

# Township Supervisors

(Continued from Page A1)

The Municipal Planning Act, amended in 2000, provides broad definitions for the preservation of agriculture, carrying the cause promoted by Farm Bureau. Farmers are allowed to adopt new procedures and new methods of efficiency to their operation to ensure the continued success of Pennsylvania agriculture.

Zaleski noted that with the new definitions, "your efforts to rule out intensive agriculture operations are doomed to fail."

Under the code, ag cannot be restricted where it has been traditionally present, noted the attorney. If you try to rule large-scale enterprises out, you have to provide sufficient evidence to justify that exclusion.

If supervisors don't come up with satisfactory, zone-based solutions, then the decision-makers in communities who didn't address the problems, warned Zaleski, "will be replaced with folks with very specific agendas."

The zoning can be specific and accommodate the needs of large-scale ag enterprises. At the same time, at that point, zoning regulations can deal with the issues of traffic, water, odors, dust, and other concerns.

Zoning to control use can define a lot of things, including what side of the roads can be used. Communities should put more effort into designating the areas where large-scale agriculture is desired, where it should go.

To enact these kinds of things could require "political guts," Zaleski said.

Supervisors should "jointly plan with other communities, using cooperative comprehensive planning and zoning," noted Christine Kellett, professor of law, Penn State Dickinson School of Law.

Kellett noted that if there are disputes, making use of good mediators can help both sides.

Mike Brubaker, president of the Brubaker Corp., noted that "intermunicipal cooperation" is key.

Brubaker commented on the changing nature of agriculture and the increasing need for large-scale production as the population has increased dramatically. "We're a world superpower in food production," he said.

Brubaker spoke about the new concentrated animal feeding operations (CAFO) rulings that focus not on concentration of animals, but on sheer numbers of livestock in a facility.

Kellett, of the Penn State Dickinson School, reviewed a history of the Clean Streams Act of 1939 and the subsequent development of the Clean Water Act of 1975, in addition to the Right To Farm Law. The key: the court interpretation of the law, which is up to a judge's decision.

Brubaker noted that municipalities can work to ensure the viability of agriculture. Those in agriculture can host ag summits, encourage roadside stands (he believes the future of agriculture is either large-scale or niche markets), distribute a monthly newsletter, host community gardens, provide conflict resolution services, and conduct open houses to the community.

During the convention, Agriculture Secretary designee Dennis C. Wolff hosted visitations to two Lancaster County large-scale farming operations, also CAFOs, in conjunction with the Pennsylvania State Association of Township Supervisors PSATS State Convention, Sunday afternoon.

"It is my hope that these visitations will provide local officials with a better awareness and understanding of what CAFOs are and how they help both the farm families and their surrounding communities," Wolff said.

Approximately 80 township supervisors traveled to Lancaster County to gain first-hand information about CAFO livestock facilities.

Farm owners provided officials with an in-depth discussion on how they manage their operation, how they address neighbor relations and nutrient management plans, and the importance of their businesses to the local economy.

Community character is exemplified by the Brubaker Farm, Mount Joy. This CAFO, owned by Luke and Barbara Brubaker in partnership with their two sons, Mike and Tony, lies on the outskirts of Mount Joy and provides a beautiful green expanse among community development.

Luke Brubaker believes in his investment. "I believe agriculture and the community can live together. Agriculture is going to move where the infrastructure is. Lancaster County has the infrastructure." The Brubaker family has made use of Lancaster County's fine agricultural landscape. In 1929, Luke's father started the operation with only eight cows. Under a formal partnership between Luke and his two sons, the Brubaker Farm consists of 600 dairy cows, 450 young stock, and a 48,000-bird broiler chicken operation.

Over the years, growth and expansion of the Brubaker Farm

**Is my dairy cow or heifer operation a CAFO?**  
Your operation is a CAFO if it is an animal feeding operation (AFO) and it meets one of the following conditions:

**Large CAFOs**  
Your dairy cow or heifer AFO is a Large CAFO if it has at least:  
✓ 700 dairy cows  
✓ 1,000 heifers

**Medium CAFOs**  
Your dairy cow or heifer AFO is a Medium CAFO if it has at least:  
✓ 200 dairy cows  
✓ 500 heifers

and

✓ a man made ditch or pipe carries manure or wastewater from your operation or  
✓ your animals come into contact with surface water running through the area where they're confined

**Designated CAFOs**  
No matter what size your operation is, if it is an AFO, it can be designated a CAFO. If your permitting authority inspects your operation and finds that it is adding pollutants to surface waters, your operation might need a CAFO permit.

**My operation is a CAFO. What do I have to do?**  
You must apply to your permitting authority for a permit. Most states have the authority to manage CAFO programs and issue permits. State CAFO programs are based on the revised national regulation. You can use this pamphlet to help you learn about the permit requirements for a permit. You should contact your permitting authority to find out what your permit requirements are and how to apply for a permit. Check the insert to this pamphlet for your permitting authority's contact information.

**See the pamphlet "Will My Operation Be Regulated?" for the definition of an AFO.**

**What will my operation's permit require?**  
Your CAFO permit will require you to meet certain conditions for your production and land application areas. The specific requirements of your permit will depend on whether your operation is a Large, Medium, or designated CAFO.

**Requirements for all dairy cow or heifer CAFOs**  
You can expect your permit to require you to:  
✓ Implement a nutrient management plan  
✓ Submit annual reports to your permitting authority  
✓ Keep your permit current until you completely close your operation and remove all manure  
✓ Keep records of your nutrient management practices for at least 5 years (See the pamphlet "What Are the Federal Record Keeping and Reporting Requirements?")

**Requirements for large dairy cow or heifer CAFOs**  
Nutrient management plans for Large dairy cow or heifer CAFOs have more requirements for production and land application areas.

**Production area**  
✓ Design your production area to contain all of your CAFO's manure plus the runoff from a 25 year 24 hour rainfall event (large storms). (Overflows from large storms are allowed only if your operation is designed and operated to meet these specifications.)  
✓ Install depth markers in liquid manure storage structures  
✓ Inspect your production area weekly and all water lines daily  
✓ Correct any problems you find as soon as possible  
✓ Properly handle dead animals

**Land application area**  
✓ Apply manure at rates that meet your permitting authority's standards  
✓ Analyze manure for nutrient content at least once a year  
✓ Analyze the soil from your land application fields for phosphorus amounts every 5 years  
✓ Avoid applying manure to any land within 100 feet of surface water  
✓ From time to time inspect your land application equipment for leaks

**Transferring manure to other persons**  
✓ Keep records for at least 5 years on the date, recipient, amount, and nutrient content of the manure you transferred  
✓ Information about the nutrient content of your manure must be given to the recipient

**Nutrient management plans for all dairy cow and heifer CAFOs must include provisions for**  
✓ Assuring adequate manure storage capacity  
✓ Proper handling of dead animals and chemicals  
✓ Diverting clean water from the production area  
✓ Keeping animals out of surface water  
✓ Using site specific conservation practices  
✓ Developing ways to test manure and soil  
✓ Assuring appropriate use of nutrients when you spread manure  
✓ Keeping records of your nutrient management practices

**Your permitting authority might set more requirements for any size CAFO**  
**Requirements for Medium and designated dairy cow or heifer CAFOs**  
Your permitting authority might set more requirements for your nutrient management plan. These requirements will depend on the permit writer's best professional judgment and could be like the requirements for Large dairy cow or heifer CAFOs.

**The production area is the area where your animals are housed and manure is stored.**

**The land application area includes all the land under your control where you spread manure.**

**Some large dairy cow or heifer CAFOs may qualify for equivalent discharge allowances. If you use innovative technologies like treating wastewater in your production area, ask your permitting authority about your options.**

was undertaken to keep the operation profitable. The farm's income sustains the three farm families that rely on it for their economic well-being.

Mike Brubaker noted three reasons why they chose to farm as a family: 1) to support their family financially; 2) to provide their families with a better quality of life; and 3) to meet environmental requirements.

The Brubaker Farm has approximately 1,300 animal units and is therefore considered a CAFO. The Federal CAFO program is administered in Pennsylvania by the Department of Environmental Protection (DEP). This program regulates farms based on size and density of the operation. Any farm with greater than 1,000 animal units (an animal unit is considered to be 1,000 pounds of animals), or any Concentrated Animal Operation (as defined by Pennsylvania's Nutrient Management Act) with greater than 300 animal units, is considered to be a CAFO.

The Brubakers have obtained the necessary CAFO permits from DEP to allow them to operate their CAFO facility.

In adherence with an Erosion and Sedimentation Control Plan as well as conservation and nutrient management plans, the Brubakers have implemented practices including stream bank

fencing, grassed waterways, barnyard roof runoff management, a manure storage facility, a filtration and sedimentation basin, stripcropping and contour farming, and dead bird composting.

Community development is important to the Brubakers. Many of the necessary products and services needed to run the farm are purchased from local businesses, contractors, and builders. In addition, the Brubaker Farm supports eight local employees and their families.

The farm has also been preserved as agricultural land through the Pennsylvania Farm-land Preservation Program.

The group also visited a different type of CAFO. Eugene and Charlene Nolt and their three children Sarah, Katie and Ryan, own the Nolt Farm in New Holland. This farm operation includes the production of animal feed crops, tobacco, a swine finishing facility, a dairy heifer facility, and several beef show animals. In the late 1800s, Gene's great-grandfather purchased the farm, and it has been handed down ever since. In 1986, Gene purchased the farm from his father. At that time the farm had 100 steers and produced tobacco and feed crops.

Since that time, Nolt's family size and financial needs changed

without a corresponding increase in commodity prices. To earn the income needed to support his family, Nolt decided to grow finishing hogs under contract. Now, with more than 4,000 hogs, the Nolt operation is considered a concentrated animal operation (CAO) and is regulated under Pennsylvania's Nutrient Management Act (Act 6).

Any animal production farm in the state that has an animal density of greater than 2,000 pounds of animals per acre of cropland is considered a CAO.

This regulatory program required the Nolt's to have a nutrient management plan, which they have been implementing since 1998. With approximately 640 Animal Units, the farm is also a CAFO.

The Nolt's have obtained the necessary CAFO permit from DEP to allow them to operate their CAFO facility. Nolt's operation is a vital part of the local economy in the New Holland area. His farm has developed into a sustainable and effective family business.

For more information about the CAFO or CAO, contact the Pennsylvania Department of Agriculture's State Conservation Commission at (717) 787-8821 or at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

*Editor's note: The Pennsylvania Department of Agriculture contributed to this report.*

Having nightmares about overflowing manure??



**Do you need more manure storage? Not sure where its going to go?**

TeamAg Engineers can help with innovative ways to manage manure.

- Grants
- Design of Manure Management Systems
- Composting
- All kinds of Manure Storage Systems
- Methane Gas Digesters

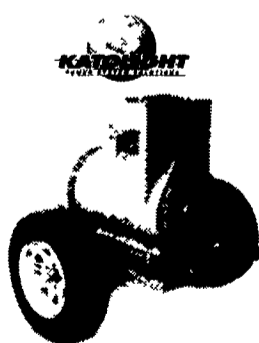
717-721-6795



901 Dawn Avenue, Ephrata, PA 17522

## Agricultural Generators

Detroit Deisel Spectrum



PTO Generators  
25 to 135 KW Units  
In Stock!



Automatic  
L.P. Gas, Diesel  
Natural Gas Generators  
5 to 2,000 KW

Service - Rental - New & Used Units In Stock!

**PENN POWER SYSTEMS**

Power Generation Systems Specialists

330 Founderwhite Road, Lebanon, PA 17042

Call Leonard Martin 717-273-4544

Fax: 717-273-5186

e-mail: [lmartin@pennpowersystems.com](mailto:lmartin@pennpowersystems.com)

### Graystone Small Animal Sale LLC

(Root's Market - Manheim, PA)  
Every Tuesday  
4:30 pm  
Receiving 6 am till sale time  
All kinds of Poultry, Rabbits,  
Guinea Pigs, Pigeons  
717-898-0755