="checkbox"/>	1-Year Plan for Crop Year _____	(annual updates will be completed)
<input checked="" type="checkbox"/>	3-Year Plan for Crop Years	2019-2021

Records required to be maintained include the following:

- 1) Annual crop yields
- 2) Manure and fertilizer application rates, locations and date of application
- 3) Manure production figures for the various manure groups listed in your plan
- 4) Soil test reports (testing required every 3 years per crop management unit)
- 5) Manure test reports (testing required once a year for each manure group)
- 6) Number of animals on pasture, number of days on pasture, and hours per day on pasture
- 7) For operations exporting manure, Manure Export Sheets
- 8) BMP designs and certification for new liquid and semi-solid manure storage facilities

The following has been confirmed:

<input checked="" type="checkbox"/>	Verification of Ag E&S Plan
<input checked="" type="checkbox"/>	Verification of Existing Site Specific Emergency Response Plan

Verification that owners of rented/leased lands have been notified that a nutrient management plan has been developed which calls for manure to be applied to their lands and that they have no objections to the plan requirements.

<input type="checkbox"/>	Owners Notified	<input checked="" type="checkbox"/>	No Rented/Leased Lands
--------------------------	-----------------	-------------------------------------	------------------------

Specialist Signature

I affirm that the information contained in this nutrient management plan is true, accurate and complete to the best of my knowledge and belief, based on information provided by the operator; that this plan has been developed in accordance with the criteria established for the program(s) indicated above; and that I have presented the final complete plan to the operator and discussed the content and implementation of this plan with the operator, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Specialist Signature

Stephanie Stelpe

Date

9/22/17

Operator Signature

I understand and agree that I will implement the practices, procedures and record keeping obligations as outlined in this plan in order to protect water quality and address the nutrient needs of the crops associated with the operation. I agree that if I use a commercial hauler or broker for the application or export of manure, that only haulers or brokers that hold a valid certification Issued by the Pa Department of Agriculture, under Act 49 of 2004, will be used. I affirm that all information provided in this nutrient management plan is true, accurate and complete to the best of my knowledge and belief, and reflects the current and planned activities of the operation; and that, if this plan was completed by a nutrient management specialist, I have reviewed the final completed plan and the specialist has discussed the content and implementation of this plan with me, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Operator Signature

Louis P. Guthrie

Operator Title

Owner

Date

Sept 22, 2017

Appendix 2 Operation Information

Operation Description

Animal types and numbers; cropland, hayland and pastureland acreage; farmstead acreage; crop rotation (crops, sequence of crops, and number of years for each crop); manure group management, including atypical manure (contributing animal groups, collection, storage and handling procedures); mortality composting management.

This is a horse training and boarding operation with an inside and outside rink. There are 4 ponies, 9 horses and 2 miniature horses at this property. The animals are housed in a barn-arena. There are 5 acres of permanent pasture and 2.5 acres of farmstead. There is no cropland or hayland. Manure and used bedding is shoveled from the stalls into a wheelbarrow then transferred to and stored in a block, 3-sided manure storage that is located 50' south of the main barn. The manure storage is tarped throughout the year. Dead horses are buried on the property.

County(s)

Monroe

Name of Receiving Stream(s)/Watershed(s)

Spruce Mt. Run and Middle Branch

Notation of Special Protection Waters

Spruce Mt. Run and Middle Branch-HQ

Operation Acres

Total Acres: 20

Total Acres Available for Nutrient Application Under Operator's Control

Owned: 5

Rented: 0

Names & Addresses of Owners of Rented or Leased Land

Existing Manure Storages & Capacity

Type of storage, dimensions, useable capacity, freeboard, top or bottom loaded, dimensions and description of contributing runoff area, description of wastewater additions, types and amounts of bedding. Briefly describe, for each manure group, manure storage management during removal (degree of agitation, method of manure removal, extent the storage is emptied, type of unremoved manure, etc.) and manure sampling procedures.

A 18' x 20' 3-sided block manure storage with an improved floor and a capacity of 28 tons is used to store manure. Manure is exported monthly. There is no wastewater or contributing runoff additions. Five tons of wood shavings is used for bedding. Manure is removed with a machine into a truck and is

emptied entirely. Sub-samples are taken from various places within the storage facility when sampling the manure.

Manure Application Equipment Capacity & Practical Application Rates

Description of application equipment, practical application rates based on calibration and calibration method used, the data recorded during equipment calibration is to be retained on the farm. If applicable, name and Act 49 certification number of custom applicator.

Not applicable.

Appendix 3 Manure Group Information Crop Yrs.		Horse	
Manure Report Date (note if averaging several reports)	September 8, 2017		
Laboratory Name	Agricultural Analytical Services		
Manure Type	Other		
Manure Unit (lb/ton or 1000 gal)	lb/ton		
Total Nitrogen (N) (lb/ton or 1000 gal)	10.47		
Ammonium N (NH ₄ -N) (lb/ton or 1000 gal)	0.37		
Total Organic N (lb/ton or 1000 gal)	10.10 Go to NMR Index		
Total Phosphate (P ₂ O ₅) (lb/ton or 1000 gal)	10.25 Go to Appendix 3 Index		
Total Potash (K ₂ O) (lb/ton or 1000 gal)	7.57 Go to Manure Analysis		
Percent Solids	45.02 General Calculator		
PSC Value (analytical or book value)	0.80		
Percent Moisture	54.98		
Manure Group AEU's	12.70		
Description: Site & Season Applied	Pastures		Grazing
Inventory Method	Records		
	Collected Calc.	Uncollected Calc.	
Manure Group Identification	Horse		Horse - uncollected
CALCULATED: Total Manure Collected Per Manure Group	4.9 Tons		
RECORDS: Total Manure Collected Per Manure Group	112.0 tons		
Manure Used On-Farm	Collected	Uncollected	
Units	0.0 Tons	5.0 Tons	
Manure Exported	112.0 tons		
Manure Allocation Balance	0.0 Tons		0.0 Tons
Manure Balance as a Percent of Total Manure Collected	0.0%		
Total Rainfall and Runoff	0 tons		

Appendix 3 Manure Group Information Crop Yrs: 2019-2021		Horse	
Animal Group 1	Manure Generation per Animal Group	Light Horse	Uncollected Manure: Nutrient Analysis Book Values
Animal Type	Light Horse Mature	Light Horse - uncollected	Total Nitrogen (N) lbs/ton
Animal Number	9	12.00	
Animal Weight	1100	Total Phosphate (P2O5) lbs/ton	
Animal Group AUs	9.90	5.00	
Animal Group AEUs	9.90	Total Potash (K2O) lbs/ton	
Daily Manure Production per AU	55.0	9.00	
Total Days Manure Produced	365	PSC Value	
Total Manure Produced		0.80	
Days On Pasture	170		
Hours Per Day On Pasture	2		
Total Bedding			
Total Washwater			
CALCULATED - Total Uncollected Manure Per Animal Group	3.9	4 - Tons	
CALCULATED-Total Manure Collected Per Animal Group		App 3 Input	
Animal Group 2	Ponies	Ponies - uncollected	
Animal Type	Pony Mature	Total Nitrogen (N) lbs/ton	
Animal Number	4	12.00	
Animal Weight	600	Total Phosphate (P2O5) lbs/ton	
Animal Group AUs	2.40	5.00	
Animal Group AEUs	2.40	Total Potash (K2O) lbs/ton	
Daily Manure Production per AU	55.0	9.00	
Total Days Manure Produced	365	PSC Value	
Total Manure Produced		0.80	
Days On Pasture	170		
Hours Per Day On Pasture	2		
Total Bedding			
Total Washwater			
CALCULATED - Total Uncollected Manure Per Animal Group	0.9	1 - Tons	
CALCULATED-Total Manure Collected Per Animal Group		App 3 Input	

Appendix 3 Manure Group Information Crop Yrs. 2019-2021	Horse	Uncollected Manure: Nutrient Analysis Book Values
b.2.c		
Animal Group 3	Manure Generation per Animal Group	Minis - uncollected
Animal Type	Minis	Total Nitrogen (N) lbs/ton
Animal Number	Miniature Horse Mature	12.00
Animal Weight	2	Total Phosphate (P2O5) lbs/ton
Animal Group AUs	200	5.00
Animal Group AEUs	0.40	Total Potash (K2O) lbs/ton
Daily Manure Production per AU	55.0	9.00
Total Days Manure Produced	365	PSC Value
Total Manure Produced		0.80
Days On Pasture	170	
Hours Per Day On Pasture	2	
Total Bedding		
Total Washwater		
CALCULATED - Total Uncollected Manure Per Animal Group	0.2	0 - Tons
CALCULATED-Total Manure Collected Per Animal Group		

Appendix 3 Total

App. 4: Crop Yrs. 2019-2021		Pasture 1		Pasture 2		Pasture 3		Pasture 4		Pasture 5	
CMU/Field ID	Acres	0.8		0.7		0.8		0.7		1.0	
Soil Test Report Date	August 30, 2017	August 30, 2017		August 30, 2017							
Laboratory Name	Agricultural Analytical Services Lab	Agricultural Analytical Services Lab		Agricultural Analytical Services Lab							
Soil Test Levels (Mehlich-3 P & K)	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	ppm P ppm K pH	
(Show conversions to ppm in Appendix 10)	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	51 169 6.0	
P Index Part A Evaluation	Special Prot.	Special Prot.		Special Prot.		Special Prot.		Special Prot.		Special Prot.	
Part A Result	Part B	Part B		Part B		Part B		Part B		Part B	
Crop	Established Pasture (without legume)	Established Pasture (without legume)		Established Pasture (without legume)							
Planned Yield	2.5 ton/A	2.5 ton/A		2.5 ton/A		2.5 ton/A		2.5 ton/A		2.5 ton/A	
PSU Soil Test Recommendation (lb/A)	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	N P205 K2O	
User Soil Test Recommendation (lb/A)	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	125 0 30	
Other Nutrients Applied (lb/A)	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	
(Nutrients applied regardless of manure)											
P Index Application Method											
Double Crop Carryover N (lb/A)	0	0	0	0	0	0	0	0	0	0	
Manure History Description	Continuously - Summer Crop	Continuously - Summer Crop		Continuously - Summer Crop							
Residual Manure N (lb/A)	35	35		35		35		35		35	
Legume History Description	0	0		0		0		0		0	
Residual Legume N (lb/A)	No Previous Year Legume	No Previous Year Legume		No Previous Year Legume							
Net Nutrients Required (lb/A)	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	90 0 30	
Manure Group	Light Horse - Uncollected	Light Horse - Uncollected		Ponies - Uncollected							
Application Season: Management (Incorporation, cover crops, etc.)	Grazing anytime with nutrient uptake during growing season	Grazing anytime with nutrient uptake during growing season		Grazing anytime with nutrient uptake during growing season		Grazing anytime with nutrient uptake during growing season		Grazing anytime with nutrient uptake during growing season		Grazing anytime with nutrient uptake during growing season	
Availability Factors (Total N or NH4-N & Organic N)	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	Total N NH4-N Org. N	
	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	
P Index Application Method	Surface app. when frozen/snow covered	Surface app. when frozen/snow covered		Surface app. when frozen/snow covered							
N Balanced Manure Rate (ton. gal/A)	38 tons/A	38 tons/A		38 tons/A		38 tons/A		38 tons/A		38 tons/A	
P Removal Balance Manure Rate (ton or gal/A, if required by P Index)	8 tons/A	8 tons/A		8 tons/A		8 tons/A		8 tons/A		8 tons/A	
P Index Value	12	12		12		12		12		12	
Planned Manure Rate (ton or gal/A)	1 tons/A	1 tons/A		1 tons/A		1 tons/A		1 tons/A		1 tons/A	
Nutrients Applied at Planned Manure Rate (lb/A)	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	2 5 9	
Nutrient Balance after Manure	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	88 -5 21	
Supplemental Fertilizer (lb/A)	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	88 0 0	
P Index Application Method											
Final Nutrient Balance (lb/A)	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	0 -5 21	
Multiple Application											
Manure Utilized on CMU	1 tons	1 tons		1 tons		1 tons		1 tons		1 tons	

App. 4: Crop Yrs. 2019-2021		Pasture 6			Boarder's Pasture		
CMU/Field ID		0.5			0.7		
Acres		August 30, 2017			August 30, 2017		
Soil Test Report Date		Agricultural Analytical Services Lab			Agricultural Analytical Services Lab		
Laboratory Name		ppm P	ppm K	pH	ppm P	ppm K	pH
Soil Test Levels (Weilich-3 P & K)		51	168	6.0	51	168	6.0
(Show conversions to ppm in Appendix 10)		Special Prot.			Special Prot.		
P Index, Part A Evaluation		Part B			Part B		
Part A Result		Established Pasture (without legume)			Established Pasture (without legume)		
Crop		2.5 ton/A			2.5 ton/A		
Planned Yield		N	P2O5	K2O	N	P2O5	K2O
PSU Soil Test Recommendation (lb/A)		125	0	30	125	0	30
User Soil Test Recommendation (lb/A)		125	0	0	125	0	0
Other Nutrients Applied (lb/A)		0	0	0	0	0	0
(Nutrients applied regardless of manure)							
P Index Application Method							
Double Crop CarryOver N (lb/A)		0	Continuously - Summer Crop		0	Continuously - Summer Crop	
Manure History Description		35			35		
Residual Manure N (lb/A)		0	No Previous Year Legume		0	No Previous Year Legume	
Legume History Description		90	0	0	90	0	0
Residual Legume N (lb/A)		Ponies - Uncollected			Ponies - Uncollected		
Net Nutrients Required (lb/A)		Grazing anytime with nutrient uptake during growing season			Grazing anytime with nutrient uptake during growing season		
Manure Group		Total N	NH4-N	Org. N	Total N	NH4-N	Org. N
Application Season: Management (Incorporation, cover crops, etc.)		0.20			0.20		
Availability Factors (Total N or NH4-N & Organic N)		Surface app. when frozen/snow covered			Surface app. when frozen/snow covered		
P Index Application Method		38 tons/A			38 tons/A		
N Balanced Manure Rate (ton, gal/A)		8 tons/A			8 tons/A		
P Removal Balance Manure Rate (ton or gal/A; if required by P Index)		Crop P Removal (lb/A) 37.5			Crop P Removal (lb/A) 37.5		
P Index Value		12			12		
Planned Manure Rate (ton or gal/A)		1 tons/A			1 tons/A		
Nutrients Applied at Planned Manure Rate (lb/A)		2	5	9	2	5	9
Nutrient Balance after Manure		88	-5	-9	88	-5	-9
Supplemental Fertilizer (lb/A)		88	0	0	88	0	0
P Index Application Method							
Final Nutrient Balance (lb/A)		0	-5	-9	0	-5	-9
Multiple Application							
Manure Utilized on CMU		0 tons			1 tons		

Appendix 5 - P Index

Pennsylvania P Index Version 2

PART A: SCREENING TOOL

Go to NMP Index

Go to App 4 Input

Crop Yrs. 2019-2021		PART A: SCREENING TOOL		CMU/Field ID	Pasture 1
PART A: SCREENING TOOL CMU/Field ID		Is the CMU in a Special Protection watershed?		Yes	Yes
Is the CMU in a Special Protection watershed?		Is there a significant farm management change as defined by Act 38?		No	No
A significant farm management change as defined by Act 38?		Is the Soil Test Mehlich 3 P greater than 200 ppm P? (Enter soil test value in ppm P)		51	No
Soil Test Mehlich 3 P greater than 200 ppm P?		Is the Contributing Distance from this CMU to receiving water less than 150 ft.?		No	No
Contributing Distance from CMU to receiving water <150 ft.?		Is winter manure application planned for this field?		No	No
Is winter manure application planned for this field?		Run P Index Part B voluntarily? (Answers are No to all Part A questions.)		No	No
Run P Index Part B voluntarily? (No to all Part A questions.)		Mehlich 3 Soil Test P (ppm P)		10	51
PART B: SOURCE FACTORS: Mehlich 3 Soil Test P (ppm P)		Fertilizer P (lb P2O5/acre)		0	10
Soil Test Rating = 0.20* Mehlich 3 Soil Test P (ppm P)		Fertilizer P (lb P2O5/acre)		0	10
FERTILIZER P APPLIED REGARDLESS OF MANURE (Starter or other)		Fertilizer P (lb P2O5/acre)		0	10
P INDEX APPLICATION METHOD OF FERTILIZER P APPLIED REGARDLESS OF MANURE ²		Fertilizer P (lb P2O5/acre)		0	10
SUPPLEMENTAL P FERTILIZER		Fertilizer P (lb P2O5/acre)		0	10
P INDEX APPLICATION METHOD OF SUPPLEMENTAL P FERTILIZER ³		Fertilizer P (lb P2O5/acre)		0	10
Fertilizer Rating = Fertilizer Rate x Fertilizer Application Method		Fertilizer P (lb P2O5/acre)		0	10
MANURE P RATE		Manure P (lb P2O5/acre)		5	5
MANURE APPLICATION METHOD ³		Manure P (lb P2O5/acre)		5	5
P SOURCE COEFFICIENT ³		Manure P (lb P2O5/acre)		0.8	0.8
Manure Rating = Manure Rate x Manure Application Method x P Source Coefficient		Manure P (lb P2O5/acre)		0.8	0.8
PART B: TRANSPORT FACTORS		Manure P (lb P2O5/acre)		0.8	0.8
EROSION		Manure P (lb P2O5/acre)		0.8	0.8
RUNOFF POTENTIAL		Manure P (lb P2O5/acre)		0.8	0.8
SUBSURFACE DRAINAGE		Manure P (lb P2O5/acre)		0.8	0.8
CONTRIBUTING DISTANCE		Manure P (lb P2O5/acre)		0.8	0.8
Transport Sum = Erosion + Runoff Potential + Subsurface Drainage + Contributing Distance		Manure P (lb P2O5/acre)		0.8	0.8
MODIFIED CONNECTIVITY		Manure P (lb P2O5/acre)		0.8	0.8
Transport Sum x Modified Connectivity / 24		Manure P (lb P2O5/acre)		0.8	0.8
P Index Value = 2 x Source x Transport		Manure P (lb P2O5/acre)		0.8	0.8
Low: 59 or less		Manure P (lb P2O5/acre)		0.8	0.8
Medium: 60 to 79		Manure P (lb P2O5/acre)		0.8	0.8
High: 80 to 99		Manure P (lb P2O5/acre)		0.8	0.8
Very High: 100 or greater		Manure P (lb P2O5/acre)		0.8	0.8
Nitrogen based management		Manure P (lb P2O5/acre)		0.8	0.8
Phosphorus limited to crop removal		Manure P (lb P2O5/acre)		0.8	0.8
Very High 100 or greater Nit Phosphorus applied		Manure P (lb P2O5/acre)		0.8	0.8

1 OR rapidly permeable soil near a stream

2 "w" factor does not apply to fields receiving manure with a 35 ft. buffer

3 Error Note: if there is a manure or fertilizer rate and there is no corresponding method factor or PSC, it will display an "E"

Appendix 5 - P Index

Crop Yrs. 2019-2021

PART A: SCREENING TOOL CMU/Field ID	Pasture 2		Pasture 3		Pasture 4		Pasture 5		Pasture 6		Boarder's Pasture	
	Yes	No	Yes	No								
Is the CMU in a Special Protection watershed?												
A significant farm management change as defined by Act 38?												
Soil Test Mehlich 3 P greater than 200 ppm P?	51	No	51	No								
Contributing Distance from CMU to receiving water <150 ft.?	No	No	No	No								
Is winter manure application planned for this field?	No	No	No	No								
Run P Index Part B voluntarily? (No to all Part A questions.)	No	No	No	No								
PART B: SOURCE FACTORS: Mehlich 3 Soil Test P (ppm P)	51		51		51		51		51		51	
Soil Test Rating = 0.20* Mehlich 3 Soil Test P (ppm P)	10		10		10		10		10		10	
FERTILIZER P APPLIED REGARDLESS OF MANURE (Starter or other)	0		0		0		0		0		0	
P INDEX APPLICATION METHOD OF FERTILIZER P APPLIED REGARDLESS OF MANURE ³	-		-		-		-		-		-	
SUPPLEMENTAL P FERTILIZER	0		0		0		0		0		0	
P INDEX APPLICATION METHOD OF SUPPLEMENTAL P FERTILIZER ³	-		-		-		-		-		-	
Fertilizer Rating = Fertilizer Rate x Fertilizer Application Method	0		0		0		0		0		0	
MANURE P RATE	5		5		5		5		5		5	
MANURE APPLICATION METHOD ³	1		1		1		1		1		1	
P SOURCE COEFFICIENT ³	0.8		0.8		0.8		0.8		0.8		0.8	
Manure Rating = Manure Rate x Manure Application Method	4		4		4		4		4		4	
Source Factor Sum	14		14		14		14		14		14	
PART B: TRANSPORT FACTORS	0.44		0.44		0.44		0.44		0.44		0.44	
EROSION												
RUNOFF POTENTIAL	4		4		4		4		4		4	
SUBSURFACE DRAINAGE	0		0		0		0		0		0	
CONTRIBUTING DISTANCE	6		6		6		6		6		6	
Transport Sum = Erosion + Runoff Potential + Subsurface Drainage	10		10		10		10		10		10	
MODIFIED CONNECTIVITY	1.0		1.0		1.0		1.0		1.0		1.0	
Transport Sum x Modified Connectivity / 24	0.44		0.44		0.44		0.44		0.44		0.44	
P Index Value = 2 x Source x Transport	12		12		12		12		12		12	

Low/ \$9 or less
Nitrogen based management

1 OR rapidly permeable soil near a stream
2 'g' factor does not apply to fields receiving manure with a 35 ft. buffer.
3 Error Note: if there is a manure or fertilizer rate and there is no corresponding

Appendix 6
Manure Management

Date of Site Evaluation: August 30, 2017

Statement Documenting Areas Evaluated During Site Evaluation

List and clearly identify each of the specific areas evaluated.

Areas evaluated include the barn, manure storage and animal concentration areas.

Identification of Inadequate Manure Management Practices and Conditions

List of each specific inadequate manure management practice or condition identified.

None

BMPs to Address Manure Management Problem Areas

List of specific BMPs (including PA Technical Guide standard name and number) and management changes that will be implemented to address each of the inadequate practices listed above.

None

Appendix 7 Stormwater Control

Date of Site Evaluation: August 30, 2017

Statement Documenting Areas Evaluated During Site Evaluation

List and clearly identify each of the specific areas evaluated.

All pastures were evaluated during the site visit.

Identification of Critical Runoff Problem Areas

List of each specific critical runoff problem area identified.

None

BMPs to Address Critical Runoff Problem Areas

List of BMPs (including PA Technical Guide standard name and number) and specific management changes that will be implemented to address each of the critical runoff problem areas listed above.

None

Appendix 8
Importer/Broker Agreements & NBSs

Nutrient Balance Sheets are not required for importers that have an approved Nutrient Management Plan.

Exporter/Importer Agreement Manure Used For Other Than Agricultural Land Application

Developed consistent with the PA Nutrient and Odor Management Act Program

1) This agreement is entered into on Sept 30, 2017, by Loree Guthrie (the "exporter") who will supply manure, and Jerry Rinker (the "importer"), who will receive the manure from the exporter.

2) The purpose of this agreement is to set forth the mutual responsibilities and understanding of the parties with respect to the export of manure from the exporter to the importer.

3) The exporter is located at (county, twp, and address): Monroe Co. Bennett Twp
5483 Route 447 Canadusts Pa 18325

4) The exporter will, as the supply of manure allows, provide the following amounts of manure during the seasons outlined below:

Tons of horse (species) manure, per season:
Spring 28 Summer 28 Fall 28 Winter 28

Gallons of _____ (species) manure, per season:
Spring _____ Summer _____ Fall _____ Winter _____

Total planned manure exported: (supply of manure may be less than what is planned)

Tons of horse (species) manure: 112 tons

Gallons of _____ (species) manure: _____

If multi-species are planned, please add additional lines:

5) The importer's location and other relevant information as it relates to this manure export, is as follows:

a) Phone number: 570 595 3388

b) County(s): Monroe

c) Address: 155 Lower Seem Hill Road Canadusts, Pa. 18325

d) Owner of the property receiving manure: Jerry Rinker

e) Proposed usage of the imported manure: compost to be mixed with top soil

6) The exporter will use a Manure Export Sheet to record all manure exported to the importer. These Manure Export Sheets are available from the county conservation district or the State Conservation Commission. Computer generated forms other than the manure export sheet may be used if they contain the same information as, and are reasonably similar in format to, the forms available from the State Conservation Commission or the conservation district.

7) Records relating to the export of manure shall be prepared by the exporter in accordance with the following requirements of the Nutrient and Odor Management Act regulations:

- a) A Manure Export Sheet shall be used to document all manure exports for their records
 - A copy of the Manure Export Sheet shall be provided to the importer
 - A copy of the Manure Export Sheet shall be retained on site by the exporter
- b) Records shall be maintained by the exporter for a minimum of 3 years
- 8) Where applicable, the importer shall properly store manure received from the exporter in accordance with the provisions of the Manure Management Manual and the Pa Technical Guide and shall not cause contamination of surface or ground water. This shall include manure stacked in application fields which may not be retained in fields for greater than 120 days unless covered or otherwise protected.
- 9) This agreement shall remain in full effect unless terminated by either party upon thirty days prior written notice to the other party. If this agreement is terminated, the exporter shall notify the county conservation district office that approved their nutrient management plan, of the termination.

Exporter Signature, Name and Date

Loree Gutherie (signature)
Loree Gutherie (name)
Sept 30, 2017 (date)

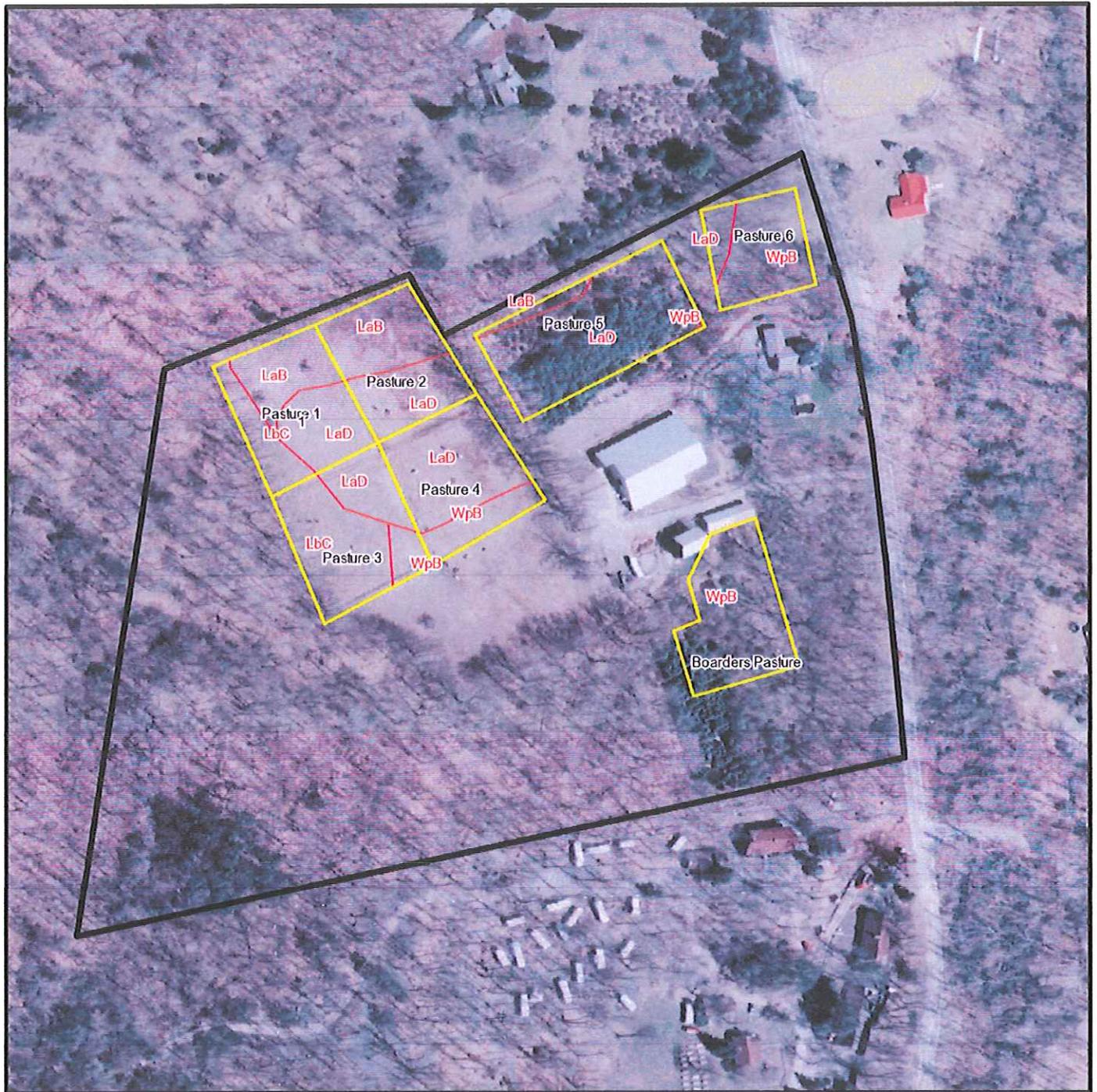
Importer Signature, Name and Date

Gerald Rowker (signature)
GERALD Rowker (name)
Sept 30, 2017 (date)

Appendix 9 Operation Maps

Three types of maps are required for an Act 38 Nutrient Management Plan: 1) Topographic Map, 2) Soils Map, and 3) Operator Management Map. The **Topographic Map and Soils Map** must be included here. The Topographic map must be drawn to scale and identify the land included in the plan with operation boundaries. The Soils Map must include the field identification and boundaries, soil types and slopes with soil legend. Adding P Index lines can be helpful on the Topographic or Soils map but are not required. The Operator Management Map must be included in the Nutrient Management Plan Summary.

Middle Branch Soil Map



Soil Acreages By Field

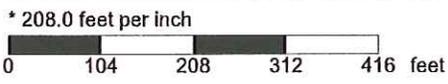
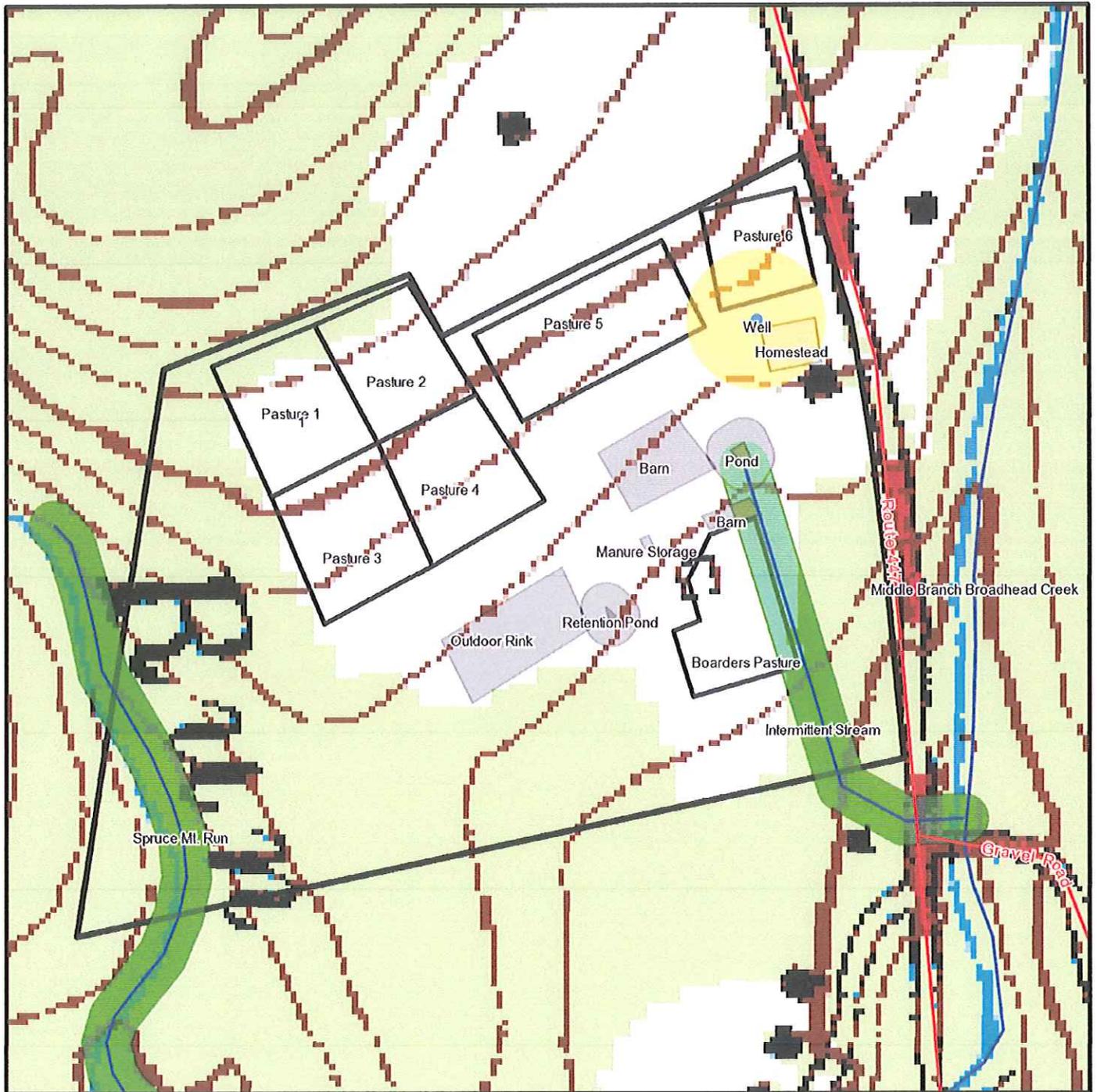
Field	Label	Musym	Muname	Comp	%	Acres	Drainage Class	Farmland Class	Tfact	Kfact
1	Pasture 1	LaB	Lackawanna channery loam, 2 to 8 percent slopes	Lackawanna	90	0.27	Well drained	All areas are prime farmland	3	0.32
1	Pasture 1	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.28	Well drained	Not prime farmland	3	0.32
1	Pasture 1	LbC	Lackawanna extremely stony loam, 8 to 25 percent slopes	Lackawanna	90	0.19	Well drained	Not prime farmland	3	0.32
2	Pasture 2	LaB	Lackawanna channery loam, 2 to 8 percent slopes	Lackawanna	90	0.36	Well drained	All areas are prime farmland	3	0.32
2	Pasture 2	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.3	Well drained	Not prime farmland	3	0.32
3	Pasture 3	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.2	Well drained	Not prime farmland	3	0.32
3	Pasture 3	LbC	Lackawanna extremely stony loam, 8 to 25 percent slopes	Lackawanna	90	0.49	Well drained	Not prime farmland	3	0.32
3	Pasture 3	WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	0.08	Moderately well drained	Not prime farmland	3	0.32
4	Pasture 4	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.56	Well drained	Not prime farmland	3	0.32
4	Pasture 4	WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	0.17	Moderately well drained	Not prime farmland	3	0.32
5	Pasture 5	LaB	Lackawanna channery loam, 2 to 8 percent slopes	Lackawanna	90	0.06	Well drained	All areas are prime farmland	3	0.32
5	Pasture 5	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.9	Well drained	Not prime farmland	3	0.32

Field	Label	Musym	Muname	Comp	%	Acres	Drainage Class	Farmland Class	Tfact	Kfact
5	Pasture 5	WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	< 0.01	Moderately well drained	Not prime farmland	3	0.32
6	Pasture 6	LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	0.08	Well drained	Not prime farmland	3	0.32
6	Pasture 6	WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	0.38	Moderately well drained	Not prime farmland	3	0.32
Boarders Boarders	Pasture	WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	0.65	Moderately well drained	Not prime farmland	3	0.32

Soil Acreages For Farm

Musym	Muname	Comp	%	Acres	Drainage Class	Farmland Class	Tfact	Kfact
LaB	Lackawanna channery loam, 2 to 8 percent slopes	Lackawanna	90	0.69	Well drained	All areas are prime farmland	3	0.32
LaD	Lackawanna channery loam, 15 to 25 percent slopes	Lackawanna	85	2.32	Well drained	Not prime farmland	3	0.32
WpB	Wellsboro extremely stony loam, 0 to 8 percent slopes	Wellsboro	80	1.28	Moderately well drained	Not prime farmland	3	0.32
LbC	Lackawanna extremely stony loam, 8 to 25 percent slopes	Lackawanna	90	0.68	Well drained	Not prime farmland	3	0.32

Middle Branch Topo Map



Legend

- | | | | |
|---------------|---------------|---------------------|------|
| field/CMU | water | manure stacking | AHUA |
| farm boundary | stream | vegetative buffer | well |
| homestead | sinkhole area | 100' manure setback | road |
| forest | sinkhole | 150' manure setback | |

Field Acreages

Field	Label	Description	Acres	Suitable Acres
1	Pasture 1		0.75	0.75
2	Pasture 2		0.66	0.66
3	Pasture 3		0.77	0.77
4	Pasture 4		0.73	0.73
5	Pasture 5		0.96	0.94
6	Pasture 6		0.46	0.27
Boarders	Boarders Pasture		0.65	0.51
		Totals	4.98	4.63

Appendix 10

Crop Years 2019-2021

Supporting Information & Documentation

Includes if applicable the Rainfall Additions Worksheet, Winter Application Matrix, Residual N Calculation Worksheet and other supplemental worksheets included in the NMP Spreadsheet. Attach information and documentation necessary to support plan content not included elsewhere in the NMP Spreadsheet or appendices. Examples include, but are not limited to, documentation of animal weights if Agronomy Facts 54 is not used, bedding calculations, or calculations for irrigation rates.

Bedding Calculations:

Loose wood shavings

 $1080 \text{ cu. Ft.} \times 9 \text{ lbs} = 9,720 / 2000 = 4.86 \text{ tons}$



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Date: December 28, 2017

To: State Conservation Commission

From: Roy Richardson, Dirt and Gravel Roads Program Coordinator

Through: Karl G. Brown, Executive Secretary

RE: Changes to Dirt, Gravel, and Low Volume Roads Program Conservation District Allocation Formulas

Background: Commission and center staff facilitate a “policy and planning” workgroup. This workgroup consists of conservation district managers and staff, as well as representatives from other cooperating agencies such as PennDOT, PACD, PSATS, Trout Unlimited, DEP, and others. The workgroup met several times this fall to evaluate the allocation process, including the allocation formulas. As a result of these meetings, the workgroup has the following recommendations for the Commission:

Overall Allocations:

The workgroup recommends that the Commission continues with the existing strategy used since FY 2014-15 to allocate \$20 million to Dirt and Gravel Roads, and \$8 million to Low Volume Roads, through separate allocation formulas. The group also recommends to maintain the existing policy that funds must be tracked separately, and cannot be switched from Dirt and Gravel or Low Volume, or vice versa, either within a county or between counties.

Dirt and Gravel:

The formula used to allocate Dirt and Gravel funds to conservation districts has remain essentially unchanged over the past 10 years. The group recommends that existing minimum (\$100,000) and maximum (\$1,375,000) CD allocations remain in place.

Dirt and Gravel Allocation Formula

$$50\% \quad \text{A County's Worksite Allocation Factor} = \frac{\# \text{ Worksites in County}}{\# \text{ Worksites in State}} + \frac{\text{Miles Worksite in County}}{\text{Miles Worksite in State}}$$

$$45\% \quad \text{A County's Unpaved Road Allocation Factor} = \frac{\text{Miles of unpaved roads in County}}{\text{Miles of unpaved roads in State}} + \frac{1/4 \text{ Miles of unpaved road in protected watersheds in County}}{\text{Miles of unpaved road in protected watersheds in State}}$$

$$5\% \quad \text{A County's Stone Cost Factor} = \frac{\$ \text{ Stone in County} - \text{Minimum } \$ \text{ Stone in State}}{\text{Minimum } \$ \text{ Stone in State}}$$

How D&G Allocation Formula Works:

Allocations are determined by creating an index value for each county using the above formula and weighting. Each county's index value is then compared to the statewide total of index values to obtain a percentage. A county whose index value is 2% of the statewide total would receive 2% of the funding. A minimum allocation of \$100,000 and a maximum allocation of \$1,375,000 are also in effect.

A survey at the 2017 Annual Maintenance Workshop found that most Conservation Districts were satisfied with the existing formula, and that wholesale changes to the formula were probably not necessary. After discussion with the advisory workgroup, two changes are recommended to the Dirt and Gravel Formula to be able to improve the data used in the formula in future years:

- **Recommended Change #1: Move from using roads within “protected watersheds” to using roads within 1,000’ of protected streams.** The Dirt and Gravel Road allocation formula has always given some extra weight (and is required to by law) to roads that are located within protected (High Quality(HQ) and Exceptional Value (EV)) watersheds. Unfortunately, the map layer for protected watersheds has not been updated in over a decade. Because this map layer is outdated, and there are no plans to update it, the workgroup recommends changing to using roads within 1,000 feet of protected streams. The map layer for protected streams is current and is regularly updated by the PA Department of Environmental Protection. Moving from watersheds to stream buffers would allow the continual updating of figures for the allocation formula whenever the stream layer is updated. After some analysis, it was determined that a 1,000-foot buffer around this protected stream layer would serve as the best surrogate for protected watersheds.
- **Recommended Change #2: Remove the “number of worksites” from the allocation formula, leaving “miles of worksites” as the primary factor.** The existing allocation formula considers both the number and miles of worksites (identified road segments impacting streams) within each county. The use of “number of worksites” in the formula has become problematic with the recent move to the new online GIS tracking system. The new system automatically segments potential worksites at every intersection, meaning a single site in the old GIS system could be segmented into a multitude of individual pieces in the new system, thereby artificially inflating worksite numbers. The workgroup felt that the use of “total miles of worksites” was adequate to reflect the potential projects in each county, and recommended that “number of worksites” be removed from the formula.
- **Impacts of those changes:** preliminary analysis shows that this would impact Conservation District Allocations by:
 - o **23 counties would see decreased allocations**
 - o **20 counties would see no change in allocations** (mostly minimum and maximum counties)
 - o **22 counties would see increased allocations**

- **Largest allocation decrease would likely be ~16% or \$100,000**
- **Largest allocation increase would likely be ~16% or \$136,000**
note the largest decrease in actual dollars and the largest decrease in percent may not represent the same county. The same applies to the increases.

Low Volume:

The formula used to allocate Low Volume Road (LVR) funds to conservation districts has remain unchanged over the past 4 years. The group recommends that existing minimum (\$40,000) and maximum (\$550,000) CD allocations remain in place.

Allocation Formula Details

Low Volume Allocation Formula

4/29/2014

$$\begin{array}{l}
 \text{Miles Urban Road > 500' to Stream} \quad X1 = A \text{ (urban, no stream)} \\
 \text{Miles Urban Road < 500' to Stream} \quad X2 = B \text{ (urban, stream)} \\
 \text{Miles Non-Urban Road > 500' to Stream} \quad X3 = C \text{ (non-urban, no stream)} \\
 \text{Miles Non-Urban Road < 500' to Stream} \quad X4 = D \text{ (non-urban, stream)} \\
 \\
 \text{County Allocation} = \left(\frac{A + B + C + D \text{ for County}}{A + B + C + D \text{ for State}} \right) \times \text{Total to be distributed to Counties}
 \end{array}$$

How LVR Allocation Formula Works:

Each county receives points for miles of road in the four categories above (A, B, C, and D above represent these "points"). Points are based on the miles of road in each category, multiplied by the weighting factor for that category (1, 2, 3, 4 respectively). A County's points are totaled, and divided by the statewide point total to obtain a percentage for each county. If a county has 2% of the statewide point total, they would receive 2% of the allocation. A minimum allocation of \$40,000 and a maximum allocation of \$550,000 are also in effect.

Definition of GIS Data Used:

- "Miles" of road: data from PennDOT Local Road Data Management System from 2012.
 - Includes State roads with less than 500 ADT.
 - Includes all paved municipal roads. (ADT counts not available statewide)
 - Does not include unpaved roads, Federal roads, or other state roads such as Game Lands or State Forest.
- "Urban": road classification based on 2010 US Census classification of "urban areas".
- "Streams": "blue-line" channels as defined by USGS in the National Hydrography Dataset.

The advisory workgroup recommends two changes to the Low Volume Road formula in order to better reflect issues across the state.

- **Recommended Change #1: Increase weight of "urban near stream" from 2 to 3.** The LVR formula separates a counties potential low-volume road into one of 4 categories with weights: urban away from stream (1 weight), urban near stream (2 weight), rural away from stream (3 weight), and rural near stream (4 weight). The US Census boundaries, and a 500' buffer around DEP stream layer are used to determine those four classifications. Some urban counties expressed concerns that the "urban near stream" category of road was being undervalued in the formula. After some discussion, the workgroup agreed to increase the weight of roads in this category from 2 to 3 to match the weight of rural roads that are over 500' from a stream.
- **Recommended Change #2: Give extra weight to roads near protected (High Quality and Exceptional Value, HQ and EV).** The law that created the DGLVR Program dictated that additional allocation consideration be given to roads in protected watersheds. The workgroup recommends that potential low-volume roads that are within 1,000' of a HQ/EV stream (same criteria as proposed change to DnG formula) should receive an additional weight of 1 in the allocation formula. This would apply regardless of the roads status of urban/rural and stream proximity.

- **Impacts of those changes:** preliminary analysis shows that this would impact Conservation District Allocations by:
 - **38 counties would see decreased allocations**
 - **6 counties would see no change in allocations** (mostly minimum counties)
 - **21 counties would see increased allocations**
 - **Largest allocation decrease would likely be ~6% or \$6,500**
 - **Largest allocation increase would likely be ~7% or \$17,500**

note the largest decrease in actual dollars and the largest decrease in percent may not represent the same county. The same applies to the increases.

Action Items and Plan:

- **Action Items:**
 - **Dirt and Gravel: Make two changes to the allocation formula to:**
 - Use roads “within 1,000’ of protected streams” in place of “within protected watersheds”
 - Remove “numbers of worksites” from formula, leaving “miles of worksites” as the primary allocation factor.
 - Because a few counties will be significantly impacted by the allocations, these changes should be phased in over a three year period, starting with FY 2018-19 allocations.
 - **Low Volume Road: Make to changes to the allocation formula to:**
 - Increase the weight of “urban near stream” roads from 2 to 3
 - Add a factor to provide additional weight to roads within 1,000’ of protected streams
 - Because impacts are minimal, recommend full incorporation of changes to FY 2018-19 allocations
- **Actual Allocations:**
 - Actual allocations will differ from the projections provided here, since the numbers provided assume all counties are eligible for both Dirt and Gravel and Low Volume allocations. Typically, several counties are not eligible for allocations due to not meeting SCC spending requirements. Allocation eligibility are typically not finalized until April.
 - Actual conservation district allocations, including the above changes if approved by the SCC, will be brought to the SCC for approval at the May 2018 meeting for FY 2018-19.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

Date: December 28, 2017

To: State Conservation Commission

From: Roy Richardson, Dirt and Gravel Roads Program Coordinator

Through: Karl G. Brown, Executive Secretary

RE: Changes to Dirt, Gravel, and Low Volume Roads Program Statement of Policy

Background: The Commission adopted the Dirt and Gravel Road Program Statement of Policy on July 24, 1998. The Statement of Policy has not been revised since that date. Staff has drafted recommended revisions. These revisions include the following:

- update the Statement of Policy to include Low Volume Road Maintenance
- update section 2 (definitions) to include the Center for Dirt and Gravel Road Studies, Low volume Roads, and Advisory Workgroups
- District responsibilities were revised to update record retention requirements.

A “track changes” version of the document and a “final form” version are attached.

Staff recommends approval of the revised Statement of Policy

~~Subchapter F. DIRT AND GRAVEL ROAD MAINTENANCE PROGRAM~~ DIRT, GRAVEL, AND LOW VOLUME ROAD MAINTENANCE PROGRAM - STATEMENT OF POLICY

~~GENERAL PROVISIONS~~

Sec.

- ~~§3.601~~ Purpose,
- ~~§3.602~~ Definitions,
- ~~§3.603~~ Cooperation,
- ~~§3.604~~ Appointment Criteria,
- ~~§3.605~~ Payments by the Commission to districts,
- ~~§3.606~~ QAB Advisory Committee Responsibility,
- ~~§3.607~~ District responsibility,
- ~~§3.608~~ QAB responsibility,
- ~~§3.609~~ Application by project participants,
- ~~§3.610~~ Agreements,
- ~~§3.611~~ Eligible expenses,
- ~~§3.612~~ Project participant responsibilities,
- ~~§3.613~~ Performance standards,
- ~~§3.614~~ Payment of eligible expenses to project participants,

~~Authority~~

~~The provisions of this Subchapter F issued under the Conservation District Law (3 P. S. §849-864); and the Vehicle Code, 75 Pa. C.S. §9106, unless otherwise noted.~~

~~Source~~

~~The provisions of this Subchapter F adopted September 11, 1998, effective September 12, 1998, 28 Pa.B. 4634, unless otherwise noted.~~

~~§3.601. Purpose.~~

It is the intention of the Commission to provide local governments and other eligible entities with funds to:

- 1.) Fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution,
- 2.) Establish a dedicated and earmarked funding mechanism that provides streamlined apportionment to the county level and enables local officials to establish fiscal and environmental controls,
- 2-) Fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved and have with an average daily traffic count of 500 vehicles or less.

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- 3.) Provide training to road crews on techniques of ~~dirt and gravel~~ dirt, gravel, and low volume road maintenance which minimize negative environmental impact.
- 4.) Conduct demonstrations of new and innovative techniques of ~~dirt and gravel~~ dirt, gravel, and low volume road maintenance to assist in training of road crews and educate the public on this matter.

§83.602. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

~~Added by Act 17 of 2007 (P.L. 2007, No. 17) to § 83.602 of the Act of July 7, 2006 (P.L. 2006, No. 110) and subsequently amended July 9, 2008 (P.L. 986, No. 75) (3 P.S. § 849 et seq.) (3 P.S. § 849-864).~~

Center - Center for Dirt and Gravel Road Studies at Penn State University

Commission-The State Conservation Commission created by the Conservation District Law (Act of May 15, 1945, P.L. 547, No. 217, as amended July 7, 2006 (P.L. 1059, No. 110) and subsequently amended July 9, 2008 (P.L. 986, No. 75) (3 P.S. §849 et seq.))(3 P. S. § § -849 -864).

Cooperating organization-An organization approved by the Commission to assist in implementing the act.

District-A conservation district as defined in the Conservation District Law ~~(3 P. S.~~

Exceptional value-A stream or watershed which is designated as an exceptional value water under Chapter 93 (relating to water quality standards).

High quality-A stream or watershed which is designated as a high-quality water under 25 Pa. Code Chapter 93 (relating to water quality standards).

Low volume road - A road -that is sealed or paved with and has an average daily traffic count of 500 vehicles or less

Performance standards -The administrative policies or technical requirements, or both, adopted by the Commission for the implementation of the Program, including standards that prohibit the use of materials or practices which are environmentally harmful.

Program-~~The Dirt and Gravel Road Maintenance Program~~ Dirt, Gravel, and Low Volume Road Maintenance Program.

Project area- A designated area where critical sediment or dust, or both, pollution-problems have been identified.

Project participant- A municipality or State agency eligible to participate in a Program project under the act.

QAB- Quality Assurance Board-The administrative board impaneled by a district to administer the Program locally, under 75 Pa.C.S. § 9106(e).

~~QAB- Quality Assurance Board-The administrative board impaneled by a district to administer the Program locally, under 75 Pa.C.S. § 9106(e).~~

Commission on the implementation and administration of the program.

~~Toll-Free Dirt and Gravel Road Pollution Control Program~~
§ 83.603. Cooperation.

(a) The Commission will encourage cooperation between Commonwealth and Federal agencies, ~~the Center for Dirt and Gravel Road Studies~~, and other organizations including the Toll-Free Dirt and Gravel Road which have either direct or indirect involvement in the program to achieve the objectives to reduce ~~sediment or dust, or both~~, pollution originating from dirt, gravel, and low volume dirt and gravel roads.

(b) Agencies other than conservation districts will be encouraged to work closely with the appropriate conservation districts to promote local awareness of the projects and to effectuate the purposes of the Program.

§ 83.604. Apportionment criteria.

(a) The Commission will apportion the amount of funds for each participating district under the program, based on the act and the criteria in subsection (c).

(b) The Commission may reallocate funds if an agreement cannot be fulfilled by the district, local government, contractor, and agency or cooperating organization.

(c) Apportionment criteria shall be based on the verified need to correct pollution problems related to the road and shall include consideration of the following:

(1) The total number of miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year.

(2) The total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.

(3) Allowances for the local costs of limestone aggregate.

(4) The commitments of grant applicants to comply with the nonpollution requirements established.

(5) Other factors determined by the Commission to be appropriate.

~~(e)~~(d) The Commission may allocate funds for training or road demonstration project, or both, to an aggregated budget managed by the Commission and may establish spending limits, consistent with the act, which includes the portion of the aggregated funds administered by the Commission.

~~(f) - Rules of apportionment for the Commission will be based on the following criteria:~~

(a) State funds apportioned to districts under this Program will be utilized solely for implementing a county level Program.

(b) The Commission will provide apportioned funds to a participating district through an agreement between the Commission and each participating district.

(c) The Commission may withhold funds until the Commission has received any overdue

Program reports and audit statements as required by the Commission.

(d) For purposes of disbursing funds to participating conservation districts, the Commission may process an advanced working capital payment as follows:

(1) Upon the full execution of the grant agreement, the Commission may process up to 50% of the approved grant amount. Subsequent payments to the districts will be made on an "actual cash expended" basis to replenish the working capital advance.

(2) Advance payments by a conservation district to an eligible project participant under a project agreement shall be considered "actual cash expended" when the advance is paid by the conservation district.

(3) The district shall request the payments to replenish working capital ~~in writing~~ to the Commission in a format and time frame as prescribed by the Commission. The Commission may set a minimum payment level or time frequency, or both, for each request for payment.

~~Not to be included in the Commission's public domain. This document is for internal use only. It is not to be distributed outside the Commission.~~

~~§ 83.606.~~ QAB Advisory Committee responsibilities. **Advisory workgroups.**

~~The QAB Advisory Committee~~ Advisory workgroups shall advise the Commission on the following:

~~shall advise the Commission on the following:~~ (a) Allocation of funds from the State level to conservation districts.

(b) Development of Program and administrative procedures for QABs:

(c) Review of administrative and technical guidance for the Program.

(d) Other matters relating to the administration of the Program.

§ 83.607. District responsibilities.

(a) A district participating in the Program shall enter into an agreement with the Commission establishing the duties and responsibilities of each entity.

~~(a)~~

the Commission to the district.

~~(c)~~ (c) The district is responsible for all aspects of the management and administration of the Program within that county.

~~(d)~~ (d) A participating district shall conduct its Program consistent with the act, this subchapter and all other policies and regulations established by the Commission.

~~(e)~~ (e) The district shall appoint and impanel a four-member QAB to administer the Grant Program within the county, under the supervision and direction of the district board of directors. The QAB is to be comprised of a non-voting chairperson appointed by the district and one local representative appointed by each of the following entities:

(1) The Federal Natural Resource Conservation Service.

(2) The Fish and Boat Commission.

(3) The district.

~~(f)~~(f) The district shall develop a fair and open project selection process, consistent with Commission policy, that provides general program information to all eligible project participants and includes sign-up periods necessary to receive requests for road maintenance and repair work from eligible project participants. Special efforts will be made to enlist the cooperation of project participants with identified critical erosion or dust problems.

~~(g)~~(g) Work completion by project participants will be subject to approval by the district under the performance standards adopted by the QAB.

~~(h)~~(h) The district shall conduct an annual audit of Program expenditures in accordance with guidance provided by the Commission.

~~(i)~~(i) The district shall submit the results of its annual audit to the Commission in a manner and time frame established by the Commission. The Commission reserves the right to audit all Program-related accounts and records to determine if funds were expended in accordance with Commission policies and the act.

~~(j)~~(j) The district shall report Program accomplishments to the Commission on prescribed forms at times as specified by the Commission.

(k) The district shall maintain a separate accounting of funds received under the Program. The district shall maintain an itemized accounting of administrative costs claimed. Districts shall deposit funds in a Federally insured interest bearing account. Interest earnings from the account shall be applied only to the Program. The percent of apportioned funds utilized by the district for administration or training grants may not exceed those limits established by the Commission or the act, or both.

(l) Records shall be retained by districts for 3 years after completion of the work.

~~(m)~~(m) The Commission reserves the right to examine all records and files maintained by the district related to the administration of the district's Program.

~~(n) Records shall be retained by districts for 3 years after completion of the work.~~

(a) The QAB impaneled by a district shall establish and administer the Program for the district under the direction of the board of directors of the district and consistent with the policies adopted by the Commission.

(b) The QAB shall consider and adopt the following:

(1) Written criteria to assure equal access for all eligible applicants within each funding category.

(2) Procedures that assure a minimum amount of procedural paperwork.

(3) Written criteria to specify priorities.

(4) Funding categories to provide separate budgeting for road maintenance projects, road demonstration projects, training grants and administrative costs:

(A) QAB training grants may not exceed limits established by the Commission.

(B) Administrative costs may not exceed 10%.

(5) Incentives for training road managers and equipment operators.

(6) Standards that prohibit use of materials or practices which are environmentally harmful.

(7) Site inspection requirements to verify completion of work.

(c) The QAB shall review applications and recommend project participants to be funded through the Program.

(d) The QAB shall consider and adopt procedures for the conduct of business by the Board, including the following:

(1) Meeting schedules and procedures for public notice of meetings.

(2) Recordkeeping and provisions to make minutes and records available to the public.

(3) Rules of conduct, including rules necessary to avoid conflicts of interest by members of the QAB.

§ 83.609. Application by project participants.

(a) Applications will be on a ~~one page~~ form approved by the Commission. Applications should be submitted to the local conservation district at the times designated by the local district. Handwritten applications will be acceptable.

(b) An application shall be specific to one work location ~~or one type of work~~ and shall include the following:

(1) A short description of the problem being solved.

(2) The basis of the cost estimate.

(3) The proposed project work schedule.

(4) The basis for successful completion.

(5) The type of pollution to be reduced.

(6) Other items specified by the Commission.

(c) The QAB ~~shall~~ may expedite the approval process by inserting additional requirements which become binding when accepted by the applicant.

§ 83.610. Agreements.

(a) An agreement is required between a district and project participants.

(b) The form of agreements between the district and project participants shall be approved by the Commission.

(c) Each agreement shall provide that the parties agree to comply with the conditions in this subchapter, the general contract conditions adopted by the Commission and the performance criteria adopted by the QAB of the district.

(d) The term of the agreement shall be sufficient to cover the duration of work implemented under the agreement.

§83.611. Eligible expenses.

(a) Eligible expenses include all Program and project costs associated with the administration and implementation of the Program, and the design, review, approval, implementation and maintenance of any project approved and funded by the Program. Eligible costs payable to project participants for Program projects and eligible costs payable to conservation districts for the overall administration and implementation of the Program will be determined by the Commission.

—Eligible expenses for project participants include the materials, services and labor required to design and implement a project, including, but not limited to, construction and maintenance supplies and materials, equipment rental and transportation charges, demurrage, reimbursement for use of participant owned equipment, salaries and benefits, automotive and hauling travel including room and board expenses, contracted specialized services, miscellaneous expenses, certain engineering and technical fees as determined by —
necessary for the satisfactory completion of a project as determined by the Commission.

(c) Eligible expenses for participating conservation districts shall include eligible costs defined in subsections (a) and (b) for project participants, plus materials, services, labor, insurance/liability coverage and all other expenses necessary for the overall administration and implementation of the Program, the development and delivery of training/education programs, demonstration projects, resource assessment, site inspections and other expenses determined by the Commission to be necessary to administer and implement the Program.

§83.612. Project participant responsibilities.

(a) Project participants shall conduct the ~~dirt and gravel~~ dirt, gravel, and low volume road maintenance project in accordance with the project agreement with the district, the work plan for the project, the standards established by the QAB for the district, and the policies adopted by the Commission.

(b) Project participants may not use materials or practices that are environmentally harmful.

(c) Project participants shall apply for necessary local, State and Federal permits required for the project and provide the district with suitable documentation of permit issuance and requirements.

(d) Project participants shall report Program accomplishments to the district in a manner prescribed in the agreement.

(e) Claims for payment shall be submitted to the district in accordance with the schedule contained in the agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the budget outlined in the agreement. The claims shall also include receipts,

weigh slips or other appropriate supporting information, as determined by the Commission, to document actual expenditures by the project participant.

(f) The district and the Commission reserve the right to audit project related accounts and records to determine if funds were expended in conformance with the agreement.

(g) A project participant shall maintain a separate accounting of the funds received under the Program.

(h) Records shall be retained for 3 years following the last payment for the project.

(i) Upon the request of the district or the Commission, or both, project participants shall provide access to all records, files and documents related to Program projects.

§ 83.613. Performance standards.

(a) The Commission will establish, as it deems appropriate, performance standards for the implementation of the Program. These standards may include specific administrative policies or technical requirements, or both, adopted by the Commission for the implementation and administration of the Program, including standards which prohibit the use of materials or practices which are environmentally harmful.

(b) Standards which prohibit the use of materials or practices which are environmentally

(1) The commercial products used by project participants within a project area shall be used or installed, or both, according to manufacturer's recommendations and label requirements.

(2) Materials toxic to aquatic life, as defined by The Clean Streams Law (35 P. S. § § 691.1--691.100 I), may not be used where surface runoff may enter surface or ground waters.

(3) Compliance with applicable Federal, State and local laws, regulations and permit requirements.

§ 83.614. Payment of eligible expenses to project participants.

(a) Payments made by a district pursuant to a project agreement shall be solely for eligible expenses.

(b) Claims for payment shall be submitted by a project participant to the district in accordance with the schedule and terms contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the project cost summary contained in the approved project application and work plan. Claims ~~shall~~ may include receipts, weigh slips, equipment use time sheets, employee time sheets or other appropriate supporting information to document actual expenditures by the project participants.

(c) For the purpose of dispersing funds to a project participant under a project agreement, the district may process an advanced working capital payment as follows:

(1) Upon the full execution of the project agreement, the district may process an

advanced payment to a project participant of up to 50% of the approved project expenses.

(2) Subsequent payments to the project participant will be made on an actual cash expended basis.

(3) In all cases, the district shall withhold payment of at least 30% of the approved project expenses until the satisfactory completion of the project. Final payment for the project expenses shall be made only after a final inspection by the district determines that the work was performed consistent with the project application and the work plan, and to the satisfaction of the district.

DIRT, GRAVEL, AND LOW VOLUME ROAD MAINTENANCE PROGRAM - STATEMENT OF POLICY

Approved as final by action of the State Conservation Commission on _____, 2018.

Section 1. Purpose. It is the intention of the Commission to provide local governments and other eligible entities with funds to:

(a) Fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(b) Establish a dedicated and earmarked funding mechanism that provides streamlined apportionment to the county level and enables local officials to establish fiscal and environmental controls.

(c) Fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved and have an average daily traffic count of 500 vehicles or less. Provide training to road crews on techniques of dirt, gravel, and low volume road maintenance which minimize negative environmental impact.

(d) Conduct demonstrations of new and innovative techniques of dirt, gravel, and low volume road maintenance to assist in training of road crews and educate the public on this matter.

Section 2. Definitions. The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act - The act of November 25, 2013, P. L. 974, No.89 (75 Pa.C.S. § 9106).

Advisory Workgroup - Advisory workgroups established by the Commission to assist and advise the Commission on the implementation and administration of the program.

Center - Center for Dirt and Gravel Road Studies at Penn State University

Commission - The State Conservation Commission created by the Conservation District Law (Act of May 15, 1945, P.L. 547, No. 217, as amended July 7, 2006 (P.L. 1059, No. 110) and subsequently amended July 9, 2008 (P.L. 986, No. 75) (3 P.S. §849 et seq.)).

Cooperating organization - An organization approved by the Commission to assist in implementing the act.

District - A conservation district as defined in the Conservation District Law.

Exceptional value - A stream or watershed which is designated as an exceptional value water under Chapter 93 (relating to water quality standards).

High quality - A stream or watershed which is designated as a high-quality water under 25 Pa. Code Chapter 93 (relating to water quality standards).

Low volume road - A road that is sealed or paved and has an average daily traffic count of 500 vehicles or less

Performance standards - The administrative policies or technical requirements, or both, adopted by the Commission for the implementation of the Program, including standards that prohibit the use of materials or practices which are environmentally harmful.

Program - The Dirt, Gravel, and Low Volume Road Maintenance Program.

Project area - A designated area where critical sediment or dust, or both, pollution problems have been identified.

Project participant - A municipality or State agency eligible to participate in a Program project under the act.

QAB - Quality Assurance Board-The administrative board impaneled by a district to administer the Program locally, under 75 Pa.C.S. § 9106(e).

Section 3. Cooperation.

(a) The Commission will encourage cooperation between Commonwealth and Federal agencies, the Center for Dirt and Gravel Road Studies and other organizations which have either direct or indirect involvement in the program to achieve the objectives to reduce pollution originating from dirt, gravel, and low volume roads.

(b) Agencies other than conservation districts will be encouraged to work closely with the appropriate conservation districts to promote local awareness of the projects and to effectuate the purposes of the Program.

Section 4. Apportionment Criteria.

(a) The Commission will apportion the amount of funds for each participating district under the program, based on the act and the criteria in subsection (c).

(b) The Commission may reallocate funds if an agreement cannot be fulfilled by the district, local government, contractor, and agency or cooperating organization.

(c) Apportionment criteria shall be based on the verified need to correct pollution problems related to the road and shall include consideration of the following:

- (1) The total number of miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year.
- (2) The total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.
- (3) Allowances for the local costs of limestone aggregate.
- (4) The commitments of grant applicants to comply with the nonpollution requirements established.
- (5) Other factors determined by the Commission to be appropriate.

(d) The Commission may allocate funds for training or road demonstration project, or both, to an aggregated budget managed by the Commission and may establish spending limits, consistent with the act, which includes the portion of the aggregated funds administered by the Commission.

Section 5. Payments by the Commission to Districts.

(a) State funds apportioned to districts under this Program will be utilized solely for implementing a county level Program.

(b) The Commission will provide apportioned funds to a participating district through an agreement between the Commission and each participating district.

(c) The Commission may withhold funds until the Commission has received any overdue Program reports and audit statements as required by the Commission.

(d) For purposes of disbursing funds to participating conservation districts, the Commission may process an advanced working capital payment as follows:

- (1) Upon the full execution of the grant agreement, the Commission may process up to 50% of the approved grant amount. Subsequent payments to the districts will be made on an "actual cash expended" basis to replenish the working capital advance.
- (2) Advance payments by a conservation district to an eligible project participant under a project agreement shall be considered "actual cash expended" when the advance is paid by the conservation district.

(3) The district shall request the payments to replenish working capital to the Commission in a format and time frame as prescribed by the Commission. The Commission may set a minimum payment level or time frequency, or both, for each request for payment.

Section 6. Advisory Workgroups. Advisory workgroups shall advise the Commission on the following:

- (a) Allocation of funds from the State level to conservation districts.
- (b) Development of Program and administrative procedures for QABs.
- (c) Review of administrative and technical guidance for the Program.
- (d) Other matters relating to the administration of the Program.

Section 7. District Responsibilities.

(a) A district participating in the Program shall enter into an agreement with the Commission establishing the duties and responsibilities of each entity.

(b) The district shall receive and manage funds for the Program that have been apportioned by the Commission to the district.

(c) The district is responsible for all aspects of the management and administration of the Program within that county.

(d) A participating district shall conduct its Program consistent with the act, this subchapter and all other policies and regulations established by the Commission.

(e) The district shall appoint and impanel a four-member QAB to administer the Grant Program within the county, under the supervision and direction of the district board of directors. The QAB is to be comprised of a non-voting chairperson appointed by the district and one local representative appointed by each of the following entities:

- (1) The Federal Natural Resource Conservation Service.
- (2) The Fish and Boat Commission.
- (3) The district.

(f) The district shall develop a fair and open project selection process, consistent with Commission policy, that provides general program information to all eligible project participants and includes sign-up periods necessary to receive requests for road maintenance and repair work

from eligible project participants. Special efforts will be made to enlist the cooperation of project participants with identified critical erosion or dust problems.

(g) Work completion by project participants will be subject to approval by the district under the performance standards adopted by the QAB.

(h) The district shall conduct an annual audit of Program expenditures in accordance with guidance provided by the Commission.

(i) The district shall submit the results of its annual audit to the Commission in a manner and time frame established by the Commission. The Commission reserves the right to audit all Program-related accounts and records to determine if funds were expended in accordance with Commission policies and the act.

(j) The district shall report Program accomplishments to the Commission on prescribed forms at times as specified by the Commission.

(k) The district shall maintain a separate accounting of funds received under the Program. The district shall maintain an itemized accounting of administrative costs claimed. Districts shall deposit funds in a Federally insured interest bearing account. Interest earnings from the account shall be applied only to the Program. The percent of apportioned funds utilized by the district for administration or training grants may not exceed those limits established by the Commission or the act, or both.

(l) Records shall be retained by districts for 3 years after completion of the work.

(m) The Commission reserves the right to examine all records and files maintained by the district related to the administration of the district's Program.

Section 8. QAB Responsibilities.

(a) The QAB impaneled by a district shall establish and administer the Program for the district under the direction of the board of directors of the district and consistent with the policies adopted by the Commission.

(b) The QAB shall consider and adopt the following:

- (1) Written criteria to assure equal access for all eligible applicants within each funding category.
- (2) Procedures that assure a minimum amount of procedural paperwork.
- (3) Written criteria to specify priorities.

(4) Funding categories to provide separate budgeting for road maintenance projects, road demonstration projects, training grants and administrative costs:

(A) QAB training grants may not exceed limits established by the Commission.

(B) Administrative costs may not exceed 10%.

(5) Incentives for training road managers and equipment operators.

(6) Standards that prohibit use of materials or practices which are environmentally harmful.

(7) Site inspection requirements to verify completion of work.

(c) The QAB shall review applications and recommend project participants to be funded through the Program.

(d) The QAB shall consider and adopt procedures for the conduct of business by the Board, including the following:

(1) Meeting schedules and procedures for public notice of meetings.

(2) Recordkeeping and provisions to make minutes and records available to the public.

(3) Rules of conduct, including rules necessary to avoid conflicts of interest by members of the QAB.

Section 9. Application by Project Participants.

(a) Applications will be on a form approved by the Commission. Applications should be submitted to the local conservation district at the times designated by the local district. Handwritten applications will be acceptable.

(b) An application shall be specific to one work location and shall include the following:

(1) A short description of the problem being solved.

(2) The basis of the cost estimate.

(3) The proposed project work schedule.

(4) The basis for successful completion.

(5) The type of pollution to be reduced.

(6) Other items specified by the Commission.

(c) The QAB may expedite the approval process by inserting additional requirements which become binding when accepted by the applicant.

Section 10. Agreements.

(a) An agreement is required between a district and project participants.

(b) The form of agreements between the district and project participants shall be approved by the Commission.

(c) Each agreement shall provide that the parties agree to comply with the conditions in this subchapter, the general contract conditions adopted by the Commission and the performance criteria adopted by the QAB of the district.

(d) The term of the agreement shall be sufficient to cover the duration of work implemented under the agreement.

Section 11. Eligible Expenses.

(a) Eligible expenses include all Program and project costs associated with the administration and implementation of the Program, and the design, review, approval, implementation and maintenance of any project approved and funded by the Program. Eligible costs payable to project participants for Program projects and eligible costs payable to conservation districts for the overall administration and implementation of the Program will be determined by the Commission.

(b) Eligible expenses for project participants include the materials, services and labor required to design and implement a project, including, but not limited to, construction and maintenance supplies and materials, equipment rental and transportation charges, demurrage, reimbursement for use of participant owned equipment, salaries and benefits, automotive and hauling travel including room and board expenses, contracted specialized services, miscellaneous expenses, certain engineering and technical fees as determined by the Commission and other expenses necessary for the satisfactory completion of a project as determined by the Commission.

(c) Eligible expenses for participating conservation districts shall include eligible costs defined in subsections (a) and (b) for project participants, plus materials, services, labor, insurance/liability coverage and all other expenses necessary for the overall administration and implementation of the Program, the development and delivery of training/education programs, demonstration projects, resource assessment, site inspections and other expenses determined by the Commission to be necessary to administer and implement the Program.

Section 12. Project Participant Responsibilities.

(a) Project participants shall conduct the dirt, gravel, and low volume road maintenance project in accordance with the project agreement with the district, the work plan for the project, the standards established by the QAB for the district, and the policies adopted by the Commission.

(b) Project participants may not use materials or practices that are environmentally harmful.

(c) Project participants shall apply for necessary local, State and Federal permits required for the project and provide the district with suitable documentation of permit issuance and requirements.

(d) Project participants shall report Program accomplishments to the district in a manner prescribed in the agreement.

(e) Claims for payment shall be submitted to the district in accordance with the schedule contained in the agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the budget outlined in the agreement. The claims shall also include receipts, weigh slips or other appropriate supporting information, as determined by the Commission, to document actual expenditures by the project participant.

(f) The district and the Commission reserve the right to audit project related accounts and records to determine if funds were expended in conformance with the agreement.

(g) A project participant shall maintain a separate accounting of the funds received under the Program.

(h) Records shall be retained for 3 years following the last payment for the project.

(i) Upon the request of the district or the Commission, or both, project participants shall provide access to all records, files and documents related to Program projects.

Section 13. Performance Standards.

(a) The Commission will establish, as it deems appropriate, performance standards for the implementation of the Program. These standards may include specific administrative policies or technical requirements, or both, adopted by the Commission for the implementation and administration of the Program, including standards which prohibit the use of materials or practices which are environmentally harmful.

(b) Standards which prohibit the use of materials or practices which are environmentally harmful shall include the following minimum requirements:

(1) The commercial products used by project participants within a project area shall be used or installed, or both, according to manufacturer's recommendations and label requirements.

(2) Materials toxic to aquatic life, as defined by The Clean Streams Law (35 P. S. §§ 691.1--691.1001), may not be used where surface runoff may enter surface or ground waters.

(3) Compliance with applicable Federal, State and local laws, regulations and permit requirements.

Section 14. Payment of Eligible Expenses to Project Participants.

(a) Payments made by a district pursuant to a project agreement shall be solely for eligible expenses.

(b) Claims for payment shall be submitted by a project participant to the district in accordance with the schedule and terms contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the project cost summary contained in the approved project application and work plan. Claims may include receipts, weigh slips, equipment use time sheets, employee time sheets or other appropriate supporting information to document actual expenditures by the project participants.

(c) For the purpose of dispersing funds to a project participant under a project agreement, the district may process an advanced working capital payment as follows:

(1) Upon the full execution of the project agreement, the district may process an advanced payment to a project participant of up to 50% of the approved project expenses.

(2) Subsequent payments to the project participant will be made on an actual cash expended basis.

(3) In all cases, the district shall withhold payment of at least 30% of the approved project expenses until the satisfactory completion of the project. Final payment for the project expenses shall be made only after a final inspection by the district determines that the work was performed consistent with the project application and the work plan, and to the satisfaction of the district.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Date: December 28, 2017

To: State Conservation Commission

From: Roy Richardson, Dirt and Gravel Roads Program Coordinator

Through: Karl G. Brown, Executive Secretary

RE: Dirt, Gravel, and Low Volume Roads Program 5-Year Agreement

Background: Funding for the Dirt, Gravel, and Low Volume Road maintenance program (DGLVR) is delivered to conservation districts through a 5-year agreement. The current agreement expires on June 30, 2018. Staff has been working with legal counsel to develop a new agreement which will run from July 1, 2018 through June 30, 2023.

Changes: While most of the contract remains unchanged, there are a few noteworthy additions as follows:

Article 1, section 1.2 - Language has been added that would allow the agreement to be extended for 1 year to June 30, 2019 to allow conservation districts a full 2 years to complete projects.

Article 1, section 1.3 - Previous agreements required conservations to spend or commit funds to projects within two years. This new agreement requires districts to spend funds within two years of receipt. The intent of this change is to avoid large sums of unspent funds at the end of the agreement.

Article III section 3.5 – Language has been added to require quarterly reporting.

Timeline: This draft agreement will be sent to the conservation districts for review and comment. The goal is to have the agreement ready for approval at the March business meeting.

**DIRT, GRAVEL AND LOW-VOLUME ROAD MAINTENANCE
PROGRAM AGREEMENT**

This Dirt, Gravel and Low-Volume Road Maintenance Program Agreement is entered into by and between the Commonwealth of Pennsylvania (“Commonwealth”), through the Department of Agriculture (“Department”) and the State Conservation Commission (“Commission”), with their principal offices located at 2301 N. Cameron Street, Harrisburg, PA 17110, and the _____ Conservation District, with its principal offices located at _____, PA _____ (“District”).

WITNESSETH:

WHEREAS, section 9106 of the Vehicle Code (75 Pa.C.S. § 9106) has established the Dirt, Gravel and Low-Volume Road Maintenance Program to provide a dedicated and earmarked mechanism of funding the safe, efficient and environmentally sound maintenance and improvement of dirt, gravel and low-volume state and municipal roads (“Program”);

WHEREAS, the State Legislature has directed that funds in the amount of \$28,000,000.00 shall be appropriated annually to the Commission and administered in a non-lapsing, non-transferable account restricted to maintenance and improvement of dirt, gravel and low-volume State and municipal roads;

WHEREAS, the Commission annually apportions these funds to county conservation districts based upon the apportionment criteria in subsection (c) of section 9106 of the Vehicle Code to fund projects at the county level that will fulfill the purpose of the Program; and

WHEREAS, the District wishes to conduct projects for the maintenance and improvement of dirt, gravel and low-volume roads within _____ County;

NOW THEREFORE, the parties hereto, intending to be legally bound, agree as follows:

**ARTICLE I
GENERAL CONDITIONS**

- 1.1. **Term, Effective Date.** The term of this Agreement shall be for five years, beginning on July 1, 2018 and ending on June 30, 2023. This Agreement shall become effective on the date of the last required Commonwealth signature.
- 1.2. **Payment for Program Activities.** Upon full execution of this Agreement, the Commission may, at its discretion, reimburse the District for expenditures for project work under the Program from July 1, 2018 through the date of full execution. The Commission shall pay for expenditures for work pursuant to project contracts entered into by the District between the date of full execution through June 30, 2023. All project work pursuant to project 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, 2024.

- 1.3. **Spending of Funds.** All funds apportioned to the District under this Agreement and budgeted by the District shall be spent by the District pursuant to project contracts for road maintenance work that meets the requirements of the Program. Unless waived by the Commission, all funds apportioned 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, 2024, or the funds will revert back to the control of the Commission for future apportionments, or the District may, at the discretion of the Commission, be ineligible for future allocations, or the amount of such funds may be deducted from any future apportionment to the District.
- 1.4. **Requirements for Operation of Program.** All projects funded under the Program shall be conducted in accordance with the Commission's then-current (1) Statement of Policy, and (2) Administrative Guidance Manual, as those documents may be amended from time to time, which will be published on the website of the Center for Dirt and Gravel Road Studies at: <https://www.dirtandgravel.psu.edu/>.
- 1.5. **No Personal Financial Benefit.** No District director, Quality Assurance Board member, or District employee, Commission member, or staff of the Commission shall, as a result of this Program, be permitted to obtain financial benefits for himself/herself, an immediate family member, or a business with which he/she is associated. 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.

ARTICLE II APPORTIONMENT AND USE OF FUNDS

- 2.1. **Apportionment of Funds.** Contingent upon the availability of funds, the Commission shall apportion funds to participating Districts at least annually based upon the apportionment criteria in subsection (c) of section 9106 of the Vehicle Code without the need to amend this Agreement.
- 2.2. **Notice of Allocation.** The Commission shall publish notification of all funds apportioned to participating Districts under the Program on the website for the Center for Dirt and Gravel Road Studies at: <https://www.dirtandgravel.psu.edu/>.
- 2.3. **Transfer of Funds.** The Commission shall transfer funds to participating Districts in a manner consistent with Section 9106 of the Vehicle Code and the Commission's Statement of Policy and Administrative Guidance Manual.
- 2.4. **Administrative Costs.** The District may utilize up to 10% of the total apportioned funds received from the Commission for administrative costs, limited to actual documented costs as defined by the Commission.

- 2.5. **Training and Education.** The District may utilize up to 10% of the total apportioned funds for training grants and educational purposes at the county level. The Commission may change the allowable percentage of total apportioned funds that may be utilized for training grants and educational purposes at the county level without the need to amend this Agreement.
- 2.6. **Statewide Education and Training Program.** The Commission may provide technical oversight and training to the participating Districts by aggregating and managing up to 10% of the total Program funds for the development and delivery of a coordinated, statewide dirt and gravel road education and training Program.

ARTICLE III
DISTRICT RESPONSIBILITIES AND OBLIGATIONS

- 3.1 **Annual Budget.** The District shall prepare an annual budget for the Program, which is consistent with the Commission’s allocation of funds to the District.
- 3.2 **Supervision of Program.** The District shall exercise direct supervision over the Program established within its county and the Quality Assurance Board impaneled to administer the Program pursuant to 75 Pa.C.S. § 9106(e).
- 3.3 **Compliance with Laws.** The District shall conduct the Program in accordance with Section 9106 of the Vehicle Code, with all other standards and conditions established by the Commission and the District’s Quality Assurance Board, 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 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 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 apportioned 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 which could significantly change or otherwise affect the District’s ability to implement the Program or the 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 this Program and any problems pertinent to it.

- 3.7 **Accounting of Funds.** The District shall maintain a separate accounting of the funds received under the 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 Dirt, Gravel, and Low Volume Road Maintenance Program.

ARTICLE IV
STANDARD COMMONWEALTH TERMS AND CONDITIONS

- 4.1 **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.
- 4.2 **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.
- 4.3 **Temporary Suspension.** If, at any time during the term of this Agreement, the approved Program, 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.
- 4.4 **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.
- 4.5 **Liability.** Neither the Commission, the Department, the Commonwealth nor the District assumes any liability for each other. As to liability to each other for injury or death to persons, or damages to property, the Commonwealth and the District do not waive any defenses as a result of entering into this Agreement. This provision shall not be construed to limit the Commonwealth's rights, claims or defenses, which arise as a matter

of law pursuant to any provisions of this Agreement. This provision shall not be construed to limit the sovereign immunity of the Commonwealth.

- 4.6 **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.
- 4.7 **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.
- 4.8 **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:
1. Appendix A – Pennsylvania Electronic Payment Program
 2. Appendix B – Nondiscrimination/Sexual Harassment Clause, with respect to which the District is the “Grantee”
 3. Appendix C – Contractor Integrity Provisions, with respect to which the District is the “Contractor.”
 4. Appendix D – The Americans With Disabilities Act provisions, with respect to which the District is the “Contractor.”
 5. Appendix E – Right-to-Know Provisions, with respect to which the District is the “Grantee.”
 6. Appendix F – Contractor Responsibility/Offset Provisions, with respect to which the District is the “Contractor.”
- 4.9 **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.
- 4.10 **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.
- 4.11 **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.
- 4.12 **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.

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

Districts, through this Agreement, may choose to receive allocations for both Dirt and Gravel Roads, and Low Volume Roads, or may choose to participate in only one part of the Program:

- Enter into agreement for BOTH “Dirt and Gravel” and “Low Volume” Road funding
- Enter into agreement for “Dirt and Gravel” funding ONLY
- Enter into agreement for “Low Volume” funding ONLY

STATE CONSERVATION COMMISSION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT AGRICULTURE

Executive Secretary (Date)

Secretary (Date)

Attest:

CONSERVATION DISTRICT

District Secretary/Treasurer (Date)

District Chairman (Date)

Federal ID No. 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)

Secretary (Date)
Office of Budget

I hereby certify that funds in the amount of \$_____ are available under
Appropriation: _____

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. 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.
4. 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.
5. 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.
6. 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.
7. The Grantor'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.

8. 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.



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PLANNING AND CONSERVATION

MEMO

TO Karl G. Brown
Executive Secretary
State Conservation Commission

FROM Karen L. Books *KLB*
Water Program Specialist
Conservation District Support Section

THROUGH C. Frederick Fiscus III *CFF*
Chief
Conservation District Support Section

DATE January 5, 2017

RE Review of District Audit Reports for Calendar Year 2016

ACTION REQUESTED: Accept report of district audits for calendar year 2016

Background

Since 1999, the State Conservation Commission has required conservation district financial records to be audited under the supervision of a certified public accountant. Those audits must be independent of the County audit and completed in accordance with generally accepted auditing standards and the standards applicable to "Financial Statement" audits contained in the latest revision of *Government Auditing Standards* issued by the Comptroller General of the United States.

Summary of Audit Findings

Since 1999, districts have consistently made positive efforts in addressing the recommendations and findings reported in their audits. Thirty-four (34) district audit reports had "no reportable findings". This is the one less district with "no reportable findings" than we had last year. Many of the more common findings identified during the initial years have been addressed; however, there are two common findings which continue to be noted. "*Lack of segregation of duties*" was noted in 21 of the audits (which is the same as last year) and "*proper recording of accounts payable*" was noted

in 8 of the audits. These findings comprised 66% of all findings noted. Explanations of these two findings are as follows:

"Lack of segregation of duties" is related to the small number of staff in some district offices. Due to this small number of staff, these districts have difficulty achieving the segregation of duties recommended for an efficient system of internal controls over their finances. As an interim measure, district auditors consistently recommend that conservation district directors take an active role in the financial functions of their district. This involvement is intended to minimize the possibility that any errors or irregularities could occur.

To permanently address *"Lack of segregation of duties"*, districts would need to implement a policy that increases the number of district staff overseeing/reviewing district financial activities. Commission and Agency staff have looked into this issue and plan to recommend some options in the future to help districts address these findings.

"Proper recording of accounts payable", this finding often occurs when a district submits an invoice to be paid in one calendar year, but does not get reimbursed until the next calendar year or when the district sets up their accounts on a cash basis, but the audit is completed on an accrual basis.

To address *"proper recording of accounts payable"*, districts need to review all expenditures with the appropriate personnel to ensure all appropriate accounts payables are recorded in the correct period of benefit.

Summary of Compliance with the Commission's Audit Policy

I am pleased to report that all sixty-six conservation district audit reports were independent of the County audit as required and were submitted by the December 31, 2017 deadline as stated the Commission's audit policy.

I am also pleased to report that the 2016 audits show all districts are following the guidelines approved by the Commission dealing with *Custodial Credit Risk*, for both bank deposits and investments. In 2016 there were no districts with unsecured funds exposed to *Custodial Credit Risk*. Over the past couple of years, districts have been addressing this issue. This is the second year in a row where no district funds were exposed to *Custodial Credit Risk*.

For new Commission members and those that need a refresher, the following is an explanation of *Custodial Credit Risk*.

Custodial Credit Risk is the risk a district assumes when its deposits over a certain federally insured amount, currently \$250,000, may or may not be available in the event of failure of the financial institution that has pledged securities as collateral to protect these funds. These deposits, in excess of \$250,000, are not covered by federal depository insurance, but are protected by collateral securities held by a pledging financial institution.

These securities are typically not held under the district's name and in the event that the pledging institution would fail, the district may not be able to recover the full value of its investment or collateralized securities that are in possession of this institution.

To minimize the risk to bank deposits and investments that fall under the category of *Custodial Credit Risk*, the Commission recommends that districts follow the guidelines presented on the second page of the investment *Model Policy* approved by the Commission in May 2010 and distributed to all districts. The guidelines are as follows:

The Conservation District board should assure that:

- The District has a written agreement with the institution regarding the collateral pledge;
- The pledge is approved by the institution's board of directors or loan committee, and such approval is reflected in the institution's minutes and is kept continuously as an official record of the institution;
- The market value (not just the face value) of the pledged securities is tested frequently and is at least equal to the amount of the deposits plus accrued interest;
- The pledged securities are U.S. Government Securities; and
- The District receives, from the bank, monthly reports on the amount of this deposit, the identity of the collateral and the market value of the collateral.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: January 5, 2018

TO: Members,
State Conservation Commission

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

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

RE: Susquehanna County Conservation District Reserve Account
Additional Funds Request

Action Requested:

Approval of Susquehanna County Conservation District's request to designate FY2017-18 Unconventional Gas Well funds, in the amount of \$93,186 into an existing reserve account.

Background:

The SCCD Board of Director's acted during its October 2014 board meeting to beginning planning for a future office building purchase or construction. That decision was driven by two factors: 1) limited office space for current and possible expansion of staff, and 2) the current lease agreement would be expiring at the end of 2015. The conservation district purchased a four-acre tract of land in December 2015 in Montrose, PA. The district is currently engaged in the design and cost estimate phase for the construction of the new building.

At its March 17, 2015, public meeting, the State Conservation Commission approved the creation of a Building Reserve Account, under the Conservation District Fund Allocation Program Statement of Policy, at the request of the Susquehanna County Conservation District (SCCD), for use of Unconventional Gas Well (UGW) funds allocated to the district. The approved request placed \$108,254 of UGW funds in a reserve account for a new office building project. Subsequently additional UGW funds from FY2015-16 and FY2016-17 allocations in the amount of \$139,692 were request by the SCCD for designation to the Building Reserve account and approved by the Commission.

Attached is a request (Attachment 1) to designate \$93,186 in allocated FY2017-18 UGW funds into the district's existing Building Reserve Account established for the building project. The SCCD Board of Director's acted to designate these funds at its September 21, 2017 public meeting (Attachment 2).

Recommendation:

Staff recommends that the Commission approve the request for additional funds to be designated to the SCCD Building Reserve Account in the amount of \$93,186 for the building project.

**Proposed Building Reserve Account
using SCC Allocated UGW Funds '17-'18**

District Name Susquehanna County Conservation District

Date Board took action on creating this proposed account: 21 September 2017 (addition to existing account)
(see attached copy of district board minutes)

Name of Proposed Reserve Account: CDFAP/UGWF Building Fund

Purpose/description of account and the overall building project:

Account created in 2015 for funding a new office building. Would like to add additional funds to existing account.

Update: We have an approved building design. We have put this project out to bid twice in 2017. Due to the Separations ACT of 1913 we have not been able to move forward with entering into contracts to have the building constructed. We are currently working with our Building Committee to re-bid the project for Spring 2018 construction.

Length of time you expect account to remain active: 2-3 years (ex. 1 yr, 2 yr, permanent)

Who owns the property: Susquehanna County Conservation District

If the property is not owned by the District, how long of a lease do you have: NA

Will the District have a mortgage and how long will it be for after the building is complete: Yes Not sure how long

Fiscal management policy relating to the account:

How will you document expenditures in the account: QuickBooks – District Audit

Will the board take action on each transaction: yes

Who will have signature authority on the account: 2 signatures chair, Treasure, Manager (ex. Manager, chair)

Expected Size of Account: ~\$350,000.00

Will this account be replenished and if so how: No

Additional Information pertinent to the use of the reserve account:

SUSQUEHANNA CONSERVATION DISTRICT

Board Meeting

DATE: Thursday September 21, 2017 Place: 88 Chenango St.

START TIME: 8:30 A.M.

Approved

- **Start time: 08:33 AM** **End time: 10:09AM**
- **Attendance:** Maria Hill, Jim Garner, Ben Hoover, Bill Bayne, Ain Welmon, Ray Warriner, Doug Wood, Pete Tarby, Jim Kessler, Brian Severcool, Curt Hepler, Lillian Theophanis, MaryAnn Warren
- **Call to Order**
- **Pledge to the Flag**
- **COMMENTS FROM THE PUBLIC**

Action Items

- **Action on Previous Meeting Minutes**
- Curt motions to accept the August minutes as presented Jim K. seconds - motion passed
- **Treasurer's Report**
- Jim K. motions to bind the treasurer's report over for audit Bill Bayne seconds motion passed
- **Ag committee recommendations**
- Curt Motions to accept the following recommendations from the Ag Committee Brian seconds – motion passed
 1. The committee recommends that we keep pricing for the InterSeeder consistent with the no-till seeder pricing and allow for the cover crop discount when applicable
 2. The committee recommends that the District keep the seeders and corn planter that we currently own and revisiting the idea to sell any of them at a later date
- **Draft grant application form**
- Send to solicitor to review
- **QAB recommendations**
- Curt motions to accept the following QAB recommendations Brian seconds – motion passed
 - The QAB requests the following townships be granted an extension till 9/30/2018:
 - Gibson Township – Creek Road
 - Middletown Township – Upham Road
 - Thompson Township – Barton Road
 - Harford Township – Tyler Lake Road

- **Agency Reports**
 - **NRCS** – Ain reviewed report.
 - **NERO & Chesapeake Bay** – Pete reviewed reports. Practice Keeper is now available. Contact Steve Tagline for more information on Practice Keeper
- **Staff Reports:** attached
- **Nominating Organization Reports**
 - **Forest Landowners:** There will not be a fall bus tour this year however they will have a tree farm tour on Oct 7th at Jim Kessler's Tree Farm open to public Registration at 9:30am and will head to the woods at 10:00am.
 - Note that Curt Hepler's farm is also having a farm tour on Oct 7th at 9:30am
 - **Farm Bureau-** Annual meeting will be on Oct 4th 2017. They are also recommending repealing the Separations Act of 1913
 - **Building Committee update:** We will have to re-advertise because there was a problem with the wording related to specifications. Will see if we can get an exemption on prevailing wages. Will look into other options of constructing the building such as creating or working with a committee or group/501c(3) that can construct buildings without the restrictions the District has. Jim G. will report back to board next month
 - **Commissioner Report** – Sept. is suicide awareness month. The County purchased signs for all 6 schools for anti-bullying. MaryAnn spoke at Out of the Darkness Walk. Working on the Rainbow Alliance because there are no LGBT alliances in Susquehanna County. The newly renovated entrance of the Court house is open. An open house will be happening in the future. Commissioners meeting will be moved to the lobby conference room on the Lake Ave. side of the building.
- **Other**
 - Brian motions to have our solicitor send a letter to the Chesapeake Bay Program in regards to the changes occurring in our signed contract without notification or approval by the District Ben seconds - motion passed
 - Curt motions to use \$16,350.00 of UGWF funds for Special Projects and the remaining \$93,186.00 to go to our building fund (capital reserve) for a total of \$109,536.00 Brian seconds – motion passed
 - Brian motions to send Christie and Wes to the Annual Nutrient Management training in November Curt seconds - motion passed
 - Ben motions that the District will not have a 2017 Fall Fish sale Brian seconds – motion passed

Anniversary committee – The 70th Annual Banquet will be at the Montrose VFW on the 8th of November. Rich Fritzky will be speaking on Projects that he has been working on with the PA Game Commission. Denise Coleman will also be speaking. Awards are on track and coming along. The committee will send Jim G. the list of the awards and names by next week that will be passed along to the board via email. The board will respond if they are in agreeance with the names and awards put forward. Jim G. will call Bill Bayne with the award information.

Informational items

- **Pipeline projects update**
 - **Constitution** – 80% done picking up trees
 - **ASR** – Has approvals from the state. JT is at a pre-construction meeting this morning. Safety training will happen at the District sometime in the next couple of weeks
 - **UGI** – almost all the pipe is in the ground. Two stream crossings are being worked on

- **Jim G. reviewed correspondence**

- COMMENTS FROM THE PUBLIC

- Ben motions to adjourn at 10:09am Brian seconds – motion passed



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Date: January 4, 2018

To: Members
State Conservation Commission

From: Karl G. Brown, Executive Secretary

RE: 2018 Conservation District Director Appointments

As of January 4, 2018, Chief Clerks from 53 counties (80% of all counties) have submitted their county's list of Conservation District Director appointments for 2018 to the State Conservation Commission. Those counties noted below with an asterisk are those counties where appointments have not yet been received by the Commission. Reminder letters will be mailed in January to those counties that have not submitted their director appointments to the Commission.

- | | | | |
|----------------|----------------|--------------------|------------------|
| 1. Adams | 18. Clinton | 35. Lackawanna* | 52. Potter |
| 2. Allegheny* | 19. Columbia | 36. Lancaster | 53. Schuylkill |
| 3. Armstrong | 20. Crawford | 37. Lawrence | 54. Snyder |
| 4. Beaver* | 21. Cumberland | 38. Lebanon | 55. Somerset |
| 5. Bedford | 22. Dauphin | 39. Lehigh* | 56. Sullivan |
| 6. Berks | 23. Delaware | 40. Luzerne* | 57. Susquehanna |
| 7. Blair | 24. Elk | 41. Lycoming* | 58. Tioga |
| 8. Bradford | 25. Erie* | 42. McKean | 59. Union* |
| 9. Bucks | 26. Fayette | 43. Mercer* | 60. Venango |
| 10. Butler | 27. Forest | 44. Mifflin | 61. Warren |
| 11. Cambria | 28. Franklin | 45. Monroe | 62. Washington |
| 12. Cameron | 29. Fulton | 46. Montgomery | 63. Wayne |
| 13. Carbon* | 30. Greene* | 47. Montour | 64. Westmoreland |
| 14. Centre | 31. Huntingdon | 48. Northampton* | 65. Wyoming* |
| 15. Chester | 32. Indiana | 49. Northumberland | 66. York |
| 16. Clarion | 33. Jefferson | 50. Perry | |
| 17. Clearfield | 34. Juniata | 51. Pike | |



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

January 8, 2017

To: Members
State Conservation Commission

From: Karl G. Brown
Executive Secretary

RE: Chesapeake Bay Ag Inspection Reporting via Practice
Keeper

Steven W. Taglang, DEP, will provide an update on this inspection reporting.

Additional information regarding this agenda item will be provided at our January 17, 2018 meeting.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: January 5, 2018

TO: Members,
State Conservation Commission

FROM: Karl G. Brown, Executive Secretary

RE: Spotted Lanternfly in Pennsylvania

Action Requested:

No action is necessary for this agenda item.

Background:

On September 22, 2014, the Pennsylvania Department of Agriculture (Department), in cooperation with the Pennsylvania Game Commission, confirmed the presence the Spotted Lanternfly in Berks County, Pennsylvania, the first detection of this non-native species in the United States. Upon determination that the potential impact to Pennsylvania's agricultural economy and natural resources was great, the Department issued a quarantine with the intent to restrict the movement of the Spotted Lanternfly on November 1, 2014. Counties in eastern Pennsylvania are under limited movement quarantine as the Department and its federal, state, local and non-governmental cooperators develop a strategy to eliminate this pest from the Commonwealth.

The Spotted Lanternfly is a plant hopper native to China, India and Vietnam, and has been introduced in South Korea and Japan. In Korea, where it was first detected in 2004, the Spotted Lanternfly is known utilize more than 70 species, 25 of which also occur in Pennsylvania, including cultivated grapes, fruit trees, and hardwood species. In the U.S., the Spotted Lanternfly has the potential to greatly impact the viticulture (grape), tree fruit, plant nursery and timber industries.

Early detection is vital to the effective control of this pest and the protection of PA agriculture and natural resources-related businesses.

Dana Rhodes, Plant Inspection Program Specialist/State Program Regulatory Official with the Bureau of Plant Industry, PDA will provide an update on the Department's education and detection activities and strategy for the control of the Spotted Lanternfly in Pennsylvania.

Spotted Lanternfly in Pennsylvania



On September 22, 2014, the Entomology Program of the Pennsylvania Department of Agriculture received a report from an educator from the Pennsylvania Game Commission

The report detailed damage to *Ailanthus altissima* (Tree of Heaven) on private property in Eastern Berks County, PA being caused by an unknown insect

Spotted Lanternfly in Pennsylvania



The spotted lanternfly is native to Asia and is found in China, Bangladesh, Vietnam

It was introduced to Japan, South Korea and Pennsylvania

In South Korea, it is considered an invasive pest and impacts grapes and peaches

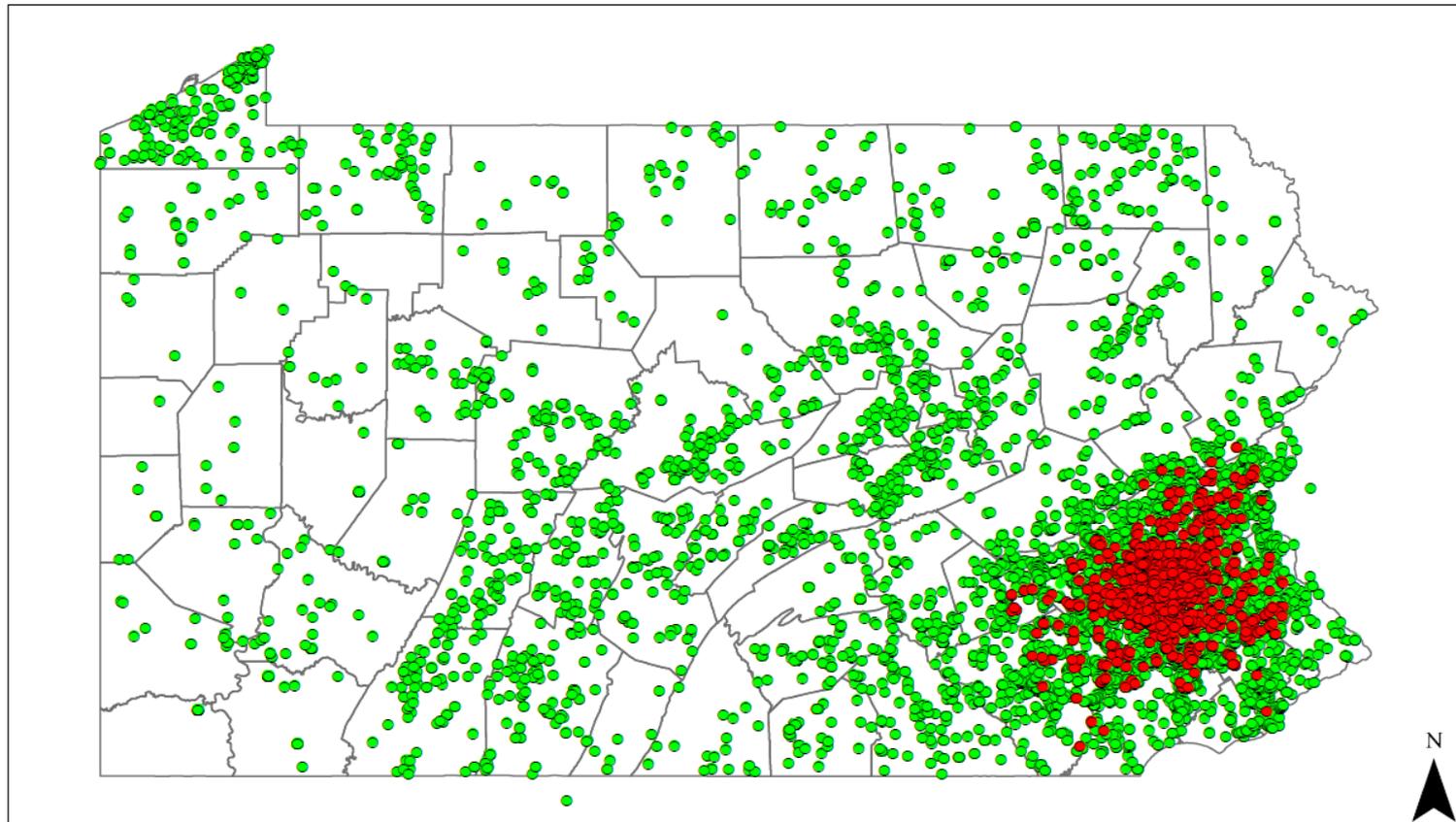


Follow FLOW:



Current Distribution

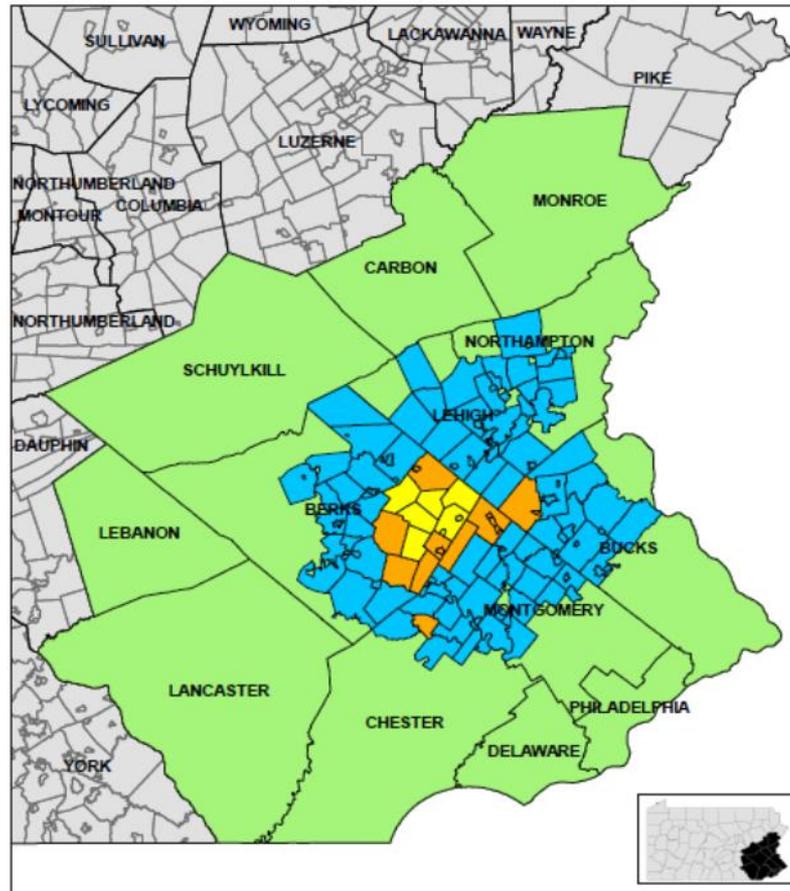
2014 -- 2017 Lycorma Detection Survey
Results through 12 October 2017



Spotted Lanternfly Presence

- Positive
- Negative

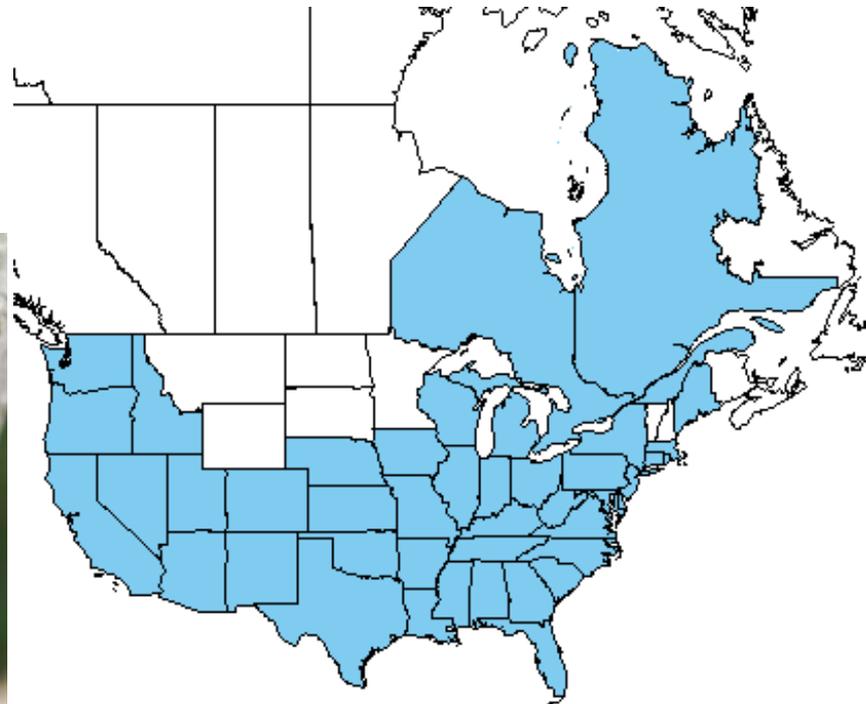
Pennsylvania Spotted Lanternfly Quarantine Map by Year 2014-2017



Legend

- | | |
|--|--|
|  Quarantine2014 |  Quarantine2016 |
|  Quarantine2015 |  Quarantine2017 |

Spotted Lanternfly makes use of over 70 different plant species, but strongly prefers the invasive “Tree of Heaven”



Tree of Heaven Distribution-USDA PLANTS Database



What Is At Risk for Pennsylvania?



Current Values of Some Commodities Affected

- Forest Products: \$16.7 billion
- Grapes: \$28 million
- Apples: \$87 million
- Peaches: \$19 million
- Nursery and Landscape: \$944 million

Unable to Estimate Value of Losses

- Property Values
- Tourism at PA parks and Game Lands
- PA Ecosystems
- New Business Initiatives
 - Port of Philadelphia
 - PA Preferred Brew

Spotted Lanternfly in Pennsylvania



Spotted Lanternfly in Pennsylvania



Adults: July - December



**Egg Laying:
September -
November**



Eggs: October - June



**Fourth Instar:
July - September**

One Generation Per Year



Third Instar: June - July



Second Instar: June - July



**Hatch and 1st
Instar:
May - June**

Egg masses contain between 30-50 eggs, are laid on many different objects, and are often well hidden



Spotted Lanternfly in Pennsylvania



All life stages can hitchhike to new areas, but eggs and adults pose the greatest risk for movement



The Spotted lanternfly program relies on cooperation.

Local officials, state agencies, lead the organizational charge.

Extension, Universities, and the USDA research new methods to deal with this pest.

PDA crews, USDA crews, volunteers, property owners, local municipalities and businesses work in concert

Spotted Lanternfly in Pennsylvania



Impact:

Adult clustering, swarming and Honeydew accumulation can impact quality of life.



Assistance:

There are opportunities in the day-day interaction with landowners that can provide education



Educate Community

- Help businesses and residents understand the need for multiple approaches
- Make sure people understand what the spotted lanternfly does not harm
- Spotted lanternfly do not overwinter in houses
- Utilize licensed pesticide applicators



Spotted Lanternfly in Pennsylvania



Control method developed by PDA has shown dramatic results

Select removal of Tree of Heaven and treating remaining trees with Dinotefuran has been successful

Too many insects and too many trees for one agency to handle

Need cooperation from those with vegetation management plans, residents and companies

Control of Spotted Lanternfly will require an **IPM** approach:

Egg Mass Scraping

Banding

Trap Trees

Ailanthus reduction

Combination Contact and

Systemic insecticides

Mechanical removal



As the population of spotted lanternfly grows, and the insect adapts, new threats to multiple industries emerge

It is clear that more help is needed to contain this pest



Quarantine

Covers all life stages and conveyances

Limits movement of commodities and home articles

May allow continued interstate and international trade.

Requires inspection and safe movement from the quarantine

Slows processes and trade down, but does not completely stop trade

Wood recycling can still be completed, but may need think about how is done

Lumber harvest may still be made, but may need timelines



Working with Business



- Risk Assessment
- Education/Training
- Phytosanitary Certificate
- Permit
- Compliance Agreement
- Verification
- Affects Everyone
- Ag and Non-Ag Industries



Communication With
Community a Must

- Town hall Meetings
- Electronic Messaging
- Train the Trainer Program
- Update Meetings
- Newsletter Articles
- Business Visits



Spotted Lanternfly in Pennsylvania



THANK YOU

<http://www.agriculture.pa.gov/Spottedlanternfly>

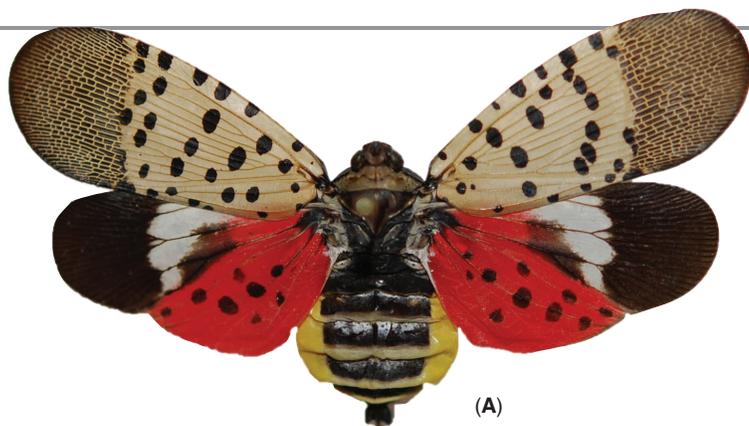


Pest Alert

Spotted Lanternfly

Lycorma delicatula (WHITE)
(Hemiptera: Fulgoridae)

The Spotted Lanternfly, *Lycorma delicatula* (White), an invasive planthopper, has been discovered in Berks County, Pennsylvania. It is native to China, India, Vietnam, and introduced to Korea where it has become a major pest. This insect attacks many hosts including grapes, apples, stone fruits, and tree of heaven and has the potential to greatly impact the grape, fruit tree, and logging industries. Early detection is vital for the protection of Pennsylvania businesses and agriculture.



*Photos courtesy of Park et al. 2009, *Biological Characteristics of Lycorma delicatula and the Control Effects of Some Insecticides*.

(A) Spotted Lanternfly showing the fore and hind wings (B) Resting against bark (C) Lateral view (D) Early nymphs (E) Late nymphs (F) Feeding on wild *Vitis* sp. (G) Weeping sap trail on tree (H) Egg mass covered in waxy coating (I) Old hatched egg mass on a trunk.

Identification:

The Spotted Lanternfly adult is approximately 1" long and 1/2" wide at rest. The forewing is grey with black spots and the wings tips are reticulated black blocks outlined in grey (A, B, C). The hind wings have contrasting patches of red and black with a white band (A). The legs and head are black; the abdomen is yellow with broad black bands. Immature stages are black with white spots, and develop red patches as they grow (D,E).

Hosts:

In the fall, adults congregate on tree of heaven (*Ailanthus altissima*) (F), willows (*Salix* sp.), and other trees, in groups of up to 20. Egg masses will be laid on medium to large trees, on trunk, branches, and limb bases. After hatching in the spring, nymphs will move off the tree and search out new hosts, including several kinds of agricultural crops. In Korea, it has been reported to attack 65 different species, 25+ of which are known to grow in Pennsylvania.

Signs and Symptoms:

Trees, such as tree of heaven and willow, will develop weeping wounds. These wounds will leave a greyish or black trail along the trunk (G). This sap will attract other insects to feed, notably wasps and ants. In late fall, adults will lay egg masses on host trees and nearby smooth surfaces like stone, outdoor furniture, vehicles, and structures. Newly laid egg masses have a grey mud-like covering which can take on a dry cracked appearance over time (H). Old egg masses appear as rows of 30-50 brownish seed-like deposits in 4-7 columns on the trunk, roughly an inch long (I).

What to do:

If you see egg masses, scrape them off, double bag them and throw them away. You can also place the eggs into alcohol or hand sanitizer to kill them. Please report all destroyed egg masses on our website listed below.

Collect a specimen: Specimens of any life stage can be turned in to the Pennsylvania Department of Agriculture's Entomology lab for verification. Directions for submission are on the reverse side of this alert.

Take a picture: A photograph of any life stage (including egg masses) can be submitted to Badbug@pa.gov.

Report a site: If you can't take a specimen or photograph, call the Automated Invasive Species Report Line at 1-866-253-7189 and leave a message detailing your sighting and contact information.



ENTOMOLOGY PROGRAM SAMPLE SUBMISSION FORM

The Entomology Program at the Pennsylvania Department of Agriculture can provide identification. Please complete this form to be submitted with the specimen(s).

SPECIMEN REQUIREMENTS:

1. All specimens should be dead.
2. Most specimens should be placed in 70-80% Ethyl or Isopropyl Alcohol in a leak proof vial.
(Moths, Butterflies, and Mealy bugs should be frozen and placed in a hard plastic container with dry paper toweling)
3. The vial should be placed in a zipper style bag.
4. Specimens from different locations (if applicable) should be placed in different vials.
5. A completed sample submission form must accompany the vial/container.

REQUIRED INFORMATION:

Name of Submitter: _____

Contact Information: Telephone: _____ Email: _____

Address where specimen was collected: _____

Date Collected: _____ Plant Host/Habitat: _____

Name of Person Who Collected Specimen: _____

Comments/Special Instruction: _____

Mail the vial/container and completed form, or deliver in person to:

Pennsylvania Department of Agriculture
Entomology - Room 111
2301 North Cameron Street
Harrisburg, PA 17110

Contact: Sven-Erik Spichiger at 717-772-5229 or Leo Donovall at 717-772-5225



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: December 26, 2017

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 November / December 2017.

For the months of November and December 2017, staff and delegated conservation districts have:

1. Odor Management Plans:
 - a. 14 OMPs in the review process
 - b. 6 OMPs approved
 - c. 1 OMP approval rescinded
2. Managing sixteen (16) enforcement or compliance actions, currently in various stages of the compliance process.
3. Worked with legal counsel on three (3) separate Environmental Hearing Board cases. Two previous cases were withdrawn by appellants.
4. Continue to work on getting final signatures on the new 5-year delegation agreement.
5. Performed four (4) Administrative Conferences for delegated Conservation Districts and released the new edition (4.0) of the Nutrient Management and Manure Management Administrative Manual.
6. Performed two (2) Technical Conference for plan writers and reviewers and released NM TM Version 10.0, and question / answer document.
7. Continue to daily answer questions for NMP writers, NMP reviewers, delegated Conservation Districts, and others.

8. Assisted DEP with various functions and as workgroup members in Federal and State settings for the Chesapeake Bay Program.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: November 2, 2017

TO: Members
State Conservation Commission

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

SUBJECT: November 2017 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 July 2017 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 October 31, 2017.

The table below summarizes approved plans grouped by the Nutrient Management Program Coordinator Areas and by calendar year.

	Central	NE/NC	SE/SC	West	Totals
2009	7	6	27	1	41
2010	5	7	25	2	39
2011	10	11	15	2	38
2012	9	16	16	2	43
2013	10	11	37	3	61
2014	13	15	44	2	74
2015	15	15	59	2	91
2016	19	16	59	4	98
2017	21	20	38	3	83
Total	109	117	320	21	
Grand Total					568

Note that 2017 YTD is through October 31, 2017.

As of October 31, 2017, there are five hundred sixty-eight **approved** plans and/or amendments, eight plans have been **denied**, sixteen plans have been **withdrawn** without action taken, forty-two plans were **rescinded**, and eleven plans are going through the **plan review process**.

OMP Actions Status Report

Action	OMP Name	County	Municipality	Species	AEUs	OSI Score	Status	Amended
11/7/2017	Ott, Aaron - Back Run Road	Fulton	Ayr Twp	Swine	688.57	35.1	Approved	A
11/27/2017	Horst, Gerald Z	Lebanon	S Annville Twp	Broilers	222.24	60.4	Approved	
11/27/2017	Nissley, Joel	Lancaster	Rapho Twp	Broilers	20.23	30.6	Approved	
12/4/2017	Shepperson Farms	Northumberland	Lower Augusta Twp	Layers	72.50	47.25	Rescinded	
12/7/2017	Lucas, David	Berks	Upper Tulpehocken Twp	Swine	162.02	32.4	Approved	
12/8/2017	Garman, Clair Ray	Schuylkill	Washington Twp	Broilers	215.60	39.1	Approved	A
12/11/2017	Ruppert, Jason	Schuylkill	Wayne Twp	Broilers	74.90	58.7	Approved	A



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: January 5, 2018
TO: State Conservation Commission
FROM: Johan E. Berger
 Financial, Certification and Conservation District Programs
SUBJ: 2017 Program Accomplishments: Nutrient and Odor Management Specialist;
 Commercial Manure Hauler & Broker Certification programs

Certification Program Summary

State Conservation Commission staff facilitate training and certification programs for persons interested in ‘commercial’ or ‘public’ certification to develop or review nutrient management or odor management plans under the Act 38 *Nutrient Management and Facility Odor Management* programs. Training is also facilitated for commercial manure haulers and brokers seeking certification under the Act 49 *Commercial Manure Hauler and Broker Certification* program.

Program Accomplishments (January 1, 2017 to December 31, 2017)

1. Program staff facilitated two certification cycles of course work for the Nutrient Management Specialist certification program in 2017. Forty-seven (47) individuals completed the necessary certification coursework to achieve provisional certification. Each cycle includes twelve (12) days of training in eight (8) courses. Five (5) individuals completed their Odor Management Specialist certification requirements which includes 2 – 3 days of coursework.
2. Two certification cycles of coursework for the Commercial Manure Hauler and Broker certification program was offered in March and September 2017. Twenty-nine (29) commercial manure haulers or brokers completed their required coursework and certification requirements. Each cycle contains two (2) days of coursework.
3. Program staff performed thirty-one (31) reviews of nutrient management plan reviews for certification requirements. *Note: This is an internal review conducted on NMPs under review by public review specialists seeking final certification.*
4. Program staff issued the following licenses to individuals who successfully completed certification requirements and/or continuing education requirements for license renewals:
 - a. Nutrient Management and Odor Management Specialists:87
 - b. Nutrient Management Specialist (Provisional License).....40
 - c. Commercial Manure Haulers and Brokers:..... 329

Total licenses monitored and maintained by Commission staff on behalf of PDA:

- a. Nutrient Management Specialists..... 298
- b. Odor Management Specialists..... 42
- c. Commercial Manure Haulers and Brokers 660

5. Approved credits for eligible continuing education programs scheduled up to December 31, 2017:

- a. Nutrient Management & Odor Management Specialist certification: 47 events
- b. Commercial Manure Hauler and Broker certification:..... 14 events

6. Program staff performed twenty-nine (29) site inspections regarding record keeping requirements under the Act 49 Commercial Manure Hauler and Broker Certification Program. These included seven (7) follow-up inspections.

7. Four (4) compliance investigations under the Commercial Manure Hauler and Broker Certification program were performed. A 'notice of violation' and associated penalties were assessed and imposed for three licensees. Corrective actions were completed by the licensees. These cases are closed.

One compliance action remains open pending corrective actions by the licensee.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: January 5, 2018
TO: State Conservation Commission
FROM: Johan E. Berger
 Financial, Certification and Conservation District Programs
SUBJ: 2017 Program Accomplishments
 Resource Protection and Enhancement Program (REAP)

REAP Program Summary

The Resource Enhancement and Protection (REAP) Program allows farmers, businesses, and landowners to earn state tax credits in exchange for the implementation of conservation Best Management Practices (BMPs) on Pennsylvania farms. REAP is a “first-come, first-served” program – no rankings. The program is administered by the State Conservation Commission and the tax credits are awarded by the Pennsylvania Department of Revenue. Eligible applicants receive between 50% and 75% of project costs in the form of State tax credits for up to \$150,000 per agricultural operation.

Program Accomplishments

The FY2017 REAP application period opened on a ‘provisional basis’ on August 7th, 2017. Below is a summary of the FY2016 round of REAP applications and a summary of the FY2017 round, to date (1.) and, a summary of REAP activities from January 1, 2017 to December 31, 2017 (2). Approximately thirty (30) applications received in FY2016, representing approximately \$1.2 million, could not be considered under the FY2016 allocation. These applications will be held for consideration in the FY2017-18 round of applications for REAP.

(1.) FY 2016 & FY2017

Applications	Total Cost	Other Public Funds	REAP Requests	Credits Granted
2016 291	\$26.0 million	\$4.34 million	\$10.5 million	\$6.11 million
2017 113	\$8.6 million	\$1.7 million	\$3.4 million	\$2.02*

*Credits granted pending issuance by the Pa Department of Revenue

a) <u>REAP Request – project types</u>	<u>FY2016</u>	<u>FY2017</u>
1) Proposed.....	\$3.87 million	\$1.38 million
2) Completed Projects	\$6.63 million	\$2.02 million
b) No-Till Equipment.....	\$5.15 million	\$1.25 million
c) Structural BMPs	\$4.3 million	\$1.95 million
d) Plans (Ag E&S, Conservation, Manure Management, Nutr. Mgmt.)	\$185,000	\$38,880
e) Low Disturbance Residue Management Equipment	\$318,000	\$132,200
f) Precision Ag Equipment	\$100,200	\$33,000

(2.) January 01, 2017 – December 31, 2017

1. Tax Credits issued to applicants for completed projects\$4.4 million
2. Number of BMPs completed associated with issued tax credits..... 212
3. Number of new tax credit ‘sales’ completed..... 314 *sale transactions*
4. Value of new tax credits processed through ‘sales’.....\$5.4 million
5. Number of site inspections conducted on completed projects82
6. Educational and promotional activities included one press release:
 - 3 press release
 - 7 speaking events
 - 2 farm field days
 - 2 mass emails



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

Written Report

Date: December 19 ,2017

RE: 2017 Dirt, Gravel, and Low Volume Roads Program (DGLVRP) accomplishments

QAQC Visits - Staff has completed 14 Quality Assurance/Quality Control (QAQC) visits this year. Staff completed the goal of conducting all QAQC's in a 3-year period. Currently, the QAQC process has been revamped and Round 3 of QAQC's are set to start in January. There are currently 3 scheduled QAQC's for January and February with a goal of completing 25 in 2018.

Annual Workshop – The annual workshop was held in Athens Pa, on September 26,27,28. The workshop consisted of one day of classroom trainings and one day of field tours of actual projects completed in Bradford County. Approximately 200 attended including Conservation Districts, SCC and Center staff, Bureau of Forestry staff, Township Supervisors, DEP, and PennDOT Staff.

Payments to Conservation Districts – Conservation Districts receive ½ of their DGLVR allocation in advance. As they incur actual expenses, Districts then submit a replenishment request to receive the remaining funds. The following table is a summary of the DGLVR funds sent to Conservation Districts:

	FY 15-16	FY16-17	FY 17-18
Advances	\$13,033,999.50	\$13,034,000.00	\$13,034,000.00
Replenishments	\$9,225,628.60	\$2,394,009.77	\$21,402,468.69
Amount Remaining	\$5,265,259.36	\$10,719,823.22	\$7,411,287.64

Environmentally Sensitive Maintenance training (ESM) – 12 ESM training were held across the state with a total of 637 attendees.

Other:

- 7 webinars
- 4 project sharing sessions
- 4 stream crossing training workshops
- 3-day new hire training event
- 108 quarry visits

DRAFT



BUILDING BRIDGES

Farmers * Municipalities * Citizens
Conservation Districts * Agribusiness

To: Members
State Conservation Commission

January 17, 2018

From: Shelly Dehoff
Agriculture/Public Liaison

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

Re: Agricultural Ombudsman Program Update

Activities: Since mid-November 2017, I have taken part or assisted in a number of events, including the following:

- Finalized the creation of a statewide publication regarding ag compliance action efforts for Manure Haulers/Brokers, and began specific distribution
- Working with contractor to create Google spreadsheet as an option for farmers to keep manure application records
- Attended round table in Lebanon County with PA Attorney General and Senior Attorney for ACRE program
- Coordinating with Cons Districts to offer Ag E&S Plan Writing or Manure Mgmt workshops, partnering with the Centers for Dairy/Beef in eastern PA
- continuing participation on "Expert Panel Establishment Group regarding Livestock and Poultry Mortality Management Practices"
- attended Mushroom Farmers of PA meeting
- attended SCC/PACD Winter meeting
- Serve as Chair of the South Central Task Force Agriculture Subcommittee
- Attended and assisted at Lancaster Co. Agriculture Council meetings

Local Government Interaction: I have been asked to provide educational input regarding agriculture:

Chester Co—on-going attendance at meetings related to Mushroom Phorid Flies with residents/municipality and with the Mushroom Farmers of PA

Lebanon Co—asked to look at zoning ordinance to decide if ACRE request is valid option

Clinton Co—talked to municipal consulting engineer about ordinance contents, and farmer frustrations related to wording

Moderation or Liaison Activities: I have been asked to provide moderation or liaison assistance with a particular situation:

Chester Co—attended meetings with residents and mushroom growers related to mushroom phorid flies

Lebanon Co—assisting with winery/vineyard and municipal situation and ACRE request

Research and Education Activities:

York Co—received request to help York Fresh Food Farms locate some items and resources

York Co—farmer called about improper livestock disposal complaint

Fly Complaint Response Coordination: I have taken complaints or am coordinating fly-related issues in:

Lancaster Co— fly/odor complaint received

Dauphin Co— biosolids/odor/fly complaint



BUILDING BRIDGES

Farmers* Municipalities* Citizens
Conservation Districts* Agribusiness

To: Members December 29, 2017
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: November-December 2017

- Assisted with Nutrient Management Conference (Clarion County)
- Administering Blair County's NFWF Grant
 - Completed the grant's final report.
- Planning AG- E/S Workshops in partnership with the Centers for Dairy/Beef Excellence

Meetings/Trainings/Events

- Rain Garden Planting Day w/ City of Altoona -November 3
- Antis Township Meeting – November 6
- YMCA Rain Garden Planting Day w/Hollidaysburg Borough - November 9
- Nutrient Management Conference – November 16
- Planning Meeting with Center for Dairy/Beef Excellence and Penn State University

Conflict Issues/Municipal Assistance –

- Lycoming County- fly complaint – continuing to work with farmers, County Commissioners, Dr. Martin, Conservation District, and neighbors
- Clinton County – fly complaint - on going. Follow up is needed with the integrator and CD.

Reports & Grant Applications

- Prepared and submitted National Fish and Wildlife Foundation grant's final report
- Submitted a USDA-National Institute of Food and Agriculture grant