



## PA Nutrient Management Regulations: Act 38 of 2005 Summary of Regulations Effective October 1, 2006

- ❖ **Who is regulated under this law (see Fact Sheet 54, from PSU):**
  - Must be high animal density **AND** must have at least 8,000 lbs of animals on the farm
  - High density farms are those that have more than 2,000 lbs of live animal weight per acre of land where manure is applied
    - ❖ Includes owned and rented land where manure is or will be applied
      - Cropland, hayland or pastures
    - ❖ Includes all livestock, whether they are for production or for recreation
    - ❖ **Example**, 10 horses (each weighing 1,000 lbs) on 4 acres of pasture
      - 10,000 lbs of animals/4 acres = **2,500 lbs per acre** (this is a regulated farm)
  - Also must have over 8,000 lbs of animals on the operation
    - ❖ Such as over: 8 horses, 55 finishing pigs, 2,300 hens, 9 steers, 6 cows, etc.
- ❖ **What are the regulated farms required to do:**
  - Develop and implement approved nutrient management plans
  - For newly regulated horse operations, the plan must be developed by 10/1/2008
- ❖ **What is included in a plan:**
  - The amount of manure generated on the operation
    - ❖ Use actual production records or calculated amount
  - The nutrient content of the manure
    - ❖ Based on manure test results
  - Manure application rates based on nitrogen and phosphorus
    - ❖ Nitrogen amount based on crop need
    - ❖ Phosphorus limitations based on field specific phosphorus index
    - ❖ Pastures are to be managed to eliminate over application of manure on these areas
  - Mechanical manure application setbacks
    - ❖ 100' setback from streams, lakes, ponds, sinkholes; OR 35' permanent vegetated buffer
    - ❖ 100' from active water wells
  - Manure handling procedures including properly maintained storage areas
    - ❖ Storage facilities designed and maintained to minimize manure runoff into streams and manure leaching into the groundwater
  - Barnyard and paddock management to minimize contaminated runoff to streams
    - ❖ Sized and located so as to minimize manure runoff to a stream
  - In-field stacking of manure
    - ❖ 120-day limit unless covered; also setbacks and properly shaped
  - Exported manure
    - ❖ Signed agreements and nutrient balance sheets documenting where it will go
    - ❖ Documentation not needed if less than 25 tons per year to an importer
- ❖ **Cost of plans**
  - Cost of plans depend on scope of operation, and amount of manure to export off site
    - ❖ Several hundred to over one-thousand dollars
  - Farmers can get certified to write their own plans (\$10 certification fee for 3 years)
  - 75% cost share available to hire someone to write your plan, or to write your own plan
- ❖ **Fall Manure Application on fields with <25% Cover (corn silage ground)**

- Establish cover crop, or
- Inject manure (deep or shallow), or
- Incorporation within 5 days using low-disturbance technique consistent with no-till practices
  
- ❖ **Winter Manure Application**
  - Winter is defined as:
    - ❖ December 15 – February 28, or
    - ❖ Frozen ground (4 inch depth), or
    - ❖ Snow-covered ground
  - Plan must list specific winter application fields and conditions for review and approval
  - Must have 25% minimum ground cover
  - Additional “winter” setbacks:
    - ❖ 100 feet from prior delineated wetlands adjacent to EV streams
    - ❖ 100 feet from intakes to ag drainage systems
  
- ❖ **If using a commercial manure hauler or broker**
  - Must meet a certified manure hauler or broker, under Pa Dept of Ag program
  
- ❖ **Soil Testing and Manure Analysis Required**
  - Soil tests every 3 years
  - Manure analysis annually for each major manure group
  
- ❖ **Phosphorus Management**
  - P Index required
    - ❖ Other site-specific method *may* be approved by the SCC
  - 5 year extension on full P Index implementation for most existing operations
    - ❖ Except fields draining into SP waters
  - Flexibility to address pastures with Very High P-Index value
    - ❖ P removal stocking rate, 50 foot stream buffer
  
- ❖ **Agriculture Erosion & Sedimentation Control Plans**
  - New Operations
    - ❖ Document existence of current Ag E&S Plan prior to NMP approval
  - Existing Operations
    - ❖ Document existence of current Ag E&S Plan by October 1, 2009
  
- ❖ **Manure Storage Setbacks**
  - 100 feet from:
    - ❖ streams, lakes, ponds,
    - ❖ active water wells
    - ❖ sinkholes,
    - ❖ property lines
    - ❖ prior delineated wetlands adjacent to Exceptional Value streams
  - A waiver from this requirement may be given for existing operations
  
- ❖ **Funding Programs**
  - Plan Development Incentives Program, 75% cost share for plan development (\$1,500 max)
  - Plan Maintenance Program – funding for annual plan updates
  - Plan Implementation Grant Program – for installing conservation practices on farms
    - ❖ 80% cost share funding (\$75,000 max) for farmers with a financial need
    - ❖ Must have at least 8,000 lbs of animals in order to qualify for cost share funding
  - Alternative Manure Technology Program – funding for new technology installation on farms
  - Cover Crop Program – funding cover crops to allow for fall applications on bare fields