

Nutrient Management Plan Submission Required Appendices and Supplemental Information

Act 38 requires review and approval of nutrient management plans in order for these plans to be considered official under the program. This review and approval activity requires the submission of all relevant data and information so that the plan reviewer can determine if all program requirements have been met. Please note that a copy of the most recently approved plan is required to be maintained at the farm and copies of the most recent Nutrient Balance Sheets need to be provided to the importers.

Nutrient Management Plan Submission Requirements

All of the following plan components and Appendices are required to be submitted with the **initial Act 38 plan or plan amendment submission**.

1. Cover Page
2. Nutrient Management Plan Summary (along with summary notes, the manure rate calibration table, and additional NM plan requirements and the operator management map)
3. Appendix 1: Nutrient Management Plan Agreement & Responsibilities
4. Appendix 2: Operation Information
5. Appendix 3: Manure Group Information
6. Appendix 4: Crop & Manure Management Information
7. Appendix 5: Phosphorus Index
8. Appendix 6: Manure Management
9. Appendix 7: Stormwater Control
10. Appendix 8: Importer/Broker Agreements & Nutrient Balance Sheets
11. Appendix 9: Operation Maps (including topographic maps and soils maps)
12. Appendix 10: Supporting Information & Documentation

Submission of the following worksheets and forms is required when they are relevant to a plan.

- a. Rainfall Additions Worksheet - Submission is required when manure generation is calculated and includes the addition of rainfall and/or runoff.
- b. Winter Manure Application Matrix – Submission is required when winter manure application is included in the plan. A winter Application Matrix is also required to be included along with the NBSs where winter manure application is planned to occur on these importing sites
- c. Manure storage setback waiver forms – Submission is required if a manure storage setback waiver is required in order to implement the plan as proposed
- d. Manure N Residual Calculator Worksheet – Submission is required when residual manure nitrogen availability is calculated using Agronomy Guide Table 1.2-15. Refer to Appendix 4 of this Manual for more information about the use of Agronomy Guide Table 1.2-15.

- e. Table 3 Worksheet – Submission is required when crops are entered into the NMP Spreadsheet.
- f. Table 4 Worksheet – Submission is required when a legume nitrogen residual management scenario is entered into the NMP Spreadsheet.

The information summarized in the NMP summary must be separated for each individual crop year addressed in the plan (such that there is a Nutrient Management Plan summary chart listing field specific nutrient application rates for crop year # 1, and a separate summary chart for crop year # 2, and lastly a separate summary chart for crop year # 3). Under Act 38, the lifespan for a NMP is three crop years. Two approaches can be used to address the multiple crop year lifespan of an NMP.

One option is to submit an NMP with information for one crop year. Annual updates for the next two years, using the same soil test and manure tests used in the original approved one year plan must be submitted prior to the beginning of the next crop year (October is considered the beginning of a crop year).

All **NMP update submissions** (including those submitted as annual plan updates) must include all of the following materials:

1. Cover Page
2. Nutrient Management Plan Summary
3. Nutrient Management Plan Summary Notes (along with the Manure Rate Calibration table)
4. Appendix 3 (only the first page is required, addressing each of the manure groups used in the plan, if no changes in the manure group are expected)
5. Appendix 4
6. Appendix 5

The annual updates must be submitted, but do not require conservation district board or SCC formal approval unless an NMP amendment is required. District and SCC staff may provide a cursory review of the plan update submission if their resources permit, to ensure the plan update is complete and accurate, prior to filing the update in the operator's Act 38 plan file. When the plan update is accepted to be included in the operator's Act 38 plan file, the district or SCC should send the standardized plan update acknowledgement letter to the operator (and copy the planner) indicating that the update has been accepted and that it is valid until the end date identified in the letter. See Section VI of this manual for additional information about NMP amendments

A second option is to submit all elements (1-12 as outlined above) along with additional:

1. Nutrient Management Plan Summary chart
2. Nutrient Management Plan Summary Notes (along with the Manure Rate Calibration table) for each of the three crop years covered under the NMP with the initial NMP submission
3. Appendix 3s (only the first page is required, addressing each of the manure groups used in the plan, if no changes in the manure group are expected)
4. Appendix 4s
5. Appendix 5s

Plan updates submitted the year immediately following the 3 year lifespan of the original plan approval (and following each subsequent 3 year plan lifespan), must include the 6 plan update components (Cover, Summary chart, Summary Notes (including the Manure Rate Calibration table), Appendices 3 (at least the first page of Appendix 3), 4 and 5). These updates must incorporate a new P Index, the new soil test numbers collected over the past three years, and incorporate new manure nutrient content figures if the running average of the manure tests including those taken over the past three years is significantly different (20% change or greater) and therefore necessitates a new manure nutrient content figure be used.

The NMP provided to the farmer must include all of the NMP requirements (items 1-12) described above. The following plan elements must be provided to the farmer in a separate Farmer Packet so the farmer can focus their attention on those plan elements most relevant to his day-to-day activities:

1. Cover Page
2. NMP Summary (including the NMP summary application chart, summary notes, manure rate calibration table, and the farm management map)
3. Appendix 1
4. Appendix 8

Beginning January 1, 2011, only **new plans and plan amendments** developed using the standardized Act 38 Nutrient Management Plan Spreadsheet (Excel) program, will be accepted for review and approval under the Act 38 program. A **plan update** (either a three-year update or an update to address a change that would not require a plan amendment) is not required to be converted to the Excel spreadsheet version since this is not a document requiring board approval. Only plan submissions requiring formal board action need to be developed using the official Act 38 spreadsheet (Excel) program.

Even though particular farms may be operated where one or more of the above appendices are not relevant, all of the appendices for an Act 38 plan must be submitted. For these situations where a particular appendix is not relevant, the non-relevant appendix must be submitted with the plan along some indication (either on the appendix cover page or in the beginning of the appendix) informing the reader that the given appendix is not relevant to this operation.

For example, a farm that has no acreage included in the plan (such as an all export broiler operation where the owned fields are rented out to another farmer and no manure from the broiler operation is applied on these rented out lands) the Nutrient Application chart in the *Plan Summary*, the *Plan Summary Notes*, appendices 4, 5 and 7 and possibly Appendix 10 would not be necessary. These non-relevant appendices would have an entry (preferably on the cover page or alternatively on the first line of the appropriate appendix) that would read; "This appendix is not relevant to this farm situation since no cropped fields are included in the plan." If a farm situation is such that any given required section of the plan (as outlined above) is not necessary, it is not acceptable to leave that section blank or to leave it out of the submitted plan. It is

required to submit either the section cover page or the section cover page and first page, with an indication that the information in that section is not relevant for this plan.

The standardized Act 38 plan development computer spreadsheet program defaults to the basic required elements of an Act 38 nutrient management plan.

In addition to the above listed required plan components and appendices, certain farm management practices may require the completion and submission of supplemental plan information. Completion of additional plan components is required for the following farm management scenarios. These additional plan components must be included with the initial plan submission.

1. Farms that **apply manure in the winter**: Include the Winter Manure Application Matrix as part of Appendix 10 of the plan. A hard copy of the Winter Manure Application Matrix is provided in Supplement 10 of this manual, and is provided in a computer spreadsheet format on the Nutrient Management Program website.
2. Farms proposing to **build a storage within the property line setback area**: Include a completed neighbor waiver form as part of Appendix 10 of the plan. A sample neighbor waiver form is provided in Supplement 16 of this manual.
3. Farms proposing to **build a storage within the stream, sinkhole or active water well setback area**: Include a completed waiver request form, or a letter from the conservation district or SCC approving the setback waiver, as part of Appendix 10 of the plan. A sample waiver request form is provided in Supplement 15 of this manual. The plan cannot be approved until the manure storage setback waiver is approved (these actions, acting on the waiver and the plan, can take place at the same board meeting).

Concentrated Animal Feeding Operation (CAFO) nutrient management plan or plan amendment submissions are to be submitted, by the planner to both the Pennsylvania Department of Environmental Protection (DEP) regional office, and to the Act 38 reviewing agency (either the conservation district or SCC) for review and action under the Act 38 program. The plan is to be sent initially to the conservation district (or SCC) for administrative review. Once the planner is informed that the plan is administratively complete, the planner is then to send a copy of the administratively complete plan to the DEP regional office for their concurrent review. DEP accepts these plans in electronic format. DEP communicates any comments they may have on CAFO nutrient management plans to the reviewing entity (generally the conservation district or alternatively to the SCC). DEP comments will be included with the district review comments to the plan writer. In this way, the plan writer only has one person to work with for review comments.

Also note that any CAFO plans or plan amendments submitted to or acted on under the Act 38 program, need to be noticed in the Pennsylvania Bulletin (Pa Bulletin). For CAFO plans and plan amendments submitted for action, the reviewing conservation district or Commission is to use the DEP provided electronic form to notify the regional DEP office that an administratively complete CAFO plan or plan amendment has been submitted for review (the conservation district or SCC should send the "Applications"

notice to DEP immediately upon determining that the plan is administratively complete). The regional DEP office will then place notice of this plan in the Pa Bulletin. The district or Commission is not permitted to act on this plan or plan amendment until at least 30 days have elapsed since the date the plan is noticed in the Pa Bulletin. Once the conservation district or Commission acts on a CAFO plan or plan amendment, these review agencies need to complete the relevant electronic form (NMP "Actions" notice) and send that to the DEP regional office for publication of this action in the Pa Bulletin.

The Act 38 program does accept electronic submissions of certain sections of initial Act 38 nutrient management plan and plan amendment submissions developed using the standardized Act 38 computer spreadsheet (Excel) program. It should be noted that when the plan or plan amendment is determined to be in its final form for board action, a hard copy of the entire plan, and all plan maps, will need to be provided to the district or Commission for formal action. So this electronic submission allowance is only for the initial submissions of certain sections of new plans or plan amendments and any follow up plan correction submissions, and these electronic submissions need to be followed up with a hard copy once the plan or plan amendment is determined by the reviewer to be ready for final action. This allowance is not provided for the submission of plan updates to the conservation district, for filing in the farmer's approved plan file. If during the review of the plan, the public requests a copy of an electronic plan submission, that request should be transferred to the Commission for processing of that request, eliminating the district's need to print out the plan for the public review.

Electronic submission of an Act 38 nutrient management plan is only relevant to the following plan sections:

1. Appendices 3, 4, 5, 6, 7, 8, 9, and 10,
2. the winter matrix (if developed using the Act 38 program winter matrix spreadsheet),
3. signed exporter agreements, and
4. Nutrient Balance Sheets (if developed using the Act 38 program nutrient balance sheet spreadsheet).

The parts of the plan submission that **must always be submitted in hard copy** include:

1. the Cover Page,
2. the Plan Summary (including the Farm Management Maps),
3. Appendix 1,
4. Appendix 2, and
5. any relevant approved manure storage setback waivers or waiver request forms.

Appendix 1 is where the farmer and planner sign the plan. These signatures are required with the initial plan or plan amendment submission in order to consider the plan to be administratively complete. If there are significant changes made during the review process that affect the rates, timing or method of nutrient applications or the BMPs to be installed on the operation, new signatures by the farmer and the planner on Appendix 1 will be required for SCC or district approval of the plan or plan amendment.

The planner is required to review the plan with the farmer (focusing on the Plan Summary, Appendix 1 and Appendix 8) prior to submission to ensure that the farmer understands and agrees with the obligations outlined in the plan. The farmer's signature on the plan is his acknowledgement that he will follow the plan, and he cannot make that statement until he understands what the plan is requiring.