

Nutrient Management Board Advances Rule-Making

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industry on the board, was named to serve as vice chairman.

The board, commission, members of the state Department of Agriculture (PDA), and Penn State University Extension service representatives have accomplished several key tasks over the summer.

First the commission had approved interim criteria for nutrient management certification regulations. Since the PDA is responsible under the law for administering a certification program for nutrient planning technicians, the interim criteria were needed solely to develop proposed regulations.

Those regulations have been proposed and approved by the board and the commission and are to undergo the regular review process for regulations, which includes public hearings and review by the Independent Regulatory Review Commission.

In other action to date, the board has approved a progress report to the commission, regulations concerning the delegation of administrative authority to the state's conservation districts, and 13 sub-chapters under "Chapter 83. Nutrient Management Regulations," which is a part of "Subchapter D. Nutrient Management," under "Title 25. Environmental Resources State Conservation Commission."

Background

The Nutrient Management Act was created by the state legislature as a means of ensuring the responsible use and control of nutrients within the commonwealth.

Of all nutrient sources and

users, the first priority for legislators in creating the act was to deal with agriculture, largely because of its visibility and pressure from environmental and residential development interests.

Those representing agricultural interests also worked to ensure the passage of a nutrient management act, but had additional reasons.

Agricultural interests sought to create a reasonable state law that would supercede the authority of local municipalities, especially in urbanized areas, where local lawmakers had begun to create their own manure and nutrient management ordinances.

With a number of farming operations split between two or more political boundaries, there was the potential for a wide diversity of local ordinances affecting the same farming operation.

A state law was also seen as necessary because of changes within the state's agriculture industry from traditional livestock stocking densities to high density operations.

The primary target for control by the law is a high density livestock operation which creates more manure than the immediate farmland and farming operation can control, absorb and otherwise utilize.

Another motivation behind creating the law was to help achieve Gov. Robert Casey's goal of a 40-percent reduction in the flow of nutrients into the Chesapeake Bay by 2000. Casey signed an agreement with other governors in the Chesapeake Bay compact to reduce the nutrient flow to the bay,

by a specific amount, by 2000.

For agriculture, the law currently targets those agricultural operations with animal densities at, or above, 2,000 pounds of animal liveweight per acre, on an "annualized basis."

Those operations must have nutrient management plans in place within one year after the effective date of the regulations.

The act gives the State Conservation Commission two years to develop regulations to carry out the act. The effective date of those regulations does not necessarily have to coincide with the approval date.

The target dates set last year were to have interim certification for nutrient management specialists approved by November 1993; interim criteria for the development of nutrient management planning by January 1994; to have nutrient management regulations proposed by July 1994, and finalized by July 1995; and to have nutrient management certification regulations proposed by July 1994 and finalized by January 1995.

To date, the board and the commission have effectively met these deadlines in order to meet the legal deadlines set within the Nutrient Management Act.

The interim certification for nutrient management specialists was basically a move to identify possible qualifying candidates for whom educational efforts would be directed so as to create a cadre of certified people to create and possibly review nutrient management plans.

The reason for this is because those farming operations which must have these plans have one year to get it done. If there aren't enough qualified people, the program could cause some undue burdens to farmers.

The common understanding among those on the board, is that those who work for government at the conservation district level, such as those working under the Chesapeake Bay Program to develop nutrient management plans, will become the officials who work with farmers in reviewing nutrient management plans; and at the same time, those in the private sector, such as crop advisors, would be trained to draw up nutrient management plans.

In the meantime, Penn State University Extension people have been working to create an educational program to train nutrient management specialists, who would then be tested through an exam that is also yet-to-be written. Before those projects can be completed, the other regulations must be finalized.

While it is not known exactly when the regulations will be finalized, it was reported that some background educational efforts about nutrient management are underway.

The Wednesday meeting was different than most in that two committees of the Nutrient Management Advisory Board met during the morning and gathered for a full board meeting in the afternoon.

One committee worked on

developing consensus on what should be included in regulations concerning the structural design for storage and handling of manure, though nothing conclusive was decided.

It was discussed however, about discrepancies between standards currently employed by the USDA Soil Conservation Service and those endorsed in Pa. Department of Environmental Resources regulation.

One area specifically for further consideration concerns a federal standard first used by the Environmental Protection Agency. That standard was to require that water could not move through a membrane any faster than .00001 centimeters per second. That standard was later adopted by DER and has been used as a general goal by the SCS.

The SCS has been using practices with a variety of materials to achieve that level of leak-proofing in the construction of manure facilities it has helped design and finance. However, whether the materials used in the construction of a device actually achieve that level of impermeability is not known. Research and testing, limited as it is, has indicated that the SCS construction methods are satisfactory.

On the other hand, DER regulations require that the standard be met.

What apparently needs to be done, according to committee members, is for the DER and SCS to agree to either a standard that is achievable, or to a series of construction methods that satisfactorily achieve that goal.

The full board met and reviewed the committees' reports from the morning sessions, but saved indepth discussion until the next meeting when the committees can have morning revisions made and updated copies provided to all members.

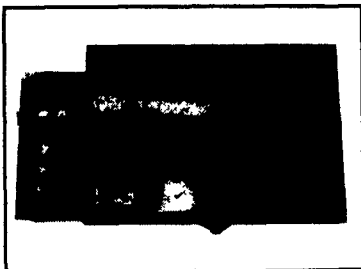
In the meantime, the board approved a motion to have the executive committee meet and review the subcommittee structure of the board for possible restructuring or additions.

The board meeting dates for the rest of the year were also announced: Oct. 12, in Room 105, of the Market Street Square Office Building (MSSOB otherwise known as the "DER Building"); Nov. 16, in Room 309 of the PDA building on Cameron Street; Dec. 13, in Rm. 105, MSSOB.

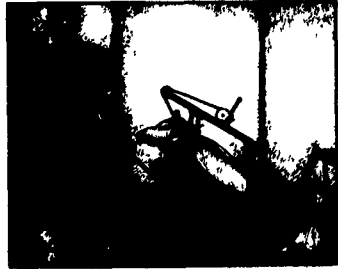
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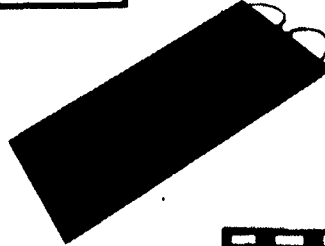
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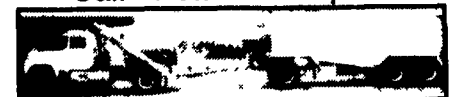
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