

State Environmental Regulations and Agricultural Resource Management

Agricultural Conservation Technical Training – Level 1

March 27, 2023

Department of Environmental Protection and State Conservation Commission

Conservation Partnership



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



pennsylvania

DEPARTMENT OF AGRICULTURE



PennState Extension

To help protect your privacy, PowerPoint has blocked automatic download of this picture.

Conservation Partnership

- State and Federal agencies with a common goal -
 - Assisting agricultural landowners and operators developing & implementing resource management plans (e.g. nutrient or manure management plans, Ag Erosion and sedimentation plans) for:
 - Compliance with state and federal environmental regulations.
 - Meeting requirements for resource management programs.

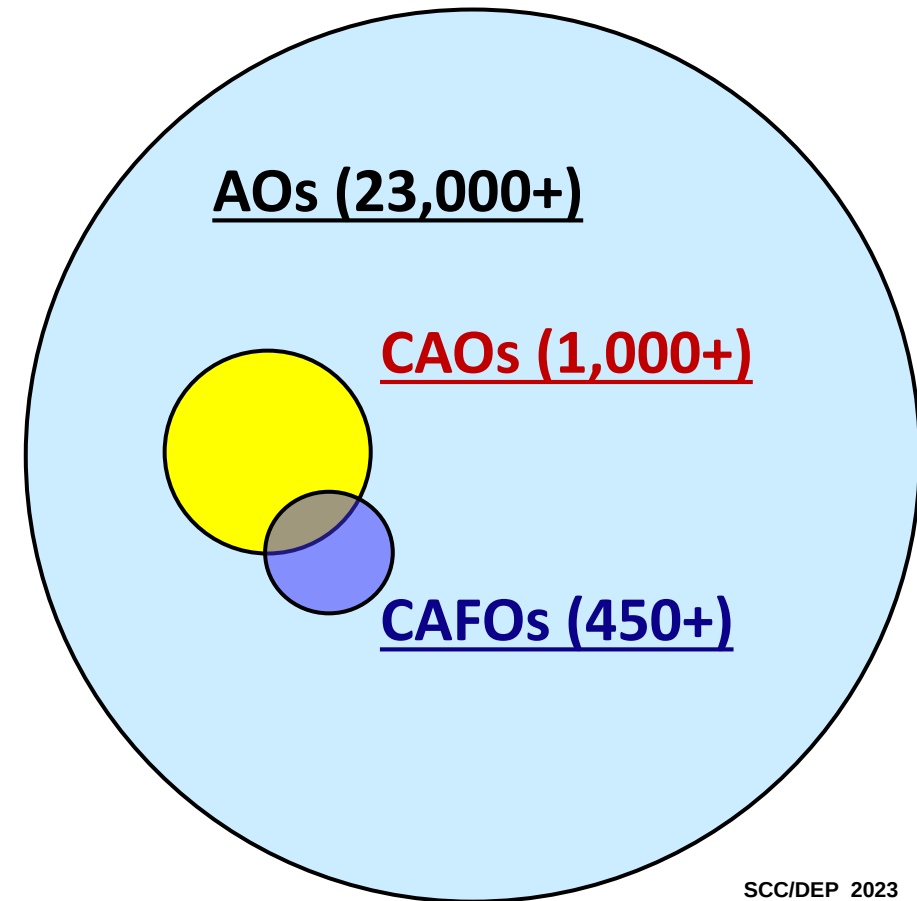
PA DEP * State Conservation Commission * PDA
*USDA NRCS * Penn State Cooperative Extension

Conservation Partnership - Roles

- NRCS
 - Provide technical assistance for plan development & implementation
 - Guides the producer to other 'partners' or organizations
- Conservation District
 - Assist producers to meet their regulatory and program obligations and requirements
 - Refer producers to the appropriate technical provider
 - Assist in the application process for permits and financial assistance
- PA DEP
 - Program development, guidance, permit review and enforcement
- SCC, PDA and PSU Extension.
 - Program development, policy & guidance, education & support

Animal Operations in Pennsylvania

- All Animal Operations (AOs)
 - All operations land applying manure or agricultural process wastewater
 - Regulated by PA DEP - Manure Management Manual
 - Manure Management Plan
- Concentrated Animal Operations (CAOs)
 - High animal density farms > 2,000 lbs/acre animal density
 - Regulated by PA SCC - Act 38
 - Approved NMP, certified planner, public access
- Concentrated Animal Feeding Operations (CAFOs)
 - Based on animal numbers and/or animal density
 - Farms > 1,000 AEUs, CAOs > 300 AEUs, EPA head numbers
 - Regulated by PA DEP (for US EPA)
 - Approved NMP, DEP CAFO permit, certified planner, public access



Agricultural and Environmental Laws and Regulations

- Federal Clean Water Act
- PA Clean Streams Law
 - Chapter 102 – Erosion & Sedimentation - Agricultural
 - Chapter 105 – Water Obstructions and Encroachments
 - Chapter 275 – Biosolids
 - Chapter 91 – Manure Management
 - Chapter 92 – Concentrated Animal Feeding Operations
- PA Act 38 of 2005
 - Nutrient Management Program
 - Facility Odor Management Program
- PA Invasive Species
- Local Ordinances
- PA Right to Farm Law
- PA Right to Know Law

Federal Clean Water Act



EPA Clean Water Act

- Enacted 1972
- Why
 - The Federal Water Pollution Control Act was enacted in 1948, but the Act was significantly reorganized and expanded in 1972.
 - Establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.
 - EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges.

Pennsylvania Clean Streams Law



Pennsylvania Clean Streams Law

- Enacted in 1937
- Purpose
 - Regulates any discharge which may cause or contribute to pollution of waters of the Commonwealth of Pennsylvania.
 - Establishes the basic authority to protect streams from pollution - for the benefit of Pennsylvania's citizens and the environment.

Chapter 102



Chapter 102 – Erosion and Sediment Control

Minimize Accelerated Erosion and Sedimentation

Chapter 102.4 (b) – Construction Activities

Chapter 102.4(a) – Agriculture Erosion and Sediment Control (Ag E&S)

- Any operation with **plowable/tillable land (to include no-till operations)** **AND/OR**
- Any operation with **Animal Heavy Use Areas** (102.1)
 - (i) barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where due to the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods
 - (ii) The term does not include entrances, pathways and walkways between areas where animals are housed or kept in concentration.
- Combined areas less than 5,000 square feet require BMPs to be implemented to minimize accelerated erosion and sedimentation
- Combined areas equal to or greater than 5,000 square feet require an Ag E&S Plan and BMP implementation to minimize accelerated erosion and sedimentation

Chapter 102 – Erosion and Sediment Control

- Sheet and Rill Erosion
 - Meet the tolerable soil loss (T) over the rotation
- Concentrated Flow Erosion
 - Identify areas of concentrated flow and BMPs to address those areas
- Animal Heavy Use Areas
 - Identify Animal Heavy Use Areas and BMPs to address those areas
- NRCS Conservation Plan may be used to satisfy the requirements

Minimize Accelerated Erosion and Sedimentation

Chapter 102 – Erosion and Sediment Control

- Online information:

<https://www.dep.pa.gov>

Select 'Businesses' tab

>> Water

>> Watershed Restoration and Nonpoint Source Management

>> Nonpoint Source Management Division

>> Agriculture Compliance

>> Agricultural Erosion and Sediment Control

Soil Erosion and Sediment Control Manual For Agricultural Operations (383-4200-002)

<http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1504839&DocName=SOIL%20EROSION%20AND%20SEDIMENT%20CONTROL%20MANUAL%20FOR%20AGRICULTURAL%20OPERATIONS.PDF%20%20%3cspan%20style%3D%22color:green%3b%22%3e%3c/span%3e%20%3cspan%20style%3D%22color:blue%3b%22%3e%3c/span%3e>



Ag Erosion and Sediment Control Manual

Course Sponsor: PA DEP

Phone: (717) 783-3515

Email: meporta@pa.gov

Course Instructor: Megan Porta

This course introduces the new Agricultural Erosion and Sediment Control Manual.

Ag E&S Plans are required for all Pennsylvania agricultural operations with 5,000 square feet or more of land that is plowed or tilled in any way, including no-till, or is an earthen Animal Heavy Use Area (AHUA). Ag E&S Plans require specific information to meet regulatory requirements. These modules contain information for operators and landowners of agricultural operations and for entry-level planning staff to better understand these requirements. There is also guidance on evaluating an operation and information on choosing Best Management Practices (BMPs), which are required for all operations, regardless of the size, to minimize accelerated erosion and sedimentation.

Please check back on this course. Additional course activities will be added in the future.

Course Activities



Overview of Ag E&S Manual webinar

To launch the webinar click on the icon.



Ag E&S Manual for Operators and Landowners

Click on the icon to launch to course



Ag E&S Manual for Plan Developers

Click on the icon to begin this module.



Erosion and Sediment Control Manual for Agricultural Operations

Link to folder on the DEP eLibrary that contains the new Ag E&S Control Manual and the Comment/Response document.

PA DEP Clean Water Academy Course

<https://pacleanwateracademy.remote-learner.net/course/view.php?id=235>

Conducting an Agricultural Erosion and Sediment Control Plan Writing Workshop – Facilitator Training

This course includes PowerPoint presentations and recordings that step through the sections of the Agricultural Erosion and Sediment Control Manual. The presentations can be used by Conservation District staff in developing workshops to assist farmers and landowners in developing Ag E&S plans and for developing workshops to train new staff. The Ag Erosion & Sediment Control Manual overview course can be used as an introduction to this course material.

Intended audience: DEP and Conservation District Staff

Content: Course includes 5 video's and example PowerPoints

Timing: Course should take approximately 2 hours to complete

Course Contributor: Jen Weld and Megan Porta

TRAINING VIDEOS



FACILITATOR WORKSHOP RESOURCES



COURSE EVALUATION AND COMPLETION CERTIFICATE



Achievement

PA DEP Clean Water Academy Course

<https://pacleanwateracademy.remote-learner.net/course/view.php?id=865>

Chapter 105



Chapter 105 – Water Obstructions and Encroachments

Objective: to prevent unreasonable interference with water flow from in-stream construction activities

- Provides for the regulation and oversight of water obstructions and encroachments in, along, across or projecting into waters of the Commonwealth.
- Assures proper planning, design, construction, maintenance and monitoring of water obstructions and encroachments.
- Most stream/water body/wetland encroachment activities require a permit.
- Many activities can qualify under a General Permit (GP).
- Federal regulations may apply to larger projects.
- **Plan ahead!!**

Chapter 105 – Water Obstructions and Encroachments

- GPs are ‘DEP approved permits’ where an applicant ‘registers’ to utilize the permit
- Projects are small in scope, simple design & are single projects
- The use of a GP may be “waived” in some circumstances
 - Pa Code Title 25, Chapter 105.12
 - Activity is still regulated but, a Chap. 105 permit waiver may be issued by DEP
 - Submit an inquiry to DEP for permission for a waiver

Chapter 105 – General Permit Use

- Planning considerations:
 - Producer should have an Ag E&S plan or conservation plan
 - IDs Best Management Practice implementation needs
 - IDs the location of the intended project
 - Discuss with the producer
 - Is the project going to result in an obstruction or encroachment of a waterway or wetland?
 - If so, which GP may be appropriate and necessary for the project?

Chapter 105 – Commonly Used General Permits

- GP-1 Fish- Habitat Structures
- GP-2 Small Docks and Boat Launching Ramps
- GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal
- GP-4 Intake and Outfall Structures
- GP-5 Utilize Line Crossings
- GP-6 Agricultural Crossing and Ramps
- GP-7 Minor Road Crossings
- GP-8 Temporary Road Crossing
- GP-11 Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments

Chapter 105 – Common BMPs Requiring a GP

- Stream Crossing (slatted and culvert)
- Underground Outlet (to or near a waterbody)
- Grassed Waterway (to or near a waterbody)
- Lined Waterway or Outlet (to or near a waterbody)
- Subsurface Drain (to or near a waterbody)
- Streambank and Shoreline Protection
- Pipeline (if crossing or encroaching a waterbody)

Chapter 105 – GP Registration and Construction

- Project Registration

- Complete the 'General Permit Registration' packet
- Signed and submitted by the producer, not the project planner.
- Registration Fees likely depending on type of GP.

<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4050>

- Construction - ***Important***

- Construction activities **CANNOT PROCEED** until approval or acknowledgment is received from DEP or Delegated Conservation District
 - Each permit has a specific list of conditions where GP DOES NOT apply.
 - Approved permit must be on site during of construction activities!!

Chapter 105 – GP Information

DEP Website: <https://www.dep.pa.gov/>

Select 'Businesses' tab, then

>> Water

>> Waterways Engineering and Wetlands

or

Search term = 'General Permit' or 'Chapter 105'

Joint Permit Applications (JPA)

- Obstructions and Encroachments that do not qualify for a waiver (Ch. 105.12) or GP.
- Generally for small projects with “insignificant impacts”
 - No increase in local flood heights or patterns
 - Cannot include wetlands
 - Examples:
 - Streamside retaining walls
 - Removal of flood debris
 - Repair/reconstruction/replacement of existing water obstructions

Joint Permit Applications (JPA)

Joint Review by DEP and US Army Corps of Engineers.

- Send package to DEP ONLY

More information available on the DEP website

DEP website: <https://www.dep.pa.gov/>

Select **'Businesses'** tab, then

Search term = 'joint permit'

Chapter 275



Chapter 275 - Biosolids

Objective: Regulates land application of sewage sludge (biosolids).

- Monitored and enforced by PA DEP
- Applied by permit at agronomic rates according to a nutrient/manure management plan.
- Specific setbacks for application rates and other management practices.
- Online information:

<http://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Biosolids/>

Animal Operations

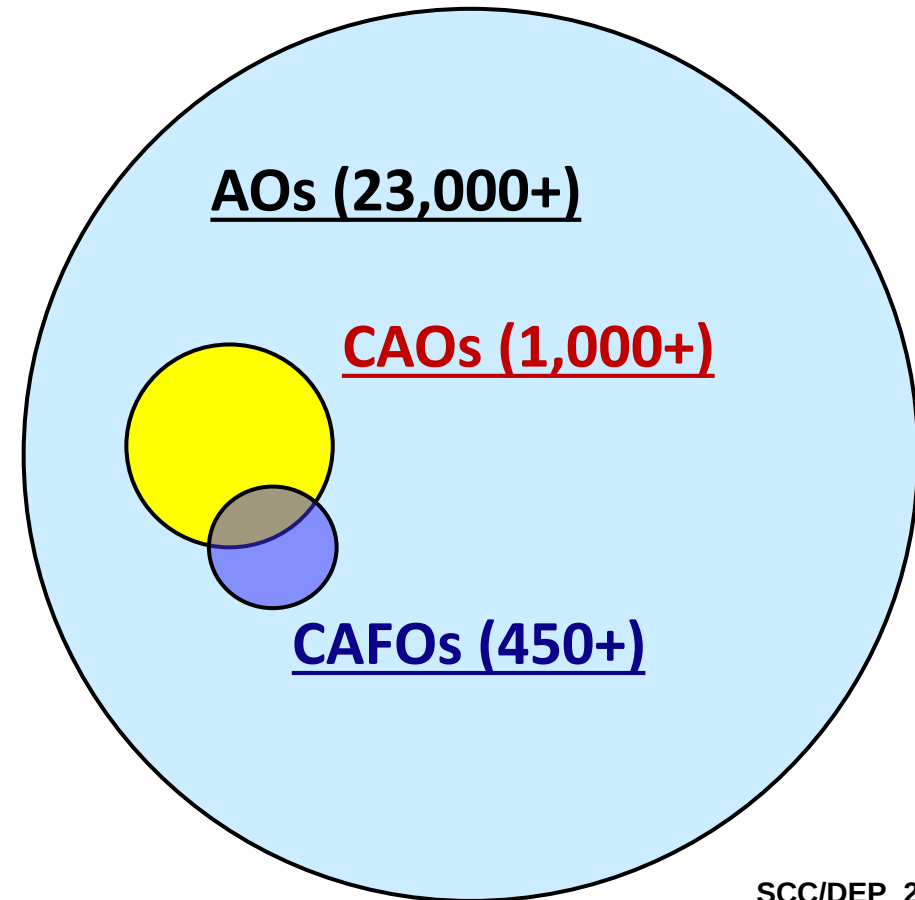


Manure In Pennsylvania

- All farms or entities in Pennsylvania that land apply manure or agricultural process wastewater
 - Must meet some level of state requirements
- Regardless of size
 - Very small – 1 pony operation
 - Very large – 125,000 broiler operation
- Regardless of manure origin
 - Includes operations without livestock or poultry
 - Manure imported to operations
- Regardless of application type
 - Mechanically Applied or Direct Application by animals on pasture

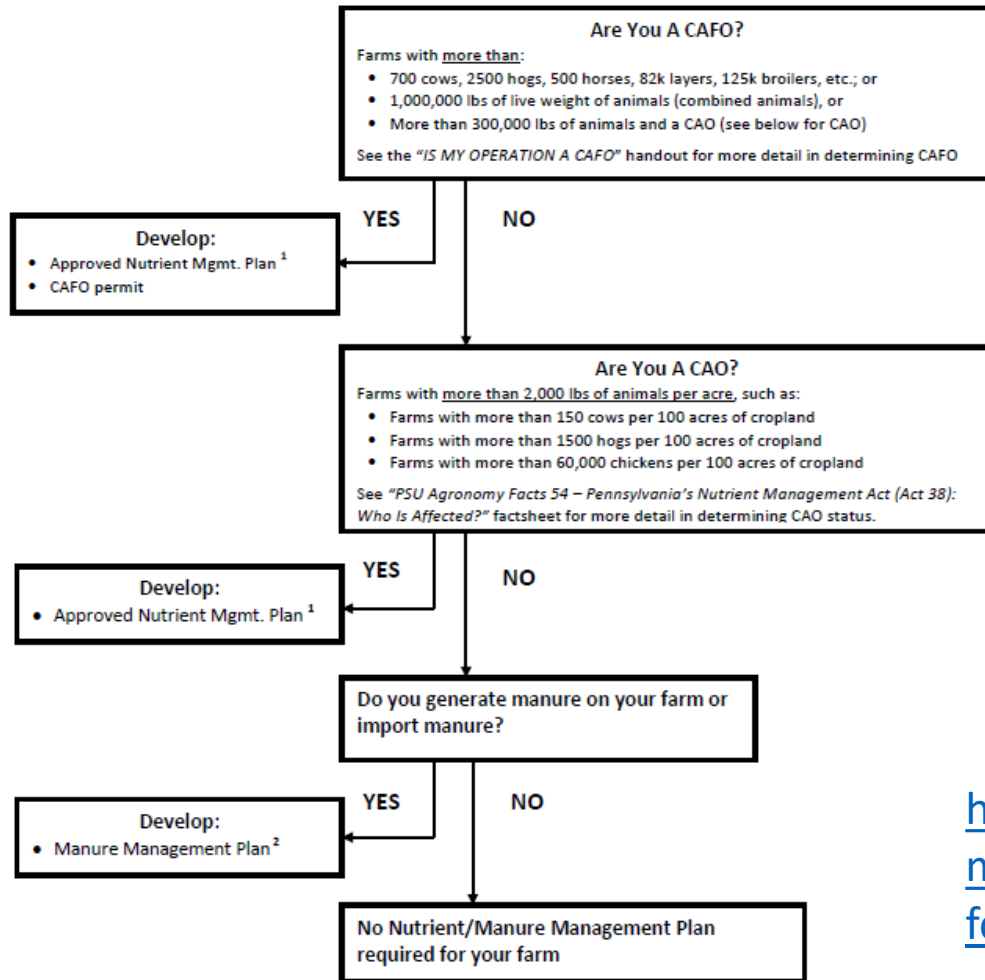
Animal Operations in Pennsylvania

- Concentrated Animal Feeding Operations (CAFOs)
 - Based on animal numbers and/or animal density
 - Farms > 1,000 AEUs, CAOs > 300 AEUs, EPA head numbers
 - Regulated by PA DEP (for US EPA)
 - Approved NMP, certified planner, DEP CAFO permit, publicly noticed
- Concentrated Animal Operations (CAOs)
 - High animal density farms > 2,000 lbs/acre animal density
 - Regulated by PA SCC – Act 38
 - Approved NMP, certified planner
- All Animal Operations (AOs)
 - All operations land applying manure or agricultural process wastewater
 - Regulated by PA DEP - Manure Management Manual
 - Manure Management Plan



SCC/DEP 2023

What Type of Plan Do You Need For Your Farm?



Manure or Nutrient Management Plans for Ag Operations

How Do You assist the Producer?

<https://extension.psu.edu/programs/nutrient-management/manure/understanding/what-type-of-plan-do-you-need-for-your-farm>

¹Nutrient Management Plan: written by a certified nutrient management specialist to meet Nutrient Management Act 38 standards and approved by the county Conservation District.

²Manure Management Plan: do not need to be written by a certified specialist (farmer can develop the plan themselves according to Manure Management Manual standards) and no submission or approval is required.

Chapter 91



Chapter 91 – Manure Management

Chapter 91.36(a) – Animal Manure Storage Facilities

- Design and construction criteria for manure storages
- Liquid or semi-solid manure storage facilities constructed after January 29, 2000 must have been designed and/or certified by a registered professional engineer
- Includes manure storage freeboard requirements

Chapter 91.36(b) – Land Application of Animal Manure and Agricultural Process Wastewater

- Operations that land apply animal manure/process wastewater must have AND implement a written Manure Management Plan, in accordance with the Manure Management Manual
- CAOs – regulated under Act 38 of 2005 (Chapter 83, Subchapter D).
- CAFOs – regulated under Chapter 92.5a
- **Manure Management Manual (361-0300-002)**
<http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=7708&DocName=LAND%20APPLICATION%20OF%20MANURE%20-%20MANURE%20MANAGEMENT%20PLAN%20GUIDANCE.PDF%20>

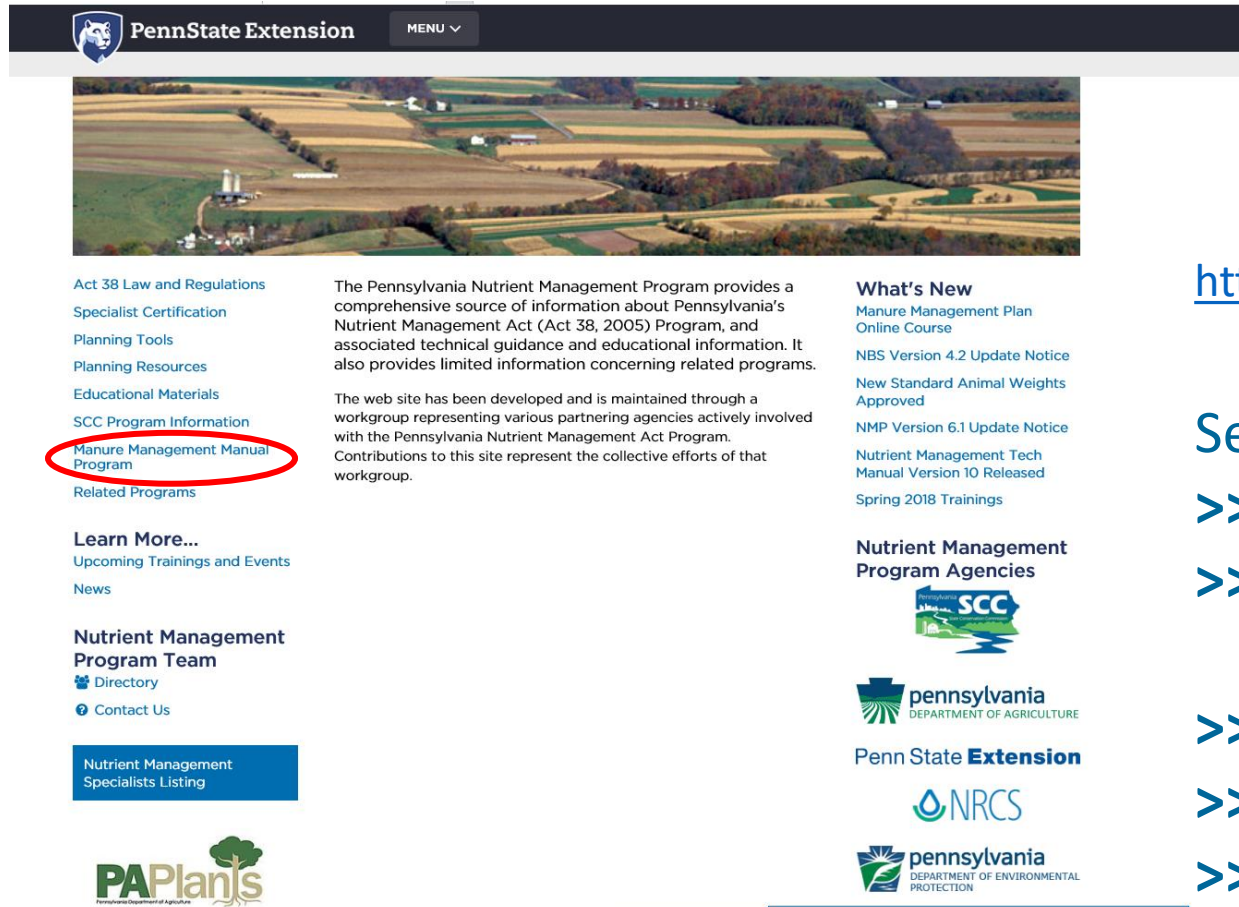
Chapter 91 – Manure Management

- Must be a written plan
- Can be developed by the farmer or other non-certified individual
- Must use the standard format and worksheets in the MMM
 - Unless an alternative is approved by DEP
- Plans do not need to be submitted for approval
 - But must be available onsite to DEP or Conservation District staff on request for inspection
- Includes more than manure application rates
 - Mechanical manure application setbacks
 - Winter manure application
 - Manure storage and stacking areas management
 - Pasture management
 - Animal concentration areas management
- Records are required to document implementation
 - Must be kept on the farm

Manure Management Plan Administrative Completeness Review Guide

http://files.dep.state.pa.us/Water/BNPSPM/AgriculturalOperations/AgriculturalCompliance/MMP_Admin_Complete_Guide.docx

Chapter 91 – Manure Management



The screenshot shows the PennState Extension website. The header includes the PennState Extension logo and a 'MENU' dropdown. Below the header is a large image of a rural landscape. The main content area is divided into three columns. The left column lists various resources, with 'Manure Management Manual Program' circled in red. The middle column contains a paragraph about the Pennsylvania Nutrient Management Program. The right column lists 'What's New' updates. At the bottom, there are logos for PAPAPlants, the Pennsylvania Department of Agriculture, and the Pennsylvania Department of Environmental Protection.

PennState Extension MENU

Act 38 Law and Regulations
Specialist Certification
Planning Tools
Planning Resources
Educational Materials
SCC Program Information
Manure Management Manual Program
Related Programs

Learn More...
Upcoming Trainings and Events
News

Nutrient Management Program Team
Directory
Contact Us

Nutrient Management Specialists Listing

What's New
Manure Management Plan Online Course
NBS Version 4.2 Update Notice
New Standard Animal Weights Approved
NMP Version 6.1 Update Notice
Nutrient Management Tech Manual Version 10 Released
Spring 2018 Trainings

Nutrient Management Program Agencies
SCC
pennsylvania DEPARTMENT OF AGRICULTURE
Penn State Extension
NRCS
pennsylvania DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAPAPlants
pennsylvania DEPARTMENT OF AGRICULTURE
pennsylvania DEPARTMENT OF ENVIRONMENTAL PROTECTION

<https://extension.psu.edu/programs/nutrient-management>

OR

<https://www.dep.pa.gov>

Select 'Businesses' tab

>> Water

>> Watershed Restoration and Nonpoint Source Management

>> Nonpoint Source Management Division

>> Agriculture Compliance

>> Manure Management

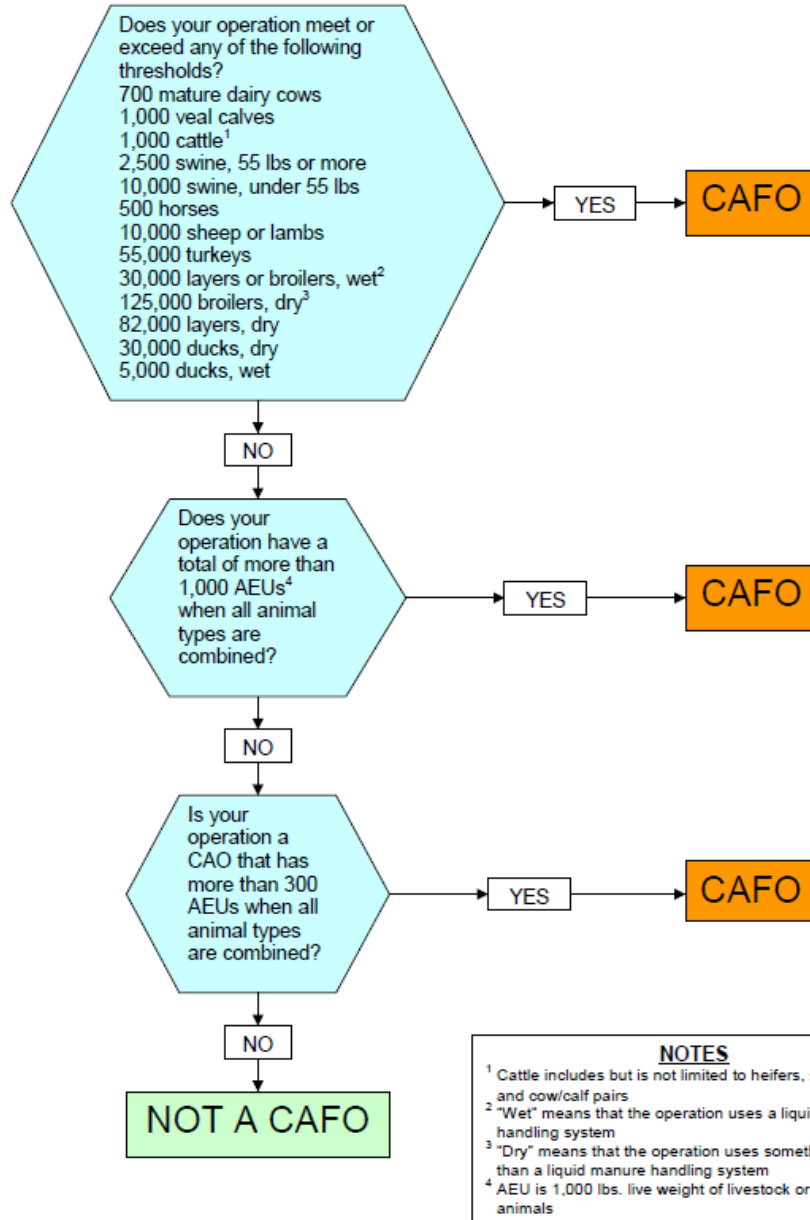
or

Search Term = Manure Management

Chapter 92a



IS MY OPERATION A CAFO?



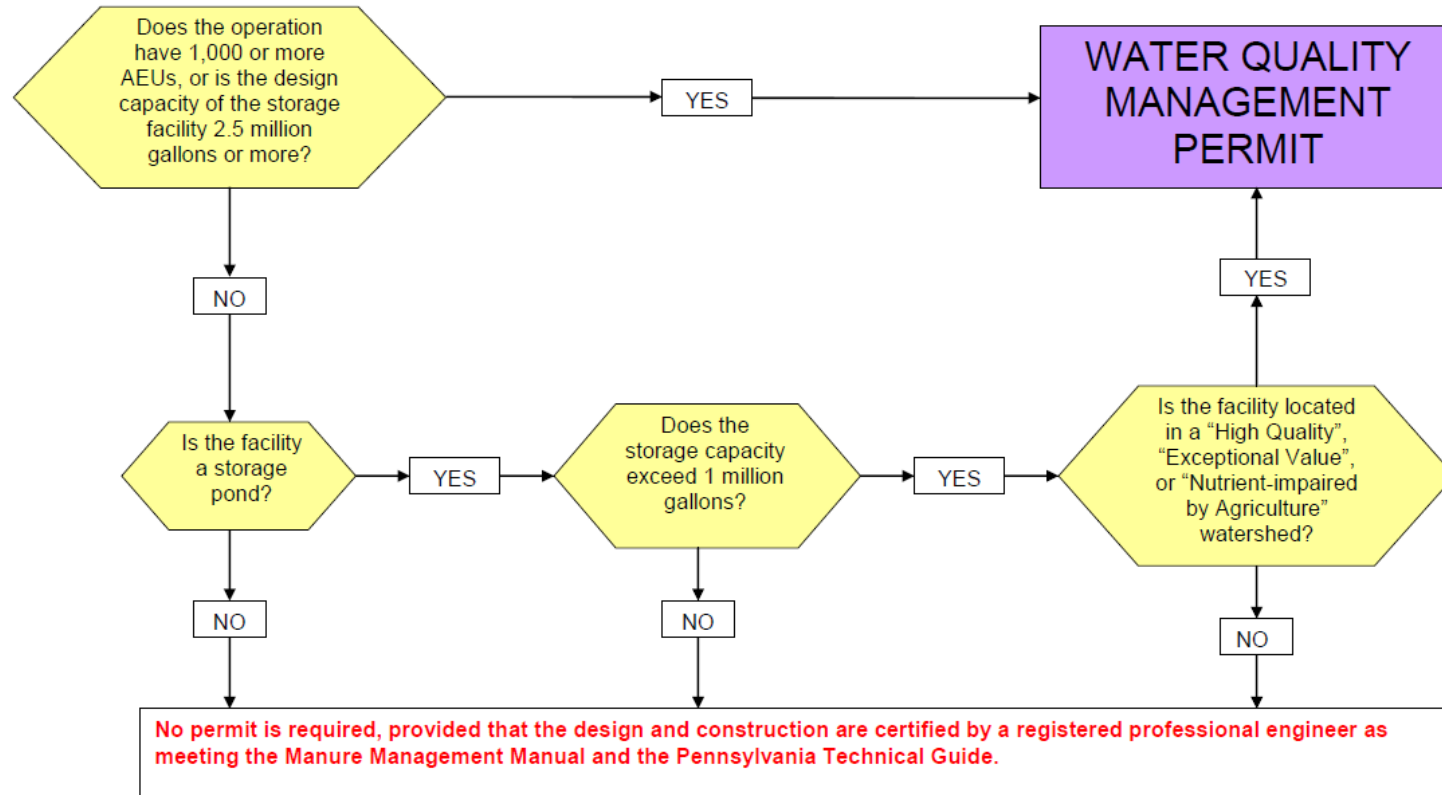
Is my operation a CAFO?

How Do You assist the Producer?

Chapter 92a – NPDES CAFO Requirements

- CAFOs – regulated by DEP (as delegated by EPA)
 - NPDES Permit
 - Additional requirements for manure storages
 - Additional record-keeping and reporting requirements
 - Act 38 Nutrient Management Plan (VAO/CAFOs and CAO/CAFOs)
 - Ag E&S Plan
 - Publicly Noticed
 - CAFO Inspection conducted at least once every 5 years by DEP
 - Nutrient Management Status Review conducted annually by delegated Conservation District (or SCC)

DO I NEED A WATER QUALITY MANAGEMENT PERMIT FOR A NEW OR EXPANDED LIQUID OR SEMI-SOLID MANURE STORAGE FACILITY (CONSTRUCTED AFTER OCTOBER 22, 2005)?



Permit Needs Water Quality Mgmt.

How Do You assist the
Producer?

https://files.dep.state.pa.us/Water/BNPNSM/AgriculturalOperations/ManureStorageFacilities/decision_tree_wqm_permit_1-17-06.pdf

Chapter 92a – NPDES CAFO Requirements

Water Quality Management Permits

- New, Expanded Liquid or Semisolid Manure Storages.
 - AEU's > 1,000
 - Between 1 & 2.5 million gallon capacity
 - In Special Protection Watershed, or
 - In a watershed impaired from nutrients by agricultural sources
 - ALL Liquid or Semisolid Storages of 2.5 million gallon or more.
- Design/Construction must be certified by a 'registered' professional engineer as meeting PA Technical Guide standards.

Individual vs. General NPDES [CAFO] Permits

- Individual applies to 'special protection watersheds'
- General applies to existing, new CAFOs not in 'special protection' watersheds.

Chapter 92a – NPDES CAFO Requirements

- Online information:

<https://www.dep.pa.gov>

Select '**Businesses**' tab

>> **Water**

>> **Watershed Restoration and Nonpoint Source Management**

>> **Nonpoint Source Management Division**

>> **Agriculture Compliance**

>> **CAFOs**

or

Search Term = CAFOs

Act 38 of 2005

(Chapter 83, Subpart D.)



Act 38 – Nutrient Management Program

Objective:

- Preserve water quality in Pennsylvania.
- Creates nutrient management planning standards for certain agricultural operations.
- Requires development of a nutrient management plan (NMP) or nutrient balance sheet (NBS).
- Administered by the State Conservation Commission.
 - Conservation districts assist with program administration and implementation
 - Delegation for review and approval of NMPs

Act 38 – Nutrient Management Program

- Nutrient Management Plan
 - IDs nutrient sources on the farm.
 - Determines application rates & manure application restrictions.
 - Describes handling of excess manure.
 - IDs other BMP needs.
 - NMP should be consistent with conservation plan activities.
- Nutrient Balance Sheets
 - Simplified nutrient management plan
 - Determines manure application rates on importing farms.
 - Application rates focus on crop nutrient needs.

Act 38 – Nutrient Management Program

SCC Nutrient Management Program website

https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/NutrientManagementProgram/Pages/default.aspx

PA Nutrient Management Program website

<http://extension.psu.edu/plants/nutrient-management>

Nutrient Management Legislation in Pennsylvania: A Summary of the 2006 Regulations

<https://extension.psu.edu/programs/nutrient-management/educational/act-38-nutrient-management/nutrient-management-legislation-in-pennsylvania-a-summary-of-the-2006-regulations>

Pennsylvania's Nutrient Management Act (Act 38): Who Is Affected?

<https://extension.psu.edu/pennsylvanias-nutrient-management-act-act-38-who-is-affected>

Act 38 – Odor Management Program

Objective:

- Address the potential for impacts from the offsite migration of odors from animal housing and manure storage facilities.
 - Odors from field application – NOT ADDRESSED.
- Establish planning and implementation criteria for odor management plans (OMPs).
- OMP = site specific plan that assesses/addresses potential odor impacts
 - Odor Site Index
 - Identification of odor BMPs to manage impacts.
 - Not required to completely eliminate odors

Act 38 – Odor Management Program

- Requires OMPs for agricultural operations – CAOs & CAFOs
 - ‘New’ animal housing or manure storage facility, or
 - ‘Newly’ constructed portion of an expanded facility
- Existing facilities or manure application ARE NOT affected.
- Plans reviewed and approved by SCC prior to construction.
- Plan implementation required prior to use of facility.

Special Note: OMP & NMP development/implementation should be coordinated for maximum benefit to the ag operation.

Act 38 – Odor Management Program

State Conservation Commission

https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/Pages/default.aspx

Odor Management Program

https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/default.aspx

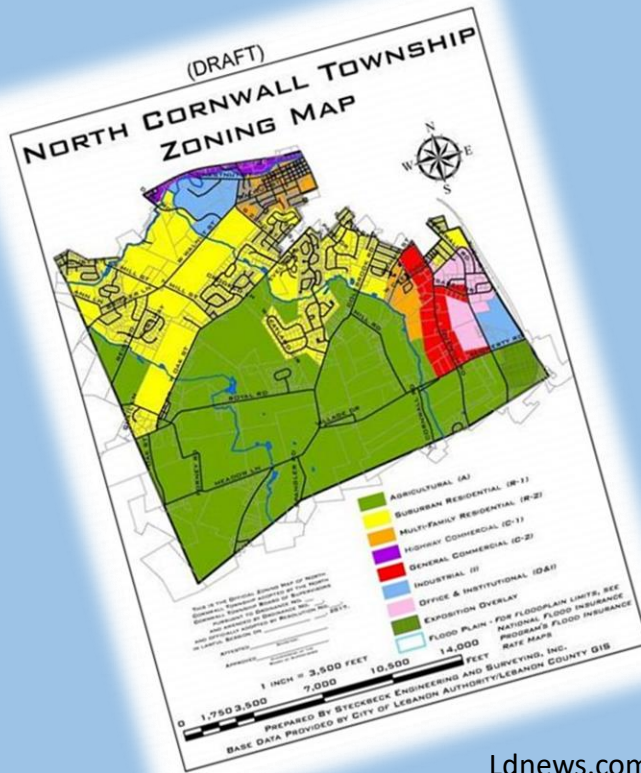
Contact : Karl Dymond, SCC @ kdymond@pa.gov

PA Invasive Species

Local Ordinances

Right to Farm

Right to Know



Ldnews.com



News.psu.edu

PA Invasive Species



Invasive Species

- Is a non-native or exotic species that is not indigenous to the ecosystem . . . whose introduction does or is likely to cause economic or environmental harm . . .
- National or State Invasive Species Councils
 - Charged with the development of *Invasive Species Management Plans*
 - Detection – Identification – Control of invasive species – aquatic & terrestrial
 - National Invasive Species Council - <https://www.doi.gov/invasivespecies>
 - Pennsylvania - Governor's Invasive Species Council
[https://www.agriculture.pa.gov/Plants Land Water/PlantIndustry/GISC/Pages/default.aspx/](https://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/GISC/Pages/default.aspx/)

PA Invasive Species

Pa Noxious Weed Control Law

http://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/NIPPP/Pages/default.aspx

- Regulatory authority - PA Department of Agriculture
- Illegal to propagate, sell or transport noxious weeds ID'd on the 'Noxious Weed Control List'



- Canada thistle.
- Mile-a-minute.
- Multiflora rose.
- Kudzu vine.
- Johnson grass.
- Shattercane.
- Musk thistle.
- Giant Hogweed.
- Bull thistle.
- Goatsrue
- Jimsonweed.
- Tree of Heaven

DCNR Invasive Plant List:

<https://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/>

Select 'Additional Information'

PA Invasive Species



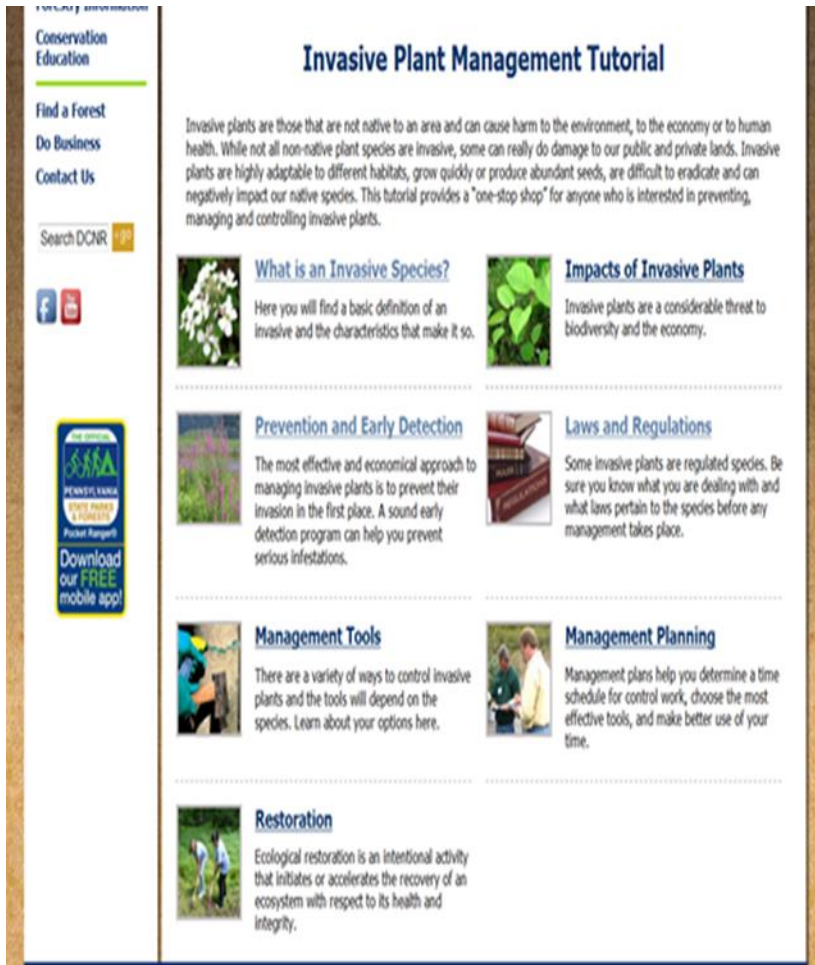
- Contacts:
 - ID and control recommendations for most noxious weeds
 - Penn State County Cooperative Extension offices



- ID and eradication for special noxious weed infestations
 - PDA – Bureau of Plant Industry
Trilby Libhart | Botanist
Phone: 717.787-7204
RA-plant@pa.gov



PA Invasive Species – Additional Information



Websites:

DCNR -

<http://www.dcnr.pa.gov/Conservation/WildPlants/InvasivePlants/Pages/default.aspx>

USDA National Invasive Species Information Center –

<https://www.invasivespeciesinfo.gov/us/pennsylvania>

Pa Invasive Species Reporting Hotline:
1-866-253-7189.

Local Nutrient/Odor Management Ordinances

- A municipal water quality regulation that restricts:
 - Storage, handling or use of manure/fertilizer
 - Location, construction or operation of manure storage facilities
- Must be consistent with and not more stringent than Act 38
- Non-nutrient or non-odor management ordinances are not affected
- Farmers can challenge local ordinances through a request to the Attorney General's Office

“Right-to-Farm” Law & ACRE

- Limits the establishment of agriculture nuisance suits and ordinances.
 - In conflict with ‘normal’, ‘customary’ and ‘generally accepted’ farming activities.
- Excludes farms from public nuisance ordinances.
 - Unless there is a direct adverse effect on ‘public’ health & safety
- Protects farms from nuisance actions. (RTF)
 - Does not restrict rights to recover damages by a neighbor.
- Provides farmers with an inexpensive method of challenging local ordinances by petitioning the Attorney General (ACRE)

Right to Farm Information:

<https://pennstatelaw.psu.edu/sites/default/files/documents/pdfs/Aglaw/Fact Sheet Pennsylvania Right To Farm Law Outline.pdf>

ACRE - <https://www.agriculture.pa.gov/Plants Land Water/farmland/Documents/ACRE.pdf>

“Right-to-Know” Law

- Provides citizens the right of access to public records.
- Determines what documents are deemed a public record.
 - Certain records maintained by a conservation district are subject to public access (i.e. – Ag E&S plan, MMP, NMP, OMP)
 - Only documents that ‘exist’ & are ‘in possession’ of the agency are accessible.
 - Does not require ‘creation’ of a requested record.
- Provides ‘access’ and ‘response’ process – the ‘how’ and the ‘when’ to handle a RTK request.
 - Check with your agency or employer on its public access policy.
 - Certain records protected by Section 1619 of the Food, Conservation, and Energy Act of 2008

QUIZ

1. When would an Ag E&S Plan be required?

- a) Operation practices continuous no-till
- b) Operation practices tillage
- c) Animals cause earth disturbance equal to or greater than 5,000 square feet
- d) All of the above

2. True or False – Only CAOs and CAFOs are regulated.

3. True or False – With regard to Chapter 105, construction activities cannot proceed until approval or acknowledgment is received from DEP or Delegated Conservation District

4. True or False – A local ordinance may be more stringent than Act 38 requirements.



Contact Us

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