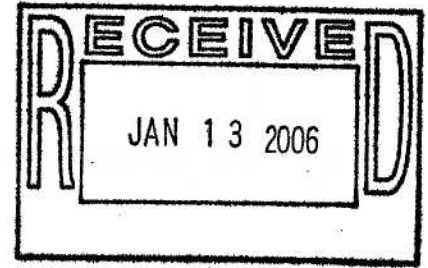


Original: 2513

RECEIVED



Johan Berger

Pennsylvania Department of Agriculture
2310 North Cameron Street
Harrisburg, Pa. 17110

Dear Johan Berger:

The Pa Nutrient Management Program could be summarized with a simple statement "Proper use of resources." Specifically, using animals and animal by-product resources in a way which doesn't ruin other resources, such as the animal business or the environment. One of the best ways to recycle animal manure is use it where the nutrients are needed. The "Manure Hauler Certification" loses site of that goal when it creates barriers to transporting manure to other farms.

We are located in Crawford County, Pa. The primary truck route is North and South on I-79. Truckers often carry bulk products, such as coal; to Lake Erie ports and back-haul chicken manure to Butler and Indiana County. These haulers should be able to schedule a load, take the training, and the test at our farm. These haulers may only haul one load; they are not interested in a training course. However a workbook and a test at the loading point would teach the possible problems while loading the truck. Paragraph 130e.22 is too complicated and requires too much time.

I also have to comment on the Level 1 training. A level 1 manure hauler is only a hauler. He doesn't spread the manure nor is he trained to judge or change a NMP plan. The driver needs only to know proper transport and dumping. Paragraph 130e.21. (b,2) should refer to only setback requirements, as covered in the next sentence (b.3). The last sentence of paragraph 130e21(b5v), again, refers to land application. "A level 1 certified commercial manure hauler may not land apply manure."

John Sperry


Sperry Farms Inc

[Continued from previous Web Page]

COMMERCIAL MANURE HAULERS--LEVEL 1

§ 130e.21. Determination of competence.

- (a) *Level 1 commercial manure hauler.* Determination of competence for a level 1 commercial manure hauler shall be based on the successful completion of certification training as set forth in this section. Certification requirements for a level 1 commercial manure hauler must include a nonclassroom certification orientation-training course developed or approved by the Department. The nonclassroom certification orientation-training course shall include a training manual and a written examination. The written examination will be available at and must be taken at one of the following locations: a county conservation district office, a location of the educational institution or entity that developed an approved course, the Department or a regional office location of the Department.

The test and the workbook should be available at the farm, where the trucker could be trained and tested while the truck is loaded. Trucking cost are already as much as the manure, please do not add obstacles.

- (b) The written examination shall be completed by the applicant without the aid or assistance of another person, written materials, notes, electronic devices (other than a calculator) or the training manual. Certification may also include other course work related to requirements in this chapter, which are determined by the Department to be necessary and appropriate. The course work must be included in the training manual, if it is to appear on the written examination.
- (c) *Certification orientation training course.* A level 1 commercial manure hauler nonclassroom certification orientation-training course and the written examination must, at a minimum, address and determine the applicant's level of understanding, competence and proficiency with regard to the following topics:

A level 1 manure hauler is only a hauler. He does not apply manure. Additional requirements about land application, testing, nutrient balance sheets and nutrient management plans is outside his job description. Statements 1 and 2 are outside the scope of certification for level 1.

- (1) Laws and regulations pertaining to manure application, including pertinent provisions of Act 38 and its attendant regulations in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management), The Clean Streams Law and 25 Pa. Code Chapter 102 (related to erosion and sedimentation control) and the manure management manual and protection of agricultural operations from nuisance suits and ordinances provisions of the act of June 10, 1982 (P. L. 454, No. 133) (3 P. S. §§ 951--957).

(2) Courses presenting information necessary for understanding and properly reading and applying the provisions of a nutrient management plan and nutrient balance sheet. The courses shall cover manure handling and testing results, land application information, setback requirements and maps contained in nutrient balance sheets and nutrient management plans. The courses must include examples and hands on experience in reading, interpreting and properly applying the provisions of a nutrient management plan and nutrient balance sheet. **NOT HAULER LEVEL 1**

(3) BMPs with respect to manure hauling such as the minimum legal setback requirements from water sources, including wells, groundwater, surface waters, wetlands, public water supplies, perennial and intermittent streams and property lines and controlling nutrient runoff.

Sentence 3 is needed, it correctly concerns hauling, dumping, and storing manure.

(4) Recordkeeping requirements necessary to meet the statutory and regulatory requirements of the act and Act 38.

(5) The following matters pertaining to manure transport and land application: **The following statements are correct.**

(i) Community relation and public image awareness, to encourage dialogue and promote cooperation.

(ii) Basic awareness and understanding of safety issues related to manure management, manure handling and bio-security, as well as, transport safety procedures and highway and equipment safety.

(iii) Understanding emergency action plans.

(iv) Understanding the proper placement of stacking areas and temporary storage of manure.

(v) Other areas and course work related to proper transport and land application of manure and recordkeeping as determined appropriate by the Department.

§ 130e.22. Certification requirements.

(a) *General.* To obtain a level 1 commercial manure hauler certification, a person shall request and review the level 1 orientation training course training manual and take and pass the written examination. A person shall obtain certification as a level 1 commercial manure hauler prior to transporting manure. A person certified as a level 1 commercial manure hauler shall be qualified to transport manure only. The transportation of manure shall be done as a contract agent for an agricultural operator or a certified commercial manure broker. A level 1 certified commercial manure hauler, who is the employee of a level 3 certified commercial manure hauler, may transport manure as an employee of the certified hauler, so long as the certified level 3 commercial manure hauler is acting as a contract agent for an agricultural operator or certified commercial manure broker. A level 1 certified commercial manure hauler may not land apply manure. ***Emphasis mine, words are already in the bulletin.***

- (b) *Application for certification.* Upon completion of the requirements in § 130e.21 (relating to determination of competence) and subsection (a), an applicant for a level 1 commercial manure hauler certification shall submit a signed and verified application for certification as a level 1 commercial manure hauler to the Department. The application shall be signed and verified by the applicant, in the presence of the proctor, immediately after taking the written examination. The proctor shall also sign the application and verification. The signed and verified application along with the completed level 1 written examination shall be given to the designated proctor at the location where the written examination is taken. The signed verification shall attest to the fact the applicant completed the written examination on his own and did so without the aid or assistance of another person, written materials, notes, electronic devices (other than a calculator) or the training manual.

The proctor will score the test. If the hauler passes the test, he should be given a temporary certificate immediately.

- (c) The proctor shall submit the application packet, which must include the signed verification and application and the original written examination to the Department within 5 calendar days of the completion of the examination by the applicant. The appropriate fee shall accompany the application for certification as a level 1 commercial manure hauler.
- (d) *Determination of competence and issuance of certification.* Within 15 days of receiving an administratively complete application, the Department will review the documents and score the written examination to determine whether the applicant has met the requirements to obtain a level 1 commercial manure hauler certification. The Department will then notify each applicant in writing of the results of the Department's review. An applicant who has successfully completed the requirements of this subchapter and passed the written examination will be issued a level 1 commercial manure hauler certification. If the applicant is rejected, the Department will notify the applicant in writing and specifically set forth the reasons for the rejection. When an applicant is rejected, that applicant shall be required to meet the requirements established under § 130e.21 and subsection (a), prior to resubmission of an application for certification as a level 1 commercial manure hauler.