Pennsylvania Regulatory Updates and Changes for Agriculture

Chapter 102 – Clean Streams Law Update

The Pennsylvania Clean Streams Law addresses:

- Erosion and sediment control
- Manure storage
- Land application of manure
- Barn yard runoff

On November 19, 2010, Chapter 102 (The Clean Streams Law) was updated with new regulations that affect agriculture. Previously under Chapter 102, agricultural operations that disturbed over 5,000 square feet of land through plowing and tilling activities were required to obtain an Agricultural Erosion and Sediment Control Plan (Ag E&S Plan). Although similar to a Conservation Plan, an Ag E&S plan is different. However, a Conservation Plan meets the requirements of an Ag E&S Plan.

The major difference in the update to Chapter 102 is that animal heavy-use areas (also known as animal concentration areas, barnyards, etc) will be regulated in addition to plowing and tilling. Operations that have a heavy-use area over 5,000 square feet will be required to obtain an Ag E&S Plan or a Conservation Plan.

To meet regulations an Ag E&S Plan must:

- Recognize resource concerns
- Outline best management practices (BMPs) that limit soil erosion
- Outline BMPs that eliminate nutrient runoff to surface waters
- Provide a timeline for implementation of BMPs
- Show placement of BMPs on an aerial map

The Ag E&S Plan must outline best management practices (BMPs) that address resource concerns related to sediment and nutrient runoff. For plowing and tilling activities it is required that soil loss be reduced to the soil loss tolerance (also known as "T") over the planned crop rotation. In addition, fields that are located within 100 feet of a stream and have less than 25% cover (vegetative cover or residue cover) are required to implement additional BMPs. Ag E&S plans for operations with an animal heavy-use area will feature BMPs that reduce erosion and sedimentation from the barnyard. This requirement reinforces nutrient management requirements in controlling nutrient loss and distribution.
Manure Management Requirements

Every agricultural operation in Pennsylvania that deals in the storage, handling, or application of manure is required to have a Manure Management Plan. Manure Management Plans are a simplified type of Nutrient Management Plan that can be completed by the producer. An update to the Manure Management Manual is currently being reviewed by the Department of Environmental Protection (DEP) and will address manure storage, land application of manure, and provide a detailed description of how to complete a Manure Management Plan.

Agricultural operations that have an animal density of 2 animal equivalent units per acre (2,000 live animal weight per acre) are required to obtain a Pennsylvania Act 38 Nutrient Management Plan. This plan details:

- Nutrient application to crop fields
- Rate and timing of nutrient application
- Crop nutrient needs and uptake

Chesapeake Bay Update – Watershed Implementation Plan

In December 2010, Pennsylvania submitted a Watershed Implementation Plan (WIP) for the Chesapeake Bay watershed to the Environmental Protection Agency (EPA) for review. The WIP was approved by the EPA in late December. In regards to agriculture, the WIP focuses on stricter enforcement of existing regulations, which include:

- Concentrated Animal Feeding Operation (CAFO) regulations under the National Pollutant Discharge Elimination System (NPDES) program
- Act 38 – The Nutrient Management Act
- Chapter 102 – The Clean Streams Law

The EPA has accepted this strategy, but will be monitoring progress closely. Every year two years a review will be performed to confirm progress towards Pennsylvania’s goals of reducing sediment and nutrient pollution to surface waters in the Chesapeake Bay watershed. If progress is not satisfactory, the EPA plans to institute backstop measures. One example of a backstop measure would be to lower the threshold of what constitutes a CAFO. Farms that currently do not fit the definition of a CAFO would become regulated as a CAFO and would need to follow the guidelines of the NPDES program. This would include increased monitoring of farm management and activities and their impact on the environment.