

86

**Flanagan, Joann**

**From:** Bernadette Rhodes [bernietr01@aol.com]  
**Sent:** Thursday, October 14, 2004 5:41 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 14, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

- \* Inclusion of horse operations.
- \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
- \* Inclusion of the phosphorus index.
- \* Requirement that animal access to surface water be controlled, so that livestock may not directly deposit their manure in streams.
- \* Prohibition of manure application on bare ground.
- \* Requirement of an Erosion and Sedimentation Control Plan.

The proposed Nutrient Management regulation, however, has some shortcomings that I urge you to correct:

- \* A setback of 100 feet (or 200 feet on steep slopes) from surface water should be throughout the year, not just when the ground is frozen, snow-covered or saturated. Water pollution occurs throughout the year, and the regulation should be changed to require these setbacks at all times.
- \* Setbacks from all surface waters, in addition to property lines, water wells and sinkholes, should be required for manure storage facilities. Wetlands, intermittent streams, and downstream waters could suffer devastating effects if inundated by millions of gallons of manure when a manure storage facility fails, most likely after a heavy rain when intermittent streams are flowing and wetlands are full.
- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Ms. Bernadette Rhodes  
114 N 3rd St  
Steelton, PA 17113-2209

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION

Original: 2413

(87)

**Flanagan, Joann**

**From:** Gregory Dowd [dowdgp@earthlink.net]  
**Sent:** Friday, October 15, 2004 12:30 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 15, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members. Rep Adam Harris doesn't seem to care about this important situation. Hopefully we will find someone more aware of good stewardship of our environment. Thank you. Greg Dowd

I appreciate the following improvements:

- \* Inclusion of horse operations.
- \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
- \* Inclusion of the phosphorus index.
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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Gregory Dowd  
RR 2 Box 360  
Mt Pleasant Mills, PA 17853-9440

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION

Original: 2413



**Flanagan, Joann**

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**From:** Samuel Young [seyoung@ptd.net]  
**Sent:** Friday, October 15, 2004 2:48 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 15, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION  
COMMISSION

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Samuel Young  
116 Shawnee Rd  
Bloomsburg, PA 17815-9401

89

Original: 2413  
Flanagan, Joann

**From:** Charlie Diaco [charliediaco@aol.com]  
**Sent:** Friday, October 15, 2004 6:06 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 15, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
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  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Charlie Diaco  
113 S 11th St  
Akron, PA 17501-1509

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION

90

**Flanagan, Joann**

**From:** Mike Lombardo [uafd@rcn.com]  
**Sent:** Saturday, October 16, 2004 12:35 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 16, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

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  - \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
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  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Mike Lombardo  
4008 Ferncroft Ln  
Bethlehem, PA 18020-7615

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2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION

**Flanagan, Joann**

**From:** Clarence Appleby [ctappleby@yahoo.com]  
**Sent:** Saturday, October 16, 2004 8:01 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 16, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Clarence Appleby  
3365 S Madden Rd  
Hustontown, PA 17229-9101

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION

Original; 2413

92

**Hughes, Marjorie**

**From:** Hughes, Marjorie  
**Sent:** Tuesday, October 26, 2004 8:40 AM  
**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: Molly Duffy [mailto:mduffy1@yahoo.com]  
Sent: Monday, October 18, 2004 4:50 PM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 18, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

- \* Inclusion of horse operations.
- \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mrs. Molly Duffy  
118 Fennerton Rd  
Paoli, PA 19301-1107

RECEIVED  
2004 OCT 27 PM 3:00  
STATE CONSERVATION COMMISSION

73

**Flanagan, Joann**

**From:** James Ryan [jhacryan@comcast.net]  
**Sent:** Sunday, October 17, 2004 8:04 PM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions

October 17, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
My wife arleen and I keep our cruiser at Haven harbour marina in Rock Hall, MD. We enjoy cruising the bay and are members of save the bay organization. Both of us are very inteested in doing all we can to help restore the bay to its former condition that supported greater yields of fish and wuild life. Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation. Please support these regulations, I appreciate the following improvements:

- \* Inclusion of horse operations.
- \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
- \* Inclusion of the phosphorus index.
- \* Requirement that animal access to surface water be controlled, so that livestock may not directly deposit their manure in streams.
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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. James Ryan  
2028 Cody Ln  
Harleysville, PA 19438-3347

RECEIVED  
2004 OCT 27 PM 2:59  
STATE CONSERVATION COMMISSION



Original: 2413

94

**Hughes, Marjorie**

**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: Arthur Hunt [mailto:ahunt2@verizon.net]  
Sent: Monday, October 18, 2004 6:19 PM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 18, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

- \* Inclusion of horse operations.
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  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Arthur Hunt  
501 N Bethlehem Pike Apt 12A  
Ambler, PA 19002-2511

RECEIVED  
2004 OCT 27 PM 4:00  
STATE CONSERVATION COMMISSION

96

**Hughes, Marjorie**

**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: John Kessler [mailto:jrk@bellatlantic.net]  
Sent: Tuesday, October 19, 2004 4:53 AM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 19, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

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  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. John Kessler  
2022 Bondsville Rd  
Downingtown, PA 19335-1122

RECEIVED  
2004 OCT 27 PM 3:00  
STATE CONSERVATION COMMISSION

97

**Hughes, Marjorie**

**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: Robert O'Brian [mailto:obrianr@workknowledge.com]  
Sent: Tuesday, October 19, 2004 9:10 AM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 19, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
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  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Robert O'Brian  
134 W Rose Valley Rd  
Rose Valley, PA 19086-6236

RECEIVED  
2004 OCT 27 PM 2:00  
STATE CONSERVATION COMMISSION

Original: 2413

98

**Hughes, Marjorie**

**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: Scott Dempsey [mailto:sdem561689@aol.com]  
Sent: Thursday, October 21, 2004 8:35 AM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 21, 2004  
State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

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- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Scott Dempsey  
318 E 4th St  
Boyertown, PA 19512-1202

RECEIVED  
2004 OCT 27 PM 3:00  
STATE CONSERVATION COMMISSION

Original: 2413

**Hughes, Marjorie**

99

**From:** Hughes, Marjorie  
**Sent:** Tuesday, October 26, 2004 8:35 AM  
**To:** Hughes, Marjorie  
**Subject:** FW: Comments on Nutrient Management Regulation Revisions

-----Original Message-----

From: William Donaldson [mailto:wdonald539@comcast.net]  
Sent: Wednesday, October 20, 2004 5:32 AM  
To: ag-scc@state.pa.us  
Subject: Comments on Nutrient Management Regulation Revisions

October 20, 2004  
State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
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Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. William Donaldson  
170 Cherry Blossom Dr  
Churchville, PA 18966-1091

RECEIVED  
2004 OCT 27 PM 3:00  
STATE CONSERVATION  
COMMISSION

# PennAg Industries Association

Serving Agribusiness Since 1878

Northwood Office Center Original: 2413  
2215 Forest Hills Dr., Suite 39  
Harrisburg, PA 17112-1099

145  
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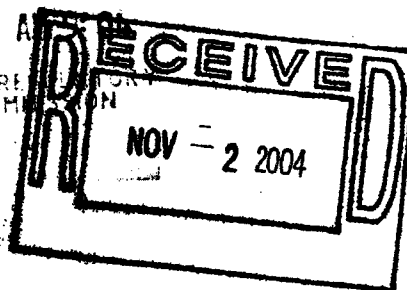
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October 27, 2004

INDEPENDENT REGULATORY  
REVIEW COMMISSION



INDEPENDENT REGULATORY  
REVIEW COMMISSION

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State Conservation Commission  
Agriculture Building  
Room 405  
2301 North Cameron Street  
Harrisburg, PA 17110

Subject: Proposed Rulemaking, State Conservation Commission  
25 PA. CODE Chapter 83  
Nutrient Management

To Whom It May Concern:

On behalf of PennAg Industries Association and its member companies I am providing the following comments on the proposed rulemaking for Nutrient Management:

### Annex A; 25 Pa. Code, Chapter 83; Subchapter D. Nutrient Management

#### GENERAL PROVISIONS

##### §83.201. Definitions

- In-field Stacking; Perennial Stream; Surface Water – Definitions as written still allow room for varied interpretation. Broadness of definition may lead to difficult compliance with regulation due to unintended control.
  - Specifically, Surface Water and In-field Stacking definitions need to be clarified

#### FINANCIAL ASSISTANCE

##### §83.221. Applicant eligibility.

Industry concurs that the most effective way to define an applicant is as the land owner.

#### NUTRIENT MANAGEMENT PLANS

##### §83.261. General.

Industry accepts the timeframes for which a CAO will have to submit a plan as long as this timeframe reflects the availability of other parties associated with the plan submission and approval process. If third parties

### *Leading the Way*

*Working to create and maintain an effective, viable, and competitive environment for Pennsylvania Agribusiness to grow and prosper.*



are unable to complete work within these periods, the applicant should not be negatively impacted and hindered by a process that is not practically developed.

#### **PLAN SUMMARY INFORMATION FOR CAO PLANS**

##### **§83.281. Identification of agricultural operations and acreage.**

(b) Maps and aerial photographs. and (d) Agreements with importers and brokers.

- The inclusion of complete and accurate maps is critical to the effectiveness and accuracy of nutrient applications. By providing the manure applicator with concise maps, they are able to ensure proper intent of the producers plan.
- How will manure haulers/applicators be identified in the plan? Provisions must be available to allow unexpected changes in a hauler and/or applicator that a producer may experience. Any process that does not allow for these changes to be made in a timely fashion could potentially be detrimental to the purpose of the regulations and their focus upon proper application of nutrients.

#### **NUTRIENT APPLCIATION FOR CAO PLANS (1-2)**

##### **§83.294. Nutrient application procedures.**

(c) – The industry accepts the regulations pertaining to equipment calibration and recognizes Best Management Practice is already taking place. There are some specifics lacking in regards to requirements for actual availability of the information. The lack of specifics relating to this requirement allows too much leeway for inaccurate interpretations. It would be seen as adequate to have a statement of calibration and documentation of calibration standards included in the plan that would provide the industry with the ability to ensure reviewers that the process is taking place for all equipment that has the potential to be used on an operation, rather than limiting documentation to specific applications.

(f) (i-iv)

- What is the scientific process for determining setback distances?
- In order to eliminate confusion, it would be acceptable to have all manure applications subject to a 100 foot setback regardless of a well's activity. By having one figure, it will be easier to comply.

(f) (ix) – In some cropping situations 25% cover may not be achievable, yet the field may be one suitable for manure applications. For example, a field harvested for corn silage may not obtain this cover percentage, but is an appropriate crop for manure application. How would this type of

situation be considered? Also, this requirement is not attainable throughout the Commonwealth. There are some regions of the state where this percentage of cover would not be attainable to growing season characteristics. This requirement may also be difficult to achieve by those farmers implementing no-till conservation practices. Would it be possible to use alternative incorporation methods and planning, such as minimum tillage, when an attempt for a cover crop is not successful?

#### §83.301. Excess manure utilization plans for CAOS.

For any sections related to the requirements and activities of a Commercial Manure Hauler/Broker, it is critical that language in these regulations is consistent with the regulations being developed for Act 49 (2004.) It will be extremely detrimental to the success of both programs if two sets of regulations were developed, which in turn would cause confusion and implementation difficulty for the industry charged with the responsibility to comply.

(g) – As suggested in §83.294 (f), consistency with setbacks would reduce confusion and provide for a better understanding of requirements. It is suggested that 100 feet be the required setback for this instance as well.

#### **STORMWATER CONTROL FOR CAO PLANS**

##### §83.321. Stormwater control.

(e) What level of approval and oversight are going to be made for this requirement? Will the Erosion and Sedimentation Control Plan have to be approved, up-to-date and implemented before a Nutrient Management Plan can be approved? There needs to be Conservation District resources provided to ensure a Plan Writer that this component is satisfied; however, the process to achieve this communication should not be lengthy and burdensome to the Nutrient Management Plan writing and approval process.

#### **RECORDKEEPING AND INFORMATIONAL REQUIREMENTS FOR CAOS**

##### §83.342. Recordkeeping relating to application of nutrients.

(a) (1) Industry concurs with the three year soil test requirement. In many instances, this is already a Best Management Practice being done.

##### §83.343. Alternative manure utilization recordkeeping.

Will manure export sheets, nutrient balance sheets and any other paperwork pertaining to manure importing and exporting be considered “official” components of a Nutrient Management Plan, therefore making them public information and privy to Right to Know policies? We would



hope that all information relating to these practices would be kept confidential so as to not discourage importer participation.

#### **PLAN REVIEW AND IMPLEMENTATION FOR CAOS**

§83.361. Initial plan review and approval.

(b) We concur that the Commission or a Conservation District should not have the ability to modify a plan or plan amendment since they do not participate in day-to-day management of the operation(s) named in a plan, therefore may not be familiar enough to make realistic modifications.

#### **PLAN AMENDMENTS AND TRANSFERS FOR CAOS**

§83.371. Plan amendments.

(a) (3) In the event of the addition of an importer during a situation where that importer's involvement is critical to the proper and efficient application of manure from an exporter, that plan change should not have to follow the procedures of a plan amendment due to time delays that may occur. Specifics of the addition would be provided to the Conservation District for their information and also made available during the plan's annual review.

#### **GENERAL COMMENTS**

- In order to provide clarity and comprehensive adoption of these regulations, where applicable, producers and other parties involved in the process should have the ability to develop a plan that will allow for unexpected alterations and changes in practice.
- As written, portions of the regulations are difficult to understand and evaluate, which may lead to frustration and misinterpretation of requirements by those being asked to follow them. Condensing and simplifying language where possible would be appreciated.
- We encourage allowing the opportunity to the producer to provide supporting documentation during the annual review process, rather than having them included in plan, which could cause confidentiality and public information issues.
- Pennsylvania's regulations as proposed are more stringent than any of those in neighboring states, therefore puts PA producers and industry at an economic disadvantage.
- The Commission should be aware of the potential loss of Volunteers in the program if regulations are so stringent that they do not justify the burden on a producer who is participating in the process for good

stewardship/best management reasons. It would seem advantageous for oversight to have more volunteers involved with less stringent policies than have more stringent policies and no volunteers in the program, therefore not doing anything for water quality and nutrient management.

**Cost Increases:** The Preamble of the Proposed Regulations does not accurately reflect the increase in costs that will be incurred by a farmer/producer. Beyond an increase cost for plan development, there will be an extreme increase in all practices relating to a plan. With the implementation of the Phosphorus Index, some farmers will encounter the need to eliminate manure application on importing fields currently being used, causing them to expand the radius in which their importers are located. This means an increase in hauling distance, which in turn increases hauling costs. Due to the cost of equipment overhead, a majority of producers have found it cost efficient to hire an independent manure hauler for their exporting transport. Extending transport areas will incur additional costs for a hauler, who will need to pass these increases along to their customers – the farmer. The Preamble of the regulation also notes an increased opportunity for farmers to market the manure they will need to export. Marketing possibilities for manure are extremely limited and not keeping pace with manure production. In many instances, cost equivalents of nutrient values in the manure are counteracted by the transportation costs involved with moving the product off the farm, leaving no financial gain. In other instances, Pennsylvania product, such as poultry litter, has to compete with products being exported from neighboring states, which have been subsidized by those other states, making it more economical for an importer to receive non-Pennsylvania produced litter.

**Documentation Burden:** It must be kept in mind that one of the purposes of these regulations is to ensure proper and efficient manure application. We must not allow this goal to be diminished by documentation requirements that could potentially inhibit the process. For example, in instances of documentation of manure importers, flexibility must be allowed in situations that require the use and need for an importer that may not be listed on an original plan. An exporter must have the ability to notify the Conservation District of the intent to utilize an unlisted importer to ensure the manure is applied in a timely and proper fashion. If the documentation process does not allow for such flexibility and an exporter would be required to go through the plan amendment process, practicality issues may surface due to the unrealistic time period entailed. There is a great possibility that the recordkeeping burden placed on importers may cause them to not want to be part of the program. In a period when the need for more importers will increase, especially with the potential of Phosphorus management eliminating acreage from the possibility of receiving manure, regulations must be developed to encourage participation by those with acres that could benefit from the nutrient application. It would be encouraging to know that the Commission's

intent is not to reduce those who will benefit the continued viability of the industry.

Would it be a possibility that a Conservation District Technician be granted interim approval authority for instances needing immediate attention? This would still maintain proper communication between the producer and District while allowing for efficient manure management. The producer would also be required to maintain documentation of the instance, which would be available during the annual plan review.

**Consistency with Act 49:** With the signing of Act 49, responsibilities for Commercial Manure Haulers and Brokers have increased, many of which parallel with responsibilities set forth in the Nutrient Management regulations. In order to promote successful attainment of these requirements, it is critical that the regulations being developed for Act 49 remain consistent with those being proposed by the Commission and vice versa.

**District Inconsistencies:** With passage of these regulations, will there be any standards or guidance documents developed for Conservation District staff? Presently, there tends to be inconsistencies between counties and staff, making plan development and compliance difficult for certified writers/specialists and producers.

Thank you for the opportunity to offer these comments to you for your consideration.

Sincerely,



Walt Peechatka  
Executive Vice President

Copy to Bob Grobengieser

Original: 2412  
2413

102  
122

Flanagan, Joann

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**From:** Goodlander, Douglas  
**Sent:** Tuesday, October 26, 2004 8:07 AM  
**To:** Flanagan, Joann  
**Subject:** FW: NM comments

2004 NOV 10 PM 3:44

INDEXED  
REVIEW COMMISSION

Joann,

here is another comment letter for the nm act comments. please file and send on to Marge.

dag

-----Original Message-----

**From:** Doug Graybill [mailto:dgraybil@sosbbs.com]  
**Sent:** Monday, October 25, 2004 11:47 PM  
**To:** dwoff@state.pa.us; dgoodlande@state.pa.us; wpeechatka@pennag.com; bruth@cvff.com; gswan@pfb.com  
**Cc:** rmadigan@pasen.gov  
**Subject:** NM comments

TO: Dennis Wolfe, Pa Dept of Agriculture

Doug Goodlander, Pa State Conversation Commission

Walt Peechatka, PennAg Industries

Gary Swan, Pa Farm Bureau

Robert Ruth, Country View Family Farms

DATE: 10-25-2004

FROM: Keith Heimbach and Doug Graybill, Granville Summit, Pa

Comments on the proposed Nutrient Management (NM) rules.

We want to address three areas concerning the possible effects on farmers in the proposed NM changes.

Our farming enterprise is located in Bradford County, Northeast of Canton. The topography of our farm is gentle rolling with a few sharp slopes. Rivulets border most all of our fields and pastures. Two swamps border some of our fields and serve as a rivulet source. We have about 234 cultivated acres (80-100 acres of corn, the balance in hay) and 146 acres of pasture. Our animal agriculture is composed of a 30 cow dairy plus young stock, 90 bison cows plus young stock and two 2100 head hog finishers. All cultivated acres and 100 acres of pasture receive from 4-6000 gallons of hog manure/acre/year. Sixty acres of rented pasture are located on a neighbor's land and his hog finisher provides manure for that pastureland. Our surplus manure is exported to neighbor's corn or hay ground.

CAO/CAFO

I believe the proposed rules unfairly focus on CAO/CAFO's since they are the most visible and easiest target to convince critics, that Pennsylvania is serious about reducing the nutrient load in the Chesapeake Bay basin.

10/26/2004

1. A survey of the nutrient load data from 1985 to 2003 provides little evidence of increasing nutrient load on the Susquehanna River and only points to great nutrient variations based on wet or dry years.
2. Nutrient loading has occurred over many decades prior to the advent of CAO/CAFO's (a recent development in the history of Penn. animal agriculture). Consequently, other sources must have contributed to the nutrient load in prior years.
3. If animal manure is the cause then small animal operations (AO) dairies, poultry flocks, pig operations, steer feeders, etc) have and are contributing to the nutrient loads accumulating in the river and bay.
4. The agricultural share of the nutrient load will only be reduced when winter spreading of animal manure on frozen or snow covered ground is greatly restricted. Our experience is, we are making better use and exercising more care in spreading manure from the hog finishers that we ever did from the dairy. Our dairy manure was and is still spread on frozen or snow cover land during the winter months. I have seen our fields literally swept clean in a few hours during a spring thaw. Our CAFO manure is spread on hay ground in fall or spring (immediate absorption by the crop). CAFO manure on our corn ground is incorporated within 12-24 hours. The fact is, since hogs, we have never been more environmentally right in our farming operation.
5. The focus on more restrictions for CAO/CAFO's is mis-directed and the increasing cost of compliance will stop or force us out of business. Our production contracts do not generate enough cash flow to justify the cost of transporting manure.
6. I think the agenda of the animal rights groups (anti-factory farming) is driving the continuing revisions and increasing restrictions.
7. It is very obvious to the agricultural community that many contributors to the bay's nutrient load problems are being ignored or excused ( Milton, Pa = six million gallon dump of raw sewage, Baltimore, Md = six hundred million gallon dump of raw sewage, allowing municipalities to dump raw sewage during flood events (how many gallons of raw human sewage were released in the past two hurricane events by local municipalities?), golf courses, chemical fertilizing and herbicide treatment of residential lawns, residential, commercial and industrial runoff). In fact, we read that cleaning up the bay is a nearly impossible situation in light of the current expansion rate of urban/suburban development and population growth within the Chesapeake Bay drainage.

#### SET-BACKS AND BUFFERS

1. To comply with the proposed rules, we calculated that 40% of our rented acreage (40 acres) will be excluded from manure treatment. Therefore, just on the rented acreage, we will have to export 240,000 gallons. The financial impact is that we must pay (\$55/hr) for a certified hauler to spread manure on some distant acreage if we can find a farmer with a conservation plan (E&S) and a NM plan. Then, we will have to purchase chemical fertilizer (15-15-15=\$291/ton, Urea=\$345/ton, 2004 prices) if we want a crop yield from our rented acreage. A double expense to raise a crop of hay or corn. The implication is that CAFO manure is bad but animal operation (AO) manure or chemical fertilizer is ok, yet all deliver N-P-K. All are subject to runoff but CAFO manure is designated the problem. This situation leaves us with only a few choices. a) drop the rented land. b) compete with CREP to rent more distant acreage. c) call it quits. d) ignore the buffer restrictions. Obviously, we cannot afford any of these options. Farmers may be forced to go underground and ignore the restrictions in the name of survival.
2. If setback/buffers are the solutions than residential developments, etc should have established setback/buffers from agricultural lands. The buffer/setback monkey should not be totally on the back of CAFO's.
3. The broad definition of "stream or other water body" can mean anything to anybody. Setback/buffers should be restricted to named streams or impaired streams. We have no idea what to do with the diversions or sod waterways, temporary ponding, etc which occasionally carry excess water off our fields

#### EXPORTING OF MANURE

1. With the proposed manure spreading limitations on our present operation (owned and rented acreage), we will

be forced to find more distant acceptable acres for receiving animal manure.

2. The 150 foot rule setback for non NM acreage will remove more acreage from spreading and increase our acreage needs and expenses.

3. Our conservation district lacks the manpower to fast track E&S plans. Our present E&S plan is totally inaccurate and will have to be redone. It was created in an office by a technician based on inaccurate topo's with no farm visit and contains recommendations which have no practical validity for our operation. We have significant acreage mis-labeled HEL which in no way should have this designation.

4. Most of the neighboring farms now receiving our exported manure spread on less than forty acres, just a portion of their total acreage. They carefully choose the crop and acreage based on proximity in an effort to reduce hauling costs. Will they endure the process of developing an inaccurate E&S and the cost of developing a NM plan- a guaranteed NO? Even if our neighboring farmers survive the hoops, it could be years until the acreage would be available for exported manure. Can we convince them to go through all the hoops just to receive our manure? It will be easier for them to turn their land over to CREP.

5. A general reading of the proposed regulations addressing recording keeping for manure spreading is enough to scare people off. These regulations read as if we are the most distrustful people in existence.

#### SUMMARY IDEAS

1. Upon reading the 25 Pa Code, Chapter 83, Subchapter D. NUTRIENT MANAGEMENT,

my reaction is total frustration that it takes 137 pages to control all the possibilities in dealing with manure. We never realized that animal manure is such a dangerous material. Our reaction is **"WHY FARM !"** We certainly do not want our children or grandchildren to farm. There is not enough financial income to even come close to justify compliance to the proposed restricts. We might as well sell to a developer, or sign up our farmland in CREP.

2. No animals equal not manure handling problems -- sure is tempting.

3. We are being treated as if we are the criminals of the bay watershed.

4. A tremendous amount of money has been spent on BMP's and we notice little if any reduction in nutrient loads. The Mill Creek project, Mt. Pisgah, Bradford County is one example. The Bentley Creek, Bradford County stream bank project is a total disaster after a tremendous amount of money was spent to make this creek a model for other projects. The Towanda creek was literally gutted by hurricane Ivan in a few hours but the suspended sediment load will be charged to animal agriculture.

5. Best Management Practices are always done with a "Cadillac" mentality by the local conservation district personnel with a nice tax owed to IRS by us.

6. To install BMP's on our small dairy operation (30 cows), the price tag is approximately \$40,000. I (Doug) told my son-in-law ( Keith) that this is insanity, how can a small dairy justify even our share of the cost plus pay the tax burden created by the project. Better to shoot the cows and forget the whole mess. Some where, there has to be some common sense applied and these proposed NM rules are more of same illogical thinking.

Thank you for your time in hearing our response.

Keith Heimbach

Doug Graybill

C.C. to

Rodger Madagan

10/26/2004

Tina Pickett

Matt Baker

Jennifer Reed

10/26/2004

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Original: 2413 131

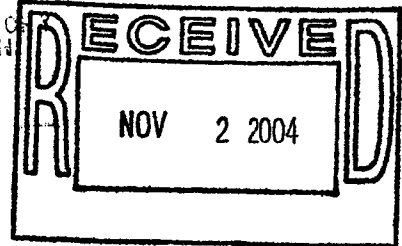
58 Lee Lynn Lane  
Huntingdon Valley, PA 19006  
October 26, 2004

State Conservation Commission  
Agriculture Building  
Room 405  
2301 North Cameron Street  
Harrisburg, PA 17110

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STATE CONSERVATION COMMISSION  
REGULATORY REVIEW COMMISSION



Re: CAFO Regulations

Why should factory farms be allowed to pollute our air and our water??? Typical family farms produce manure that can be used on fields minimizing pollution. Factory farms are so gigantic that there is no way the manure can all be used. Instead the manure runs into our streams and rivers resulting in dangerous levels of dangerous bacteria and nutrients to encourage the growth of that bacteria. The manure/ bacteria seeps into our ground water contaminating our drinking water. The methane from all these animals degrades our air.

State agricultural policies should be working to decrease the pollution from existing factory farms. They should be supporting sustainable agriculture. Our policies should NOT be supporting the spread of factory farms.

Please let me know what actions you are taking to support sustainable farms and to eliminate pollution from factory farms.

Sincerely,

Karen Eble



107  
127

Original: 2412  
2413

Re: Public Comments - Proposed Nutrient Management Changes

At the market price of manufactured fertilizer at \$350.00 per ton - animal manure is by far of greater value to the farmer because the product at their location on the farm without delivery charges therefore leaving \$350.00 per ton to pay bills that occur on the farm. This dollar amount per ton of commercial fertilizer would pay fuel costs for a 100 HP tractor running 9 gallon of fuel per hour to provide 22 to 24 hours of field working time.

In reviewing the DEP proposed regulations on manure handling of taxpayers own properties to survive at farming - I propose that DEP would benefit Pennsylvania agribusiness which needs help in surviving to feed this country with the least costly food in world for a few more years by placing their efforts and ambitions towards helping keep the farmers in business.

As to proposals for DEP/EPA to initiate:

1. A bottle/can bill started to clean up our roadsides.
2. All plastic food containers to be biodegradable by 2008.
3. DEP/EPA should be taking soil samples if they want to tell farmers what soil ammendments the soil will tolerate.

With 2% of the population being farmers and the average age of 55 with 7 years to go for retirement looks like at the current rate of farmers going out of business and no hope for young farmers to take over - the USA will have to import agricultural products from non-certified farm operations in foreign countries. Untreated human waste for direct fertilizer of food plants in foreign countries, non-certified sprayer applicators of pesticides and herbicides on food supplies imported will lower the safety of our homelands food purchases..

On a more critical point, MTBE - the additive in gasoline to replace lead - 17 states have outlawed it being used. Yet DEP/EPA employees are polluting our water tables by driving to work, on the job driving and personal driving everyday with no regard to their on actions. To correct this problem, we the green energy people of our Commonwealth and the USA as a nation should be turning our state and nation around to be self-sufficient on its own accord by putting into operation ethanol manufacturing plants in all regions of Pennsylvania, thereby making it more feasible to keep local people alive and well by producing non-polluting energy from a renewable source. Ex: 1 bushel of corn yields 3.2 gallon of ethanol and 1 ton of hay can yield 70 to 80 gallons of ethanol.

Suggestion for a new slogan for DEP/EPA on Green Energy.

"Don't Pollute - Survive - Rely on Green Energy"

Robert C. Culp  
2074 Hobson Drive  
Ford City, PA 16226

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OCT 21 2004

Original: 2413

**Hughes, Marjorie**

**From:** Flanagan, Joann on behalf of conservation, state  
**Sent:** Monday, October 25, 2004 3:29 PM  
**To:** Goodlander, Douglas; Walker, Michael; Clouser, William; Hughes, Marjorie  
**Subject:** FW: Proposed Revisions to the Nutrient Management Regulations

-----Original Message-----

From: Susan Wright [mailto:mintor2@comcast.net]  
Sent: Sunday, October 24, 2004 2:40 AM  
To: ag-scc@state.pa.us  
Subject: Proposed Revisions to the Nutrient Management Regulations

--  
State Conservation Commission  
Agricultural Building, Room 405  
2301 Cameron Street, Harrisburg, PA 17110

October 24, 2004

Re: Proposed Revisions to the Nutrient Management Regulations

Members of the State Conservation Commission:

I would like to make the following comments on the proposed revisions to the Nutrient Management regulations.

**Public Notice and Records**

- ... Conservation District Nutrient Management Plan approvals should be published in the PA Bulletin to give the public adequate opportunity to review approved plans before the 30-day appeal period expires.
- ... Manure application records should be submitted quarterly to the conservation district. (25 Pa. Code § 83.342(b))
- ... Manure application records should be available to the public. (25 Pa. Code § 83.342(b))
- ... Exported manure records should be submitted quarterly to the conservation district. (25 Pa. Code § 83.343(a)(4))

**Closing the Manure Export Loophole**

- ... I support the proposed requirement for signed agreements between exporters and importers of manure. (25 Pa. Code § 83.301)
- ... I support the proposal to assign responsibility for proper handling and disposal of manure to manure exporter if exporter or its employee applies manure at the import site. (25 Pa. Code § 83.301(a)(3))
- ... I support the proposed requirement for manure importers to either comply with manure spreading setbacks or develop nutrient management plans. However, compliance with setbacks alone cannot be used to adequately control phosphorus pollution. (25 Pa. Code §§ 83.301(e)(3) and 83.301(g)(1) and (2))
- ... The Nutrient Management Plans of livestock facilities exporting manure must include nutrient balance sheets for importing fields for both nitrogen and phosphorus. (25 Pa. Code § 83.201; 25 Pa. Code §§ 83.301(a)(2) and (4); 25 Pa. Code § 83.301(b)(3); 25 Pa. Code § 83.301(e)(3))

**Controlling Phosphorus Pollution**

- ... The proposed phosphorus index does not provide adequate protection for water resources because it does not consider proximity to impaired watersheds, flooding potential, or leaching potential when determining whether or not fields can safely be used to spread manure

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NUTRIENT MANAGEMENT  
REVIEW COMMISSION

without causing phosphorus pollution.

... The proposed phosphorus index does not impose adequate restrictions on applying phosphorus to fields that already contain too much phosphorus - restrictions will apply only to those fields with extremely high levels.

#### Manure Storage and Disposal

... Spreading manure on frozen or snow-covered ground should be prohibited. (25 Pa. Code § 83.294(g))

... Dry manure should not be allowed to be stockpiled uncovered in fields for more than 2 weeks. (25 Pa. Code § 83.201 and 25 Pa. Code § 83.294(h))

... The potential of liquid manure to pollute streams and ground water must be evaluated regardless of whether it is spread by irrigation or truck. (25 Pa. Code § 83.294(e))

#### Setbacks for Manure Spreading

... To be consistent with federal regulations, Pennsylvania's nutrient management regulations must require a setback of 100 feet from sinkholes for manure spreading regardless of whether or not the manure is incorporated into the soil. (25 Pa. Code § 83.294(f)(i))

... Neither the SCC nor the conservation districts should be able to waive setback requirements. (25 Pa. Codes § 83.351(a)(2)(vii))

#### Accountability

... Nutrient Management Plans should be required to be signed by the farm owner and the facility operator. (25 Pa. Code § 83.261(6) and (7))

... I support the proposal to require a facility that the SCC or a conservation district has determined needs a Nutrient Management Plan to address management or environmental problems to meet all the requirements of the Nutrient Management Act. Such a facility should not qualify for volunteer status. (25 Pa. Code § 83.202(1))

#### Protecting and Restoring Streams

... Nutrient Management Plans must delineate measures to be taken to protect water quality in high quality, exceptional value and impaired watersheds with pollution loading restrictions.

I believe that these changes will ensure that the Nutrient Management program provides the strongest protections for water quality in rural communities.

Sincerely,

Susan L. Wright, Esq.

147 Park Avenue

Swarthmore, PA 19081-1536

(610-328-5193)

<mintor2@comcast.net>

<<Your Name(s)>>

<<Your Address>>

**Hughes, Marjorie**

**To:** Hughes, Marjorie  
**Subject:** FW: Proposed Revisions to the Nutrient Management Regulations

-----Original Message-----

From: Susan Wright [mailto:mintor2@comcast.net]  
Sent: Sunday, October 24, 2004 2:40 AM  
To: ag-scc@state.pa.us  
Subject: Proposed Revisions to the Nutrient Management Regulations

State Conservation Commission  
Agricultural Building, Room 405  
2301 Cameron Street, Harrisburg, PA 17110

October 24, 2004

Re: Proposed Revisions to the Nutrient Management Regulations

Members of the State Conservation Commission:

I would like to make the following comments on the proposed revisions to the Nutrient Management regulations.

**Public Notice and Records**

- ... Conservation District Nutrient Management Plan approvals should be published in the PA Bulletin to give the public adequate opportunity to review approved plans before the 30-day appeal period expires.
- ... Manure application records should be submitted quarterly to the conservation district. (25 Pa. Code § 83.342(b))
- ... Manure application records should be available to the public. (25 Pa. Code § 83.342(b))
- ... Exported manure records should be submitted quarterly to the conservation district. (25 Pa. Code § 83.343(a)(4))

**Closing the Manure Export Loophole**

- ... I support the proposed requirement for signed agreements between exporters and importers of manure. (25 Pa. Code § 83.301)
- ... I support the proposal to assign responsibility for proper handling and disposal of manure to manure exporter if exporter or its employee applies manure at the import site. (25 Pa. Code § 83.301(a)(3))
- ... I support the proposed requirement for manure importers to either comply with manure spreading setbacks or develop nutrient management plans. However, compliance with setbacks alone cannot be used to adequately control phosphorus pollution. (25 Pa. Code §§ 83.301(e)(3) and 83.301(g)(1) and (2))
- ... The Nutrient Management Plans of livestock facilities exporting manure must include nutrient balance sheets for importing fields for both nitrogen and phosphorus. (25 Pa. Code § 83.201; 25 Pa. Code §§ 83.301(a)(2) and (4); 25 Pa. Code § 83.301(b)(3); 25 Pa. Code § 83.301(e)(3))

**Controlling Phosphorus Pollution**

- ... The proposed phosphorus index does not provide adequate protection for water resources because it does not consider proximity to impaired watersheds, flooding potential, or leaching potential when determining whether or not fields can safely be used to spread manure without causing phosphorus pollution.
- ... The proposed phosphorus index does not impose adequate restrictions on applying phosphorus to fields that already contain too much phosphorus - restrictions will apply only to those fields with extremely high levels.

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2004 OCT 27 PM 3:00  
STATE CONSERVATION COMMISSION

#### Manure Storage and Disposal

... Spreading manure on frozen or snow-covered ground should be prohibited. (25 Pa. Code § 83.294(g))

... Dry manure should not be allowed to be stockpiled uncovered in fields for more than 2 weeks. (25 Pa. Code § 83.201 and 25 Pa. Code § 83.294(h))

... The potential of liquid manure to pollute streams and ground water must be evaluated regardless of whether it is spread by irrigation or truck. (25 Pa. Code § 83.294(e))

#### Setbacks for Manure Spreading

... To be consistent with federal regulations, Pennsylvania's nutrient management regulations must require a setback of 100 feet from sinkholes for manure spreading regardless of whether or not the manure is incorporated into the soil. (25 Pa. Code § 83.294(f)(i))

... Neither the SCC nor the conservation districts should be able to waive setback requirements. (25 Pa. Codes § 83.351(a)(2)(vii))

#### Accountability

... Nutrient Management Plans should be required to be signed by the farm owner and the facility operator. (25 Pa. Code § 83.261(6) and (7))

... I support the proposal to require a facility that the SCC or a conservation district has determined needs a Nutrient Management Plan to address management or environmental problems to meet all the requirements of the Nutrient Management Act. Such a facility should not qualify for volunteer status. (25 Pa. Code § 83.202(1))

#### Protecting and Restoring Streams

... Nutrient Management Plans must delineate measures to be taken to protect water quality in high quality, exceptional value and impaired watersheds with pollution loading restrictions.

I believe that these changes will ensure that the Nutrient Management program provides the strongest protections for water quality in rural communities.

Sincerely,

Susan L. Wright, Esq.

147 Park Avenue

Swarthmore, PA 19081-1536

(610-328-5193)

<mintor2@comcast.net>

<<Your Name(s)>>

<<Your Address>>

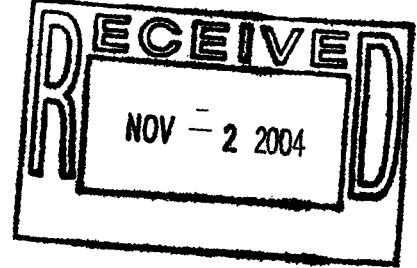
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2004 NOV 16 AM 9:04

INDEPENDENT REGULATORY  
REVIEW COMMISSION

1759 Fort Washington Avenue  
Maple Glen, PA 19002  
October 22, 2004



State Conservation Commission  
Agriculture Building, Room 405  
2301 North Cameron Street  
Harrisburg, PA 17110

Dear Commission:

I would like to support the revisions to the regulations for the Nutrient management Act (NMA). These revisions will make nutrient management more effective, but they could be improved.

The proposed regulations would make manure exported to another operation subject to planning requirements, but the manure export criteria need to be strengthened. The proposed regulation also requires that phosphorus be addressed in all nutrient management plans, not just nitrogen, but the regulations would still allow excessive amounts of phosphorus to be applied.

I support the restrictions on allowing livestock to directly deposit their manure in streams, and the prohibition on manure applications on bare ground. The proposed regulations includes requirements not to apply manure within 100 feet (or 200 feet on steep slopes) from surface water when ground is frozen, snow-covered or saturated, but there is serious potential for water pollution throughout the year and setbacks should be required at all times.

Setbacks from manure storage facilities should be required not just from property lines and some type of surface waters, but from all surface waters, including intermittent streams and wetlands.

Monitoring of ground water and downgrading surface water should be required in all CAFO permits to verify that there are no manure releases.

Thank you for the opportunity to present my viewpoints.

Sincerely,

*John R. Thompson*

John R. Thompson

*Karl Brown  
for response*

Original: 2413

Dear Commissioner Wolff,

I am writing to comment on Pennsylvania's efforts to clean up and maintain our waterways, especially those affecting the Chesapeake Bay watershed. Having had a honeymoon on the Chesapeake Bay, and worked with my children on a science project teaching them about watersheds, I am aware of this issue more keenly, at present!

I believe the Nutrient Management regulations will help reduce the excessive polluting of Pennsylvania's waterways, many of which flow into the Chesapeake Bay. I am pleased about the inclusion of horse operations, and the requirement that animal access to surface water be controlled as much as possible so that livestock may not directly deposit their manure in streams. The prohibition of spreading manure directly on bare ground is also a good improvement.

However, I am concerned about several other "loopholes" that should be corrected to make these regulations even more effective. Most importantly, I would urge you to make the setback of 100 feet (200 feet on steep slopes) from surface waters effective throughout the entire year, not just when the ground is frozen, snow-covered or saturated. If there are times that the setback is required and others when the setback is "relaxed," this will cause confusion and will make enforcement more difficult. Also, setbacks from all surface waters, in addition to property lines, water wells and sinkholes should be required for manure storage facilities.

Thank you for your efforts to maintain a healthy environment for us all, and for taking my concerns into consideration.

Sincerely,



David Ritter  
143 Peregrine Lane  
Hummelstown, PA 17036

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2004 NOV 10 PM 3:43  
REVIEW COMMISSION

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OCT 22 2004  
ENVIRONMENTAL QUALITY BOARD

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OCT 12 2004  
4000-089  
SECRETARY OF AGRICULTURE

10/22/04  
114

Original: 2413  
4103 Battles Ln  
Newtown Square,  
PA 19073-1601

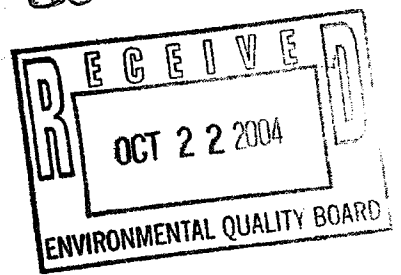


COMMONWEALTH OF PENNSYLVANIA  
STATE CONSERVATION COMMISSION

RECEIVED  
2004 NOV 10 PM 3:43

October 10, 2004

State Conservation Commission  
Agriculture Bldg  
Room 405  
2301 North Cameron St.  
Harrisburg, PA 17110



Dear Members of the Commission:

I am writing to encourage you to adopt the revisions to the Nutrient Management Act that will make it more effective. As an active member of Clean Water Action and a volunteer on the Chester-Ridley-Crum Watershed study, I am very aware of the negative impact of excessive nitrogen and phosphorus on our watersheds and groundwater supplies. Preventing the intentional or accidental nutrient enrichment of Pennsylvania's waterways is an important effort and would enhance the effectiveness of NMA.

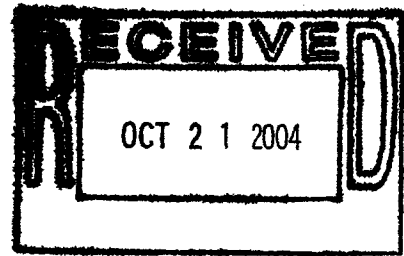
Thank you.

Sincerely yours  
Sidue Baglino



Original: 2412  
2413

From the Desk of *Guy Temple*  
139 Iron Cave Lane  
Lewisburg, PA. 17837



To Whom It May Concern:

Regarding <sup>my</sup> concerns about the proposed revisions to Pennsylvania's Nutrient Management Act regulations and CAFO regulations.

I am concerned about the how the Commission defines the term "stream or other body of water" for its use in the currant version of the Phosphorus Index. The identification of stream or other bodies (as defined for the index) on a farm serves a critical role in the calculation of the Phosphorus Index for a field. If "only named bodies of water" is not used it will be almost impossible to determine where an application of manure may be spread. If it were left open it would be almost impossible to spread manure on many fields here in the Susquehanna Valley. I look at some of my neighbor's fields and I see streams, roadside ditches that carry water, swales that were established as conservation practices and carry water. Do only "named streams" count, or is it going to be "any place that water flows"?

I am also concerned about who manure regulations applies to. It should apply to all manure from all farms. Is cattle manure from a 50-cow herd any different from a farm with 150 or 500 cows? Make it apply to all farms.

Another concern relates to the CAFO regulations. The 100-foot setback, or 35-foot buffer also seems extreme. When I look at my neighbors fields and the conservation measures of swales, grassed waterways, streams, roadside ditches etc., the only way manure could be applied and meet the setback requirements would be for the landowner to first use flags to mark out the areas where manure could be applied. When the marking was acomplished, in many areas, only a small part of the field could be used for manure application. Using the above concerns, my observation on 3 nearby farms would indicate that applicators would need many more acres for manure application. The additional acreage needed and the time required placing the flags would require additional costs to the farmer. How is the farmer to bring the soil nutrients up to crop needs where manure cannot be spread? It would require the application of a large amount of commercial chemical fertilizer.

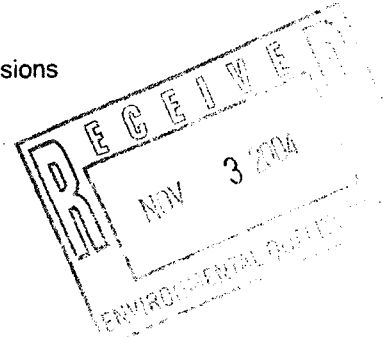
As I read the proposed regulations it would seem to indicate that someone wants to get rid of livestock in Pennsylvania. If we were to rid livestock from the agricultural scene in Pennsylvania, a major contributor would be cut from the largest industry in the state. All the industries that support animal agriculture (equipment - farm implements, services such as insurance, trucking, etc. and those they employ) would be lost and our population would then need to import chicken, pork and dairy p products from other areas of the country or the world. I hope that is not the objective of this legislature.

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2004 NOV 10 PM 3:44  
RENEWAL COMMISSION

Original: 2413

Flanagan, Joann

From: Scott Dempsey [sdem561689@aol.com]  
 Sent: Thursday, October 21, 2004 8:35 AM  
 To: ag-scc@state.pa.us  
 Subject: Comments on Nutrient Management Regulation Revisions



October 21, 2004

State Conservation Commission  
 2301 North Cameron Street, Suite 405  
 Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
 Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

- \* Inclusion of horse operations.
- \* Tightening of the export "loophole," and requiring careful planning and tracking of manure that is shipped from one farm to another.
- \* Inclusion of the phosphorus index.
- \* Requirement that animal access to surface water be controlled, so that livestock may not directly deposit their manure in streams.
- \* Prohibition of manure application on bare ground.
- \* Requirement of an Erosion and Sedimentation Control Plan.

The proposed Nutrient Management regulation, however, has some shortcomings that I urge you to correct:

- \* A setback of 100 feet (or 200 feet on steep slopes) from surface water should be throughout the year, not just when the ground is frozen, snow-covered or saturated. Water pollution occurs throughout the year, and the regulation should be changed to require these setbacks at all times.
  - \* Setbacks from all surface waters, in addition to property lines, water wells and sinkholes, should be required for manure storage facilities. Wetlands, intermittent streams, and downstream waters could suffer devastating effects if inundated by millions of gallons of manure when a manure storage facility fails, most likely after a heavy rain when intermittent streams are flowing and wetlands are full.
  - \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.
- Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

Mr. Scott Dempsey  
 318 E 4th St  
 Boyertown, PA 19512-1202

RECEIVED  
 2004 NOV 10 PM 3:42  
 ENVIRONMENTAL AGENCIES

Original: 2413

Re: Public Comments - Proposed Nutrient Management Changes

At the market price of manufactured fertilizer at \$350.00 per ton - animal manure is by far of greater value to the farmer because the product at their location on the farm without delivery charges therefore leaving \$350.00 per ton to pay bills that occur on the farm. This dollar amount per ton of commercial fertilizer would pay fuel costs for a 100 HP tractor running 9 gallon of fuel per hour to provide 22 to 24 hours of field working time.

In reviewing the DEP proposed regulations on manure handling of taxpayers own properties to survive at farming - I propose that DEP would benefit Pennsylvania agribusiness which needs help in surviving to feed this country with the least costly food in world for a few more years by placing their efforts and ambitions towards helping keep the farmers in business.

As to proposals for DEP/EPA to initiate:

- 1. A bottle/can bill started to clean up our roadsides.
- 2. All plastic food containers to be biodegradeable by 2008.
- 3. DEP/EPA should be taking soil samples if they want to tell farmers what soil ammendments the soil will tolerate.

With 2% of the population being farmers and the average age of 55 with 7 years to go for retirement looks like at the current rate of farmers going out of business and no hope for young farmers to take over - the USA will have to import agricultural products from non-certified farm operations in foreign countries. Untreated human waste for direct fertilizer of food plants in foreign countries, non-certified sprayer applicators of pesticides and herbicides on food supplies imported will lower the safety of our homelands food purchases..

On a more critical point, MTBE - the additive in gasoline to replace lead - 17 states have outlawed it being used. Yet DEP/EPA employees are polluting our water tables by driving to work, on the job driving and personal driving everyday with no regard to their on actions. To correct this problem, we the green energy people of our Commonwealth and the USA as a nation should be turning our state and nation around to be self-sufficient on its own accord by putting into operation ethanol manufacturing plants in all regions of Pennsylvania, thereby making it more feasible to keep local people alive and well by producing non-polluting energy from a renewable source. Ex: 1 bushel of corn yields 3.2 gallon of ethanol and 1 ton of hay can yield 70 to 80 gallons of ethanol.

Suggestion for a new slogan for DEP/EPA on Green Energy.

"Don't Pollute - Survive - Rely on Green Energy"

Robert C. Culp  
2074 Hobson Drive  
Ford City, PA 16226

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
REVIEW COMMISSION

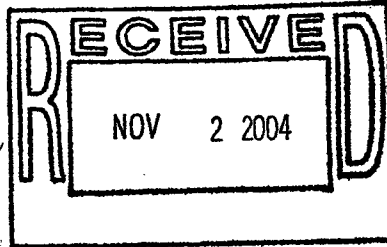
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OCT 21 2004

Original: 2413

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2004 NOV 16 AM 9: 04

REGULATORY  
October 2004  
MISSION



Rita Wise-Favinger  
903 W. Aaron Dr. Apt O.  
State Collage, Pa. 16803

143  
278 or envelope  
is different  
7

Mr. Karl Brown  
State Conservation Commission  
Room 407 State Agriculture Bld.  
2301 North Cameron St.  
Harrisburg, Pa. 17110

Dear Mr. Brown

I am a student at Penn State University and recently I have become interested in Pennsylvania's nutrient management program and the impact it has on our waterways, our environment, and on the agricultural industry in Pennsylvania.

Over the past several years, new federal legislation has increased regulation on the state's farmers. While I commend all our lawmakers for their continued efforts to reduce nutrient runoff and waterway eutrophication through these bills, I am curious what the conservation commission sees as the long-term solution to the manure management issue in Pennsylvania. More specifically, I perceive these laws and the increasing regulation of farmers as a way to pacify environmentalists, citizens, and other critics of agriculture for the short term, but not really addressing the issue of nutrient concentration as a result of larger trends in the agricultural industry.

As farms increase the number of animals per acre of land, they produce less and less of their own feeds, purchasing more from producers in the Midwest. Only one fourth of these nutrients then leave the farm in the form of animal products, and the rest remains as manure. This positive nutrient balance in Pennsylvania creates a potentially hazardous situation for the environment; we have more manure in certain areas than we have land to spread it on or crops to utilize it.

This issue is where I feel the focus of our long term nutrient management planning should be, because until we begin solving this problem, everything else is just treating the symptoms. I don't profess to have all the answers, or even a single solution, but I want to know what the State Conservation Commission's position is on this issue, and even if they believe it to be part of the problem at all.

Thank you very much for your time and consideration of this issue.

Sincerely,

*Rita Wise-Favinger*

Rita Wise-Favinger

Original: 2413

**Flanagan, Joann**

**From:** William Donaldson [wdonald539@comcast.net]  
**Sent:** Wednesday, October 20, 2004 5:32 AM  
**To:** ag-scc@state.pa.us  
**Subject:** Comments on Nutrient Management Regulation Revisions



October 20, 2004

State Conservation Commission  
2301 North Cameron Street, Suite 405  
Harrisburg, PA 17110-9408

Dear ,

Subject: Comments on Nutrient Management Regulations: One-page summary for distribution to State Conservation Commission Members  
Many of the improvements in the revised Nutrient Management regulation will help reduce the nutrient pollution that is choking almost 4,000 miles of Pennsylvania's streams and the Chesapeake Bay. The revised regulation has improvements that resolve many of the current problems, and they need to be incorporated into the final regulation.

I appreciate the following improvements:

- \* Inclusion of horse operations.
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- \* Inclusion of the phosphorus index.
- \* Requirement that animal access to surface water be controlled, so that livestock may not directly deposit their manure in streams.
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The proposed Nutrient Management regulation, however, has some shortcomings that I urge you to correct:

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- \* Temporary manure stacking areas should only be used for emergency situations, and for no longer than 30 days.

Thank you very much, and I look forward to an improved regulation leading to improved water quality.

Sincerely,

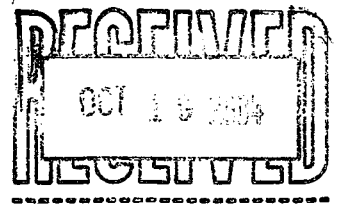
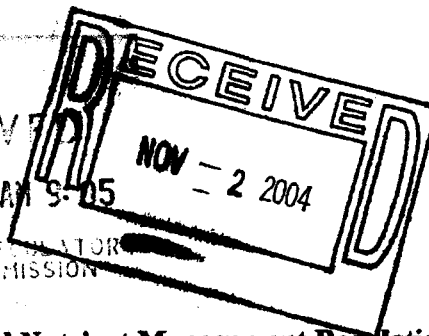
Mr. William Donaldson  
170 Cherry Blossom Dr  
Churchville, PA 18966-1091

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2004 NOV 10 PM 3:42  
STATE CONSERVATION  
COMMISSION

Original: 2413

John R. Hess  
JoBo Holstein Farm LLC  
200 Tall Oaks rd.  
Gettysburg, Pa. 17325  
(717) 334-8553

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147

### Response To Proposed Nutrient Management Regulations

1. CAFO & CAO are required to have a set back on streams. I feel that if this is a good idea, all operations, no matter the size of the operation or source of crop nutrients should maintain the setbacks. I don't think the nutrients (manure) coming from a CAFO is not any different than the manure (nutrients) coming from another farm.

2. Standards for the exporting or importing manure. These regulations are not that hard to swallow, as an idea, but I think that you telling someone to do something that they have been doing for as long as they have been farming, is hard to swallow. Nobody that I have sold manure to (or buys fertilizer) buys more than they need. I don't think the burden of keeping records on what my crops need, as far as nutrients, should be placed on the manure hauler. The manure hauler should be required to know and tell me the nutrients of the manure that he is hauling, it is my job from that point to determine how much I need to produce the amount of crop that my ground can produce. If you simply said that everyone growing crops on a farm is required to keep Nutrient Balance Sheets on hand for their fields, no matter weather they are using manure or commercial fertilizer. This would do more to keep an accurate record of what is going on the ground. I think that most people are doing this in some way, it may not be on file but if their growing crops successfully they are balancing the nutrients needed with the nutrients used.

The way this is currently being proposed we may put some CAFOs & CAOs at risk of not being able to get rid of their manure. The farmers who have been taking the manure in the past may decide that the regulations that are required are not worth it to buy or allow that person to put manure on their farm. Forcing people to over apply on another field or farm.

We should be encouraging crop farmers to take manure from animal operations so that the manure that exist in an area is spread over more acres in that area.

You need to give the farmers the benefit of the doubt that they are doing a good job. The way that these regulations come off, farmers feel like your telling them that they have been doing it all wrong now your going to tell us how to do it right. There are better ways of getting the job done right by all farmers.

3. Implementing odor control on new or expanding structures. This sounds fine if there is room for different points of view on what is odor control and things that can or should be done to control odor. Penn State is a good source of information but it is not the only source of information. Penn State has had good ideas in the past that are implemented on many farms. Penn State has had ideas in the past that when put into the real world did not prove economical or affective.

4. Inclusion of horse farms and poultry farms in regulations. Great idea! It is about time we realized that manure comes from many different animals, it's still manure.

5. Consideration of Phosphorus in regulation of land application of manure generated by CAFOs and CAOs.

I have the same problem with Phosphorus regulations that I have with Nutrient Management Regulations as a whole. If water quality is going to be affected by any regulation you can not go after such a small portion of the industry. If nutrient management plans are good for CAFOs and CAOs they are good for all farmers. I find it hard to believe that nitrogen and phosphorus pollution are or have been in the past the responsibility of CAFOs and CAOs. We need to take size out of the equation when talking about the environment. There is only one difference in my mind between a 50 cows on 500 acres and 500 cows on 500 acres, the nutrient management plan for the 50 cows is alot easier to write and implement. They should still be required to have one if your going to require the larger dairy to have one.

If you drives down the road most people who know something about agriculture can generally pick out the farms that have an ongoing problem with pollution, they are not likely to all be CAFOs or CAOs.

Thank you for your time.

John R. Hess  
Owner/ Manager  
JoBo Holstein Farm LLC

water table, etc. The farmer should not have to take the full burden of responsibility.  
4. There is wide spread non-compliance of the rules and we need to put a very strict system of inspections into effect.  
Thank you for hearing my views.

Sincerely,  
Mrs Paul Langford

P. E. P.

(Henry Lawrence for  
Environmental  
Protection)

Original: 2413  
RECEIVED  
2004 NOV 10 PM 3:41

REGULATORY  
REVIEW COMMISSION

Environmental Quality Board  
Agricultural Buildings, Room 405  
2501 Cornwell Street  
Harrisburg, PA 17110  
Jo Whom It May Concern:

October 18, 2004

I would like to comment on the CAPD regulations.  
1. I would like the definition of CAPD to be expanded and include large scale poultry operations. In conjunction with this, oil like the poultry, water and land pollution be considered before issuing a permit.  
2. Require a 50' vegetated buffer or 100' setback from streams and/or anything that pertains to the water table.  
3. Great importance I feel that ag-business corporations that contract with livestock operations and/or management companies who in turn contract with farmers should be required to co-sign CAPD permits. It is their animals the farmers are raising and they too should be subject not only to the regulations but should also bear the responsibility should there be a