

## Appendix 1

### Nutrient Management Plan Agreement and Responsibilities

This section of the nutrient management plan (plan) identifies what programs are being satisfied with this plan, implementation requirements for the operation, record keeping requirements, compliance with certain program efforts, and signatures from the planner and the operator. This is a key element of the plan documenting the operator's agreement to follow the plan and other program requirements.

It should be noted that the plan **MUST** be reviewed with the operator prior to submission to the conservation district for review. This is the planner's responsibility. The plan cannot be submitted until the farmer understands and agrees with all the provisions of the plan. The plan reviewer is to verify, during their on-site review of the plan, that the planner explained the plan to the farmer (at least the Summary section, Appendix 1 and Appendix 8) and that the farmer is in agreement with the provisions in the plan. If the reviewer finds that the planner has not reviewed at least the Plan Summary, Appendix 1 and Appendix 8 with the farmer, the plan reviewer is to relay that information to the certification program staff for their consideration. It is the intent of this guidance to ensure that the producer is involved with, and agreeable to the provisions outlined in the plan.

#### **Program Checkoff**

The planner must check the appropriate boxes indicating what program(s) the plan is being developed to satisfy. This is important to help the reviewer understand under what program provisions the plan is to be reviewed.

If the CAFO box is checked, the district is to coordinate their review with the appropriate regional DEP office that covers the county where the operation is located. The planner is to submit a copy of the plan, as soon as it is determined to be administratively complete, to the DEP office for their review. The DEP office is to send its comments to the district so they can incorporate the DEP comments in with the comments the district may have. The district should copy the regional DEP office on CAFO plan approval letters so DEP is aware if and when the CAFO plan was approved.

A CAFO is defined as any animal operation that meets any of the following criteria:

- A total of 1,000 or more AEUs on the operation, or
- Any CAO with a total of 300 or more AEUs on the operation, or
- Any animal operation with more than the following head numbers: 700 mature dairy cows; 1,000 veal calves; 1,000 cattle other than mature dairy cows or veal calves; 2,500 swine each weighing 55 pounds or more; 10,000 swine each weighing less than 55 lbs; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 laying hens or broilers if using a liquid manure handling system; 125,000 chickens (other than laying hens) if using a dry manure handling system; 82,000 laying hens if using a dry manure handling system; 5,000 ducks if using a liquid manure handling system; or 30,000 ducks if using a dry manure handling system.

Additional conditions to be addressed with CAFO nutrient management plans include:

1. 14 day limitation to dry manure stacking on the CAFO, unless the stack is protected. There needs to be a statement in the plan addressing this issue if it is relevant to the particular farm situation (this statement would not be necessary for plans that address only liquid manure).
2. Manure application setbacks may be imposed on additional water conveyance areas than those outlined in the Chapter 83 nutrient management regulations. These additional setback areas will be identified by DEP and will need to be addressed in the plan map(s).

CAFO nutrient management plans need to be publicly noticed in the Pa Bulletin prior to conservation district action. This publication will be done by DEP regional office staff. The district, immediately upon determining the CAFO nutrient management plan to be administratively complete, will need to complete the CAFO nutrient management plan reporting sheet briefly summarizing the CAFO nutrient management plan, and email that sheet to the DEP regional office serving that county (and cc the State Conservation Commission office), so the DEP regional office can publish notice in the Pa Bulletin. The District cannot take action on the plan until the 30-day public notice time frame has elapsed, and all comments that are submitted have been considered.

### **Verifications**

Emergency Response Plan: The planner is to indicate here that the operation has a completed Emergency Response Plan (ERP) on the farm. The planner should only check this box if they have developed or seen the completed ERP for the operation. The Commission has developed a standardized ERP format to use for this purpose. That standardized format is included as Supplement 13 of this technical manual. The ERP does not need to be submitted with the Act 38 plan submission, but it needs to be placed somewhere on the operation, easily accessible to the farmer and relevant farm workers. The farmer will no doubt be asked to show this ERP during the district's on-site plan review and future status reviews. Farmers and their employees and contractors need to know where this plan is at all times, and how to carry it out in case of an emergency.

Communications with the landowners of rented lands: The planner is to indicate that the operator has communicated with those landowners that he rents land from, letting them know 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. The various landowners renting land to this operator do not need to sign the plan, but they need to be contacted during the planning effort and the landowners must not object to the renters applying the planned manure to their lands. Again, this box should only be checked if the planner is fully aware that this obligation has been met. If the plan contains no rented lands, than the "no rented/leased lands" box must be checked.

## Signatures

It is important the planner understands that it is his/her responsibility to review the plan with the operator prior to submission and, the operator understands the content of the plan and agrees to follow the plan. This is an important step in the planning process that can avoid a lot of future problems with approval and implementation of the plan. These required signatures provide important confirmation ensuring that a plan approved under the program is accurate and that the operator agrees to implement the plan.

Planner signature: The planner, completing his/her signature, is indicating that the information used to develop the plan is accurate and complete to the best of their knowledge. The planner's signature affirms that the planner has reviewed the contents of the plan and the implementation schedule of the planned management practices with the operator prior to submission of the plan for review.

Operator's signature: The operator, completing his/her signature, is indicating that the information in the plan is accurate and correct and reflects the current and planned management practices for the operation. By signing Appendix 1, the operator is affirming that he/she understand the contents of the plan, understands the implementation schedule of the plan and understands their record keeping obligations outlined in Appendix 1. The operator's signature on the plan also affirms that he/she understands when a commercial hauler or broker is used for transport, application or export of manure, that a commercial manure hauler or broker must hold a valid certification issued by the Pa Department of Agriculture (PDA). PDA and conservation districts can provide operators with a list of certified manure haulers and manure brokers for their use in implementing their nutrient management plan.

Operator Title: The operator needs to list their title when signing Appendix 1. This is especially important for plans developed for farms operated by management companies. Titles would include entries such as "Owner/Operator" for owned farms, and "Operator" for farmers renting their livestock production facilities. If the operation is a partnership, then the title of the signing individual would need to be "General Partner". If the operation is a corporation, the title of the signing person would need to be "President" or "Vice President" or another individual authorized by the corporation to sign the plan. If the operation is a corporation, then the plan must include an attached letter (on corporation letterhead) developed and signed by the secretary of the corporation stating that the person signing on behalf of the corporation is authorized to do so.

Please note that an initial plan submission is not considered to be administratively complete until the operator's and planner's signatures are completed on Appendix 1. Also note, the planner and operator may need to sign a new (second) Appendix 1 if the final form of the plan has significant changes to either the nutrient application provisions or the BMPs proposed to be implemented on the farm, as compared to the initial version of the plan submitted for review.