



Original: 2513

CHESAPEAKE BAY FOUNDATION

Resource Protection  
Environmental Education

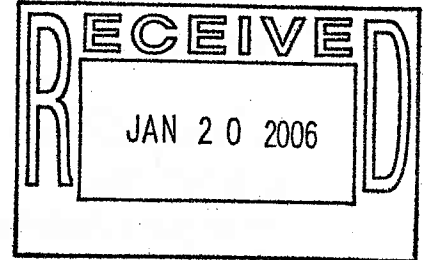
RECEIVED

2006 FEB -2 AM 8:35

INDEPENDENT REGULATORY  
REVIEW COMMISSION

January 13, 2006

Johan Berger  
Commercial Manure Broker and Hauler Program  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408



Dear Mr. Berger:

The Chesapeake Bay Foundation appreciates the opportunity to comment on the Proposed Commercial Manure Hauler and Broker Certification rule. This rule will significantly help assure that manure moved from one farm to another is applied correctly and according to a Nutrient Management Plan or Nutrient Balance sheet to prevent water quality degradation.

This rule represents a serious commitment by agribusiness to protect water quality. It must also be workable for manure haulers and brokers. Onerous fees and other certification requirements may prevent potential manure haulers and brokers from becoming certified to provide this necessary service to livestock producers to manage their manure.

CBF offers the following suggestions to improve the rule:

1. Correct the double negative in §130e.4 that states, "No commercial manure hauler or commercial manure broker may *not* transport or land apply manure in this Commonwealth on behalf of an agricultural operation, regardless of where the manure is generated, unless the hauler or broker has satisfied the following requirements." This sentence, as written, invalidates the entire rule.
2. Prohibit recertification of manure haulers and brokers with revoked certifications. The proposed rule states that the Department's decision to revoke or suspend a certification shall be based on the gravity of the offense, the willfulness of the violation, and previous violations. Since it appears that a certification will only be revoked for gross violations, these people should not be permitted to simply attend a class and pass a test to become recertified.
3. Clarify that neighbor-to-neighbor manure transportation and application do not require certification, as long as another person/business is not used to provide this service. A producer should be able to easily spread her/his own manure on a neighbor's farm, or manure from a neighbor's farm on her/his own land, as long as a Nutrient Management

Pennsylvania Office: The Old WaterWorks Building, 614 N. Front Street, Harrisburg, Pennsylvania 17101, 717.234.5550, fax 717.234.9632

Headquarters Office: Philip Merrill Environmental Center, 6 Herndon Avenue, Annapolis, Maryland 21403, 410.268.8816, fax 410.268.6687

Maryland Office: Philip Merrill Environmental Center, 6 Herndon Avenue, Annapolis, Maryland 21403, 410.268.8833, fax 410.280.3513

Virginia Office: 1108 E. Main Street, Suite 1600, Richmond, Virginia 23219, 804.780.1392, fax 804.648.4011

[www.savethebay.cbf.org](http://www.savethebay.cbf.org)

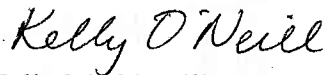
Non-Chlorine Bleached Recycled Paper



Plan or Nutrient Balance Sheet is followed, and all setback and other requirements are followed.

Thank you very much, and we look forward to a strengthened regulation leading to improved water quality.

Sincerely,



Kelly M. O'Neill  
Pennsylvania Agricultural Specialist