

Farms Requiring Nutrient Management Plans Need To Come Forward

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polluting water.

That is the nature of politics.

In and of itself, the number of plan submissions doesn't mean anything.

The law allows that those farm operators who are operating what is defined under Act 6 as a "concentrated animal operation" have one year from the finalization of nutrient management regulations to submit a plan for consideration.

There are still several months to go, before existing farms have to come forward with a plan.

The state has had no problem with new operations (those operating after Oct. 1, 1997) developing and submitting nutrient management plans.

However, concern is growing that the state's farmers who have been operating high density livestock operations as defined in Act 6 may fail to submit plans on their operations before the Oct. 1 deadline, and that would undermine the promises made by the agricultural community in its political negotiations with environmental and human safety advocates.

In Act 6, and especially in its regulations, agricultural leaders were able to negotiate a program that allows farmers with operations falling under the definition of a CAO to come forward and announce their individual plan for dealing with animal manure, instead of being hunted down and told what they would have to do to stay in business.

Those negotiations were made possible by an attitude in state government that seeks to remove the historically adversarial roles played by farmers and environmental government.

The negotiations were also made possible by assuring agricultural opponents that Pennsylvania's agricultural industry could and would cooperate and take care of the situation without "Big Brother."

Essentially, the reputation of the farmer as a responsible steward and the "first environmentalist" was put on the line.

Now some of those people who represented the farming community in those negotiations are growing concerned, because the rela-

tively few plans submitted makes it appear as though the environmentalists were right in assuming that farmers would not comply without the heavy hand of government breathing down their neck.

The reason for the concern expressed at the NMAB meeting was three-fold:

- Earlier, though unofficial, state estimates of the number of CAOs in Pennsylvania were that as many as 2,500 existing farms would be required to submit nutrient management plans.

- If that estimate is even near correct, it would mean that about 2,450 farmers across the state will have to submit nutrient management plans for approval by Oct. 1.

- The U.S. Environmental Protection Agency (EPA) has created its own national program through authority granted partially through the Clean Streams Law and partially through the National Pollution Discharge Elimination System (NPDES) that seeks to require permits for what it calls "concentrated animal feeding operations (CAFOs)." The EPA requirements essentially pose a challenge to Pennsylvania's nutrient management program.

Included in this issue of *Lancaster Farming*, is a proposal by the state Department of Environmental Protection to modify the state nutrient management program to require additional permits, among some other proposed requirements. Farmers are urged to read and comment on the proposal for EPA compliance.

However, if Pennsylvania is seen as not having an effective state-run nutrient management program, it leaves room for those who seek federal or tighter controls to move further against state control.

- The Maryland state government has adopted a strict, mandatory phosphorus- and nitrogen-based nutrient management program that threatens all of its farming enterprises, not just its integrated poultry operations.

According to agricultural leaders and state officials, the bottom line is this: If the general population gets the impression that Pennsylvania farmers are attempting to spit in the eye of responsible

nutrient management, then strict and heavy handed regulations can be expected to follow.

Maryland's action is an example of how quickly the non-farming community can act to create laws controlling farming.

In the meantime, there are to be better efforts made to identify those farms in Pennsylvania needing mandatory nutrient management plans.

The effort now is to improve the estimate so that compliance by the farming community can be better gauged.

In related business, there was some discussion during the meeting that there have to be farms requiring nutrient management plans that already have plans in place, though they aren't the official state plans.

These would be those plans that were lender-mandated, Chesapeake Bay nutrient management plans, and those required by local municipalities.

In other words, it was suggested that there may well be many farms in Pennsylvania that already have good plans in operation that should be easy to convert into official nutrient management plans.

An official certified plan writer needs to do that.

Existing official Chesapeake Bay Program nutrient management plans can be converted without cost into a state-approved nutrient management plan by working with a participating conservation district that has staff able to write plans.

The other two types of nutrient management plans (those made to satisfy local government or a lender) require that either a certified farmer write his own plan, or that a commercially certified writer be hired to write the plan up as an official state plan.

There apparently have been no problems with getting plan submissions from new operations or from those existing farms that are changing operations and livestock density to the point where a plan is mandatory, according to state officials.

Some reported costs for writing plans for a 100-acre farm ranged from \$600 to \$800.

However, some farmers may be

reluctant to pay this fee, especially if they are already following an operational plan that accounts for nutrient applications, crop needs and storm water controls, and that basically only needs to be recorded and submitted as a nutrient management plan.

However, there is state cost-sharing for writing mandatory and voluntary plans for operations already in existence as of Oct. 1, 1997.

Cost Sharing

The nutrient management plan cost sharing program is called "Pennsylvania's Plan Development Incentives Program."

It identifies four different payment categories according to whether the farm is 50 acres or more, or less than 50 acres.

Those plans written by commercial writers for farms less than 50 acres provides 75 percent of the actual costs, not to exceed \$250.

For commercially developed plans on farms of 50 acres or more, the state will pay 75 percent of the actual costs, not to exceed \$4 per acre or \$800 per operation.

For those plans written by a farmer for his own operation, the cost share for farms less than 50 acres is \$200 per operation.

For those with a farm larger than 50 acres who are certified to write their own plan, the cost share is \$3 per acre, not to exceed \$800 per operation.

(The cost share rates are subject to change, though this information was provided this week and is expected to remain for some time.)

From Oct. 1, 1997 to Sept. 30, 1998, the cost-share funds are to be used only for those farms (CAOs) needing mandatory plans.

After Sept. 30, cost-sharing is to be expanded to help pay for those volunteering to submit nutrient management plans.

Those seeking cost-sharing need to apply before doing any activities or incurring expenses that will be sought to be cost-shared. The program will only pay for the costs of planning after an application is approved.

For more information on cost-sharing, contact a local conservation district. They should have brochures explaining the program in more detail.

Also of note for those who intend to use commercial plan developers, is that the plan-writing industry has become competitive, so state officials have said that if plan writing cost estimates seem excessive, farmers may wish to shop around.

Conservation districts are to provide farmers seeking nutrient management plans with a list of the names of commercially certified plan writers.

For those who may not be certain whether their operation falls under the non-mandatory or the mandatory category, contact a local conservation district for help in making that determination.

There are some simple calculations that can be made to quickly determine whether a plan is necessary or not by Oct. 1.

Nevertheless, whether an individual knows the status of his operation or not, those who need the plans can face fines or possibly being shut down for not coming forward and submitting plans.

Some farmers may not consider their operations a farm of concern because of its small land base.

Ironically, about half of those 2,500 farms estimated to be required to submit a mandatory nutrient management plan by Oct. 1 were very small farms, with less than 10 acres.

The size of the farm isn't important. What is important is the stocking rate of livestock and the amount of land suitable for applying nutrients in manure at a level that does not exceed those required by the crops in the field.

According to state officials, there is no reason to consider a delay in applying for cost-share funds.

There was \$500,000 in the state budget allocated to be used in the 1997-98 fiscal year ending June 30, and another \$500,000 for the 1998-98 state fiscal year.

Proposal Text Also On Lancaster Farming Online: <http://www.lancasterfarming.com>

Department Of Environmental Protection Proposes Concentrated Animal Feeding Operations Compliance Strategy

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HARRISBURG (Dauphin Co.) — Under an aggressive campaign promoted through the President Clinton Administration to enforce the nation's Clean Water Act, the U.S. Environmental Protection Agency has issued some new regulations covering livestock operations.

The new buzzword concerning the new regulations is an acronym: CAFO.

It is short for "concentrated animal feeding operation."

In effect, the EPA has created a form of national nutrient management and is requiring some farms to have discharge permits under the National Pollution Discharge Elimination System (farms are considered non-point discharge sources of nutrients, therefore even if it is non-point, it is still discharge), as well as some other control

measures that could conflict with and undermine Pennsylvania's Nutrient Management Act and the partnership relationship that has developed between the state and its agricultural community.

Targeted through EPA's aggressive action are high density livestock facilities — large broiler houses, large confinement swine operations, stock yards, feed lots, dairy facilities, etc.

Pennsylvania has created its own program for dealing with these historically recent agricultural production operations — Act 6, also known as the Nutrient Management Act.

In order to comply with the federal program and retain as much as possible of Pennsylvania's existing Nutrient Management Act regulations and guidelines, the state Department of Environmental Protection has proposed some ways to modify the state program so that it achieves

the same environmental goals EPA seeks, while remaining a state-controlled program.

This proposal was published June 13 in the Pennsylvania Bulletin. There are 60 days for comment and several public hearings and meetings scheduled.

The proposal is reprinted here so that readers of *Lancaster Farming* may comment on the logic and workability of the proposal, as well as stay abreast of what additional work and permits may be required in order to farm competitively using modern production technology.

The proposal can also be found on the Lancaster Farming home page at <http://www.lancasterfarming.com>

Included near the end of the proposal are the tentatively scheduled hearing/meetings where comments can be made about it, as well as the address and person to whom comments can be made.

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