

# 2647

COMMONWEALTH OF PENNSYLVANIA



GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF AGRICULTURE  
2301 N. Cameron Street • Room 201  
Harrisburg, Pennsylvania 17110-9408

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2008 MAY 28 PM 12: 52

INDEPENDENT REGULATORY  
REVIEW COMMISSION

OFFICE OF CHIEF COUNSEL

Tel: 717-787-8744  
Fax: 717-787-1270

May 28, 2008

Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

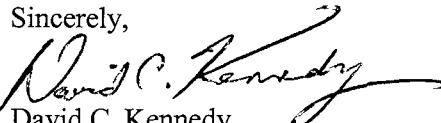
**RE: NOTICE OF FINAL REGULATION**  
**Department of Agriculture**  
**Bureau of Plant Industry**  
**7 Pa. Code Chapter 130f.**  
**Odor Management Certification Program**  
**I.D. No. 2-155**  
**Proposed Rulemaking: 37 Pennsylvania Bulletin 5793 (October 27, 2007)**  
**Approved by Office of General Counsel: May 14, 2008**

Dear Sir or Madam:

Please find attached a copy of the List of Commentators for the above-referenced final-form regulation and the actual comment submitted. This was inadvertently left out of the final-form regulation package you received this morning (Preamble, Comment and Response document and Annex "A"). Please be aware that the Department, on this same date, sent a copy of the final-form regulation to all commentators pursuant to 71 P.S. § 745.5a(b).

I have also faxed a copy of attached List of Commentators to the Majority and Minority Chairman of the House and Senate Agriculture and Rural Affairs Committees on this date and the Department will hand deliver the List of Commentators as well.

I apologize for the inadvertent omission.

Sincerely,  
  
David C. Kennedy  
Assistant Counsel

Attachment

## List of Commentators

### Final Form Regulation

Department of Agriculture  
Bureau of Plant Industry  
7 Pa. Code Chapter 130f.  
Odor Management Certification Program

There was one commentator for this regulation, listed below. We have attached a copy of the actual comment to this document.

#### Commentator:

William C. Fink  
Country View Family Farms  
6360 Flank Drive, Suite 100  
Harrisburg, PA 17112-2766  
(717) 725-0105

November 21, 2007

Johan E. Berger  
Department of Agriculture  
Bureau of Plant Industry  
2301 North Cameron Street  
Room G 11  
Harrisburg, PA 17110-9408

Mr. Berger

Thank you for the opportunity to comment on the proposed odor management certification program regulations. The regulations seem to be workable because the proposed odor management certification process is similar to the successful nutrient management certification program.

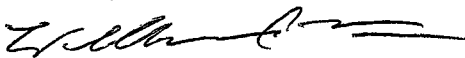
**Comments on the proposed odor management certification program regulations:**

§ 130f.3. Fees. The Odor Management Regulations only apply to New and Expanding Concentrated Animal Operation (CAOs) and Concentrated Animal Feeding Operation (CAFOs) and Voluntary agricultural operation. This is a relatively small pool of operations requiring the services of an Odor Management Specialist thus not provide much financial opportunity for the Commercial Odor Management Specialist. The current pool Nutrient Management Specialists have the most experience working with CAO and CAFO and will likely be the future Odor Management Specialist (OMS). In order to make becoming an OMS more attractive to NMS it is suggested that fourth level of certification fees be added. It is suggested that a \$100 fee for NMS that complete the OMS certification process. All the certification requirements would remain the same just a lower fee would be charged to NMS who are already in the Departments administrative system. The lower certification fee may make it more financially attractive for NMS to become OMS.

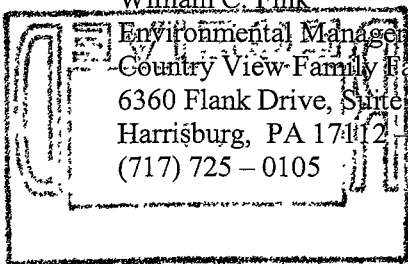
§ 130f.11. Determination of competence. The regulations require that for final certification, a commercial odor management specialist is required to development two approved odor management plans. Due to the number of operations that will be required to develop Odor Management Plans (OMPs ) it is suggested the Department consider dropping this requirement to One. Another alternative could be that the Department provides certification training program with simulated operations. The commercial odor management specialist would then develop an OMPs for these simulated operations, the simulated OMPs could then be reviewed and if developed correctly would count toward final certification.

Once again, thank you for the opportunity to comment on these regulations.

Sincerely



William C. Fink  
Environmental Management Specialist  
Country View Family Farms  
6360 Flank Drive, Suite 100  
Harrisburg, PA 17112-2766  
(717) 725 - 0105



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

**RECEIVED**

I.D. NUMBER: 2-155  
 SUBJECT: ODOR MANAGEMENT CERTIFICATION PROGRAM  
 AGENCY: DEPARTMENT OF AGRICULTURE

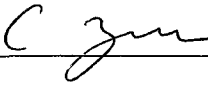
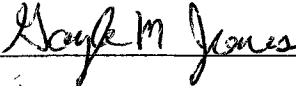
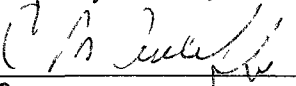
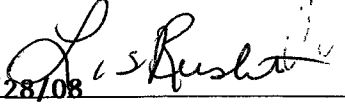

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
5/28/08		<b>Hershey</b> HOUSE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
5/28/08		<b>Hanna</b> MAJORITY CHAIRMAN <u>Hanna</u>
5/28/08		<b>O'Pake</b> SENATE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
5/28/08		<b>Brubaker</b> MAJORITY CHAIRMAN <u>Brubaker</u>
5/28/08		<b>IRRC</b> INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)