

COMMONWEALTH OF PENNSYLVANIA
NUTRIENT MANAGEMENT PROGRAM
ON-SITE STATUS REVIEW REPORT

Date: Example for Traditional CAO / CAFOs w/ crop & pasture acres
 Operation Name: *Typically small plain-sect & large CAFO dairies, layers, multispecies
 Person (s) Interviewed (Operator): _____
 Report Completed By (Inspector): _____
 Others Present: _____
 Date of Plan Approval: _____
 Operation Type (CAO, VAO or CAFO): _____
 Date of next 3-year Plan review: Prior to September 30th 20xx

Program Compliance
(* = Potential Act 38 Violations)

<u>1. Nutrient Management Plan Implementation</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
a. Is the operation current with its required plan review deadline?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
b. Are actual animal numbers consistent with the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
c. Acreage receiving manure application _____			
d. Does plan information and mapping represent operation?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
e. Are all sources of nutrient pollution addressed in the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
f. Is plan implementation on schedule?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
g. Are installed BMPs being maintained?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
h. Are manure application rates being followed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If no, explain: _____			
i. Is a certified manure hauler or broker being utilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hauler/Broker name and certification number: _____			
j. Is a "current" Conservation Plan or Ag E & S Plan in effect?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
k. Are all Critical Runoff Problem Areas (CRPAs) addressed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
l. Is excess manure handled according to the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
m. Is the manure spreader calibrated to apply planned rates?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
n. Is <u>emergency</u> stacking required in the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, is the site identified on plan maps?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
o. Are required <u>in-field</u> stacking procedures implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, are site(s) identified on plan maps?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If yes, are site(s) appropriate?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
Is manure applied within 120 days (CAFOs 15 days) or covered?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
p. Are fall/winter manure applications according to plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
q. Are the required setbacks being observed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
r. Are pastured animals being managed as outlined in the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
 <u>2. Record Keeping; Are the following records maintained at the operation?</u>			
a. Crop yields:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
b. Manure/fertilizer application rates (includes comm. hauler):	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
c. Soil test results current:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
d. Manure analysis results:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>

- e. Manure export sheets:
f. Nutrient balance sheets:
g. Rerun of the P-Index every 3 years:

<u>Yes</u>	<u>No</u>	<u>N/A</u>
<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>

3. Manure Storage Information (where applicable)

Note: Although they may not be Act 38 violations, "No" answers in this section require remedial action.

- a. Storage type and size: _____
- b. Is perimeter fence and warning signage in place/maintained? ... **NA for dry stacking structures**
- c. Is the structure free of significant cracks or structural damage? ☐ ☐ ☐
- d. Are embankments free of manure saturated areas (seepage)? ☐ ☐ ☐
- e. Are interior/exterior slopes free of holes, trees or erosion? ...**only applicable for earthen lagoons.**
- f. Has storage been certified by a Professional Engineer? ...**NA for dry stacking structures**
- g. Is Emergency Response Plan available on the operation? ☐ ☐* ☐

4. Animal Concentration Areas (ACAs)

- a. Are there ACAs on the operation (farmstead or pasture)? ☐ ☐ ☐
- b. Is surface water adequately protected from runoff? ☐ ☐* ☐
- c. Is erosion properly controlled at stream access point? ☐ ☐* ☐
- d. Is manure collected and handled appropriately? ☐ ☐* ☐
- e. Is animal access to stream properly controlled? ☐ ☐* ☐
- f. Are pastures free of ACAs where runoff is reaching a stream? ☐ ☐* ☐

Inspector Notes:

Are there violations of Act 38 regulations?

<u>Yes</u>	<u>No</u>
<input type="checkbox"/>	<input type="checkbox"/>

If yes, specific violations (indicate section number and letter above):

Are corrective actions needed? **With or without violation**

<input type="checkbox"/>	<input type="checkbox"/>
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If yes, set approximate re-inspection date: _____

Further action required (indicate section number and letter above):

Additional Comments:

Try to offer at least some positives, even if violations have occurred.

Signature of Inspector: _____

Signature of Operator: _____

(Operator signature does not signify guilt or agreement)

**COMMONWEALTH OF PENNSYLVANIA
NUTRIENT MANAGEMENT PROGRAM
ON-SITE STATUS REVIEW REPORT**

Date: _____
 Operation Name: **Example for Confinement CAO / CAFO all export operations**
 Person (s) Interviewed (Operator): _____
 Report Completed By (Inspector): _____
 Others Present: _____
 Date of Plan Approval: _____
 Operation Type (CAO, VAO or CAFO): _____
 Date of next 3-year Plan review: **Prior to September 30th 20xx**

Program Compliance
 (* = Potential Act 38 Violations)

1. Nutrient Management Plan Implementation	Yes	No	N/A
a. Is the operation current with its required plan review deadline?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
b. Are actual animal numbers consistent with the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
c. Acreage receiving manure application _____			
d. Does plan information and mapping represent operation?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
e. Are all sources of nutrient pollution addressed in the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
f. Is plan implementation on schedule?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
g. Are installed BMPs being maintained?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
h. Are manure application rates being followed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If no, explain: _____			
i. Is a certified manure hauler or broker being utilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hauler/Broker name and certification number: _____			
j. Is a "current" Conservation Plan or Ag E & S Plan in effect?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
k. Are all Critical Runoff Problem Areas (CRPAs) addressed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
l. Is excess manure handled according to the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
m. Is the manure spreader calibrated to apply planned rates?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
n. Is <u>emergency</u> stacking required in the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, is the site identified on plan maps?			
	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
o. Are required <u>in-field</u> stacking procedures implemented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, are site(s) identified on plan maps?			
	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If yes, are site(s) appropriate?			
	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
Is manure applied within 120 days (CAFOs 15 days) or covered?			
	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
p. Are fall/winter manure applications according to plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
q. Are the required setbacks being observed?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
r. Are pastured animals being managed as outlined in the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
2. Record Keeping; Are the following records maintained at the operation?			
a. Crop yields:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
b. Manure/fertilizer application rates (includes comm. hauler):	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
c. Soil test results current:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
d. Manure analysis results: ... NA for manure going for non-Ag use	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
e. Manure export sheets:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
f. Nutrient balance sheets:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
g. Rerun of the P-Index every 3 years:	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>

3. Manure Storage Information (where applicable)

Note: Although they may not be Act 38 violations, "No" answers in this section require remedial action.

- a. Storage type and size: _____
- b. Is perimeter fence and warning signage in place/maintained? ... **NA for stacking structures**
- c. Is the structure free of significant cracks or structural damage? ☐ ☐* ☐
- d. Are embankments free of manure saturated areas (seepage)? ☐ ☐* ☐
- e. Are interior/exterior slopes free of holes, trees or erosion? ...**only applicable to lagoons.**
- f. Has storage been certified by a Professional Engineer? ...**NA for dry stacking structures**
- g. Is Emergency Response Plan available on the operation? ☐ ☐* ☐

4. Animal Concentration Areas (ACAs)

- a. Are there ACAs on the operation (farmstead or pasture)? ☐ ☐* ☐
- b. Is surface water adequately protected from runoff? ☐ ☐* ☐
- c. Is erosion properly controlled at stream access point? ☐ ☐* ☐
- d. Is manure collected and handled appropriately? ☐ ☐* ☐
- e. Is animal access to stream properly controlled? ☐ ☐* ☐
- f. Are pastures free of ACAs where runoff is reaching a stream? ☐ ☐* ☐

Inspector Notes:

Are there violations of Act 38 regulations?

<u>Yes</u>	<u>No</u>
<input type="checkbox"/>	<input type="checkbox"/>

If yes, specific violations (indicate section number and letter above):

Are corrective actions needed?**With or without violation**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If yes, set approximate re-inspection date: _____

Further action required (indicate section number and letter above):

Additional Comments: _____

Try to offer at least some positives, even if violations have occurred.

Signature of Inspector: _____

Signature of Operator: _____

(Operator signature does not signify guilt or agreement)

NM Status Review Scenarios

1. Confinement CAO / CAFO all export:

- 145,000 head, 4-barn, broiler operation (non-organic) on 13 acres
- Uses a dry stacking structure for manure or loads out directly onto trucks
- Uses a mortality composting facility. Mortality exported along with manure
- No crops or pasture
- Manure exported to mushroom growers for composting via commercial manure hauler

NM Status Revealed the following:

1. Manure exported to an importer not listed in NMP and without having a signed agreement or NBSs.
2. Manure export records were not complete.

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**2. Traditional CAO / CAFO with crops and pasture:**

- 65 cow Amish-dairy, raises own replacements, on 40 acres
- Utilizes an in ground circular concrete tank for liquid manure, directly field applies bedded pack.
- Applies manure himself to his ground, but hires a commercial hauler to apply to his 2 importers
- Grows what crops he can, including cover crops, but also buys feed.
- Cows & dry cows have access to a pasture that is divided by a small fenced out stream w/ crossing.
- Some cropland borders the small stream.

**NM Status Revealed the following:**

1. Manure mixed with spilled feed is leaving the western corner of rear barn above the pond, running downslope towards the pond, concentrating in the diversion around the pond, before flowing towards the stream in woods. Runoff has killed the vegetation in and leading to the diversion, and is flowing towards the stream in a concentrated flow.
2. Roof Runoff Structure (scheduled for Fall 2020) and VTA (Scheduled for Fall 2020) not done.
3. Multiple safety concerns at circular tank (gate off hinges, broken fence, and no safety signs)
4. Manure exported to farmers not listed in NMP or not having signed agreements and NBSs
5. Additional fields are being farmed which are not included in current Nutrient Management Plan.
6. Manure application records were a mess, offering very little detail & with no way to determine rate per acre. Without more to go on, overapplication appears to have happened on some fields.



COMMONWEALTH OF PENNSYLVANIA  
NUTRIENT MANAGEMENT PROGRAM  
ON-SITE STATUS REVIEW REPORT

Date: Example for Confinement CAO / CAFO all export

Operation Name: \* CAFO broiler operation example

Person (s) Interviewed (Operator): I.B. Broilerman

Report Completed By (Inspector): \_\_\_\_\_

Others Present: \_\_\_\_\_

Date of Plan Approval: September 2, 2019

Operation Type (CAO, VAO or CAFO): CAFO

Date of next 3-year Plan review: Prior to September 30<sup>th</sup> 2022

Program Compliance  
(\* = Potential Act 38 Violations)

| <u>1. Nutrient Management Plan Implementation</u>                   | <u>Yes</u>                          | <u>No</u>                                          | <u>N/A</u>                          |
|---------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|
| a. Is the operation current with its required plan review deadline? | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| b. Are actual animal numbers consistent with the plan?              | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| c. Acreage receiving manure application <u>0 acres</u>              |                                     |                                                    |                                     |
| d. Does plan information and mapping represent operation?           | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| e. Are all sources of nutrient pollution addressed in the plan?     | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| f. Is plan implementation on schedule?                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| g. Are installed BMPs being maintained?                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| h. Are manure application rates being followed?                     | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| If no, explain: <u>No crops, all export</u>                         |                                     |                                                    |                                     |
| i. Is a certified manure hauler or broker being utilized?           | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            |
| Hauler/Broker name and certification number: <u>MHB 513</u>         |                                     |                                                    |                                     |
| j. Is a "current" Conservation Plan or Ag E & S Plan in effect?     | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| k. Are all Critical Runoff Problem Areas (CRPAs) addressed?         | <input checked="" type="checkbox"/> | <input type="checkbox"/> *                         | <input type="checkbox"/>            |
| l. Is excess manure handled according to the plan?                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> * <sup>1</sup> | <input type="checkbox"/>            |
| m. Is the manure spreader calibrated to apply planned rates?        | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| n. Is <u>emergency</u> stacking required in the plan?               | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> |
| If yes, is the site identified on plan maps?                        | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| o. Are required <u>in-field</u> stacking procedures implemented?    | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> |
| If yes, are site(s) identified on plan maps?                        | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| If yes, are site(s) appropriate?                                    | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| Is manure applied within 120 days (CAFOs 15 days) or covered?       | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| p. Are fall/winter manure applications according to plan?           | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| q. Are the required setbacks being observed?                        | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |
| r. Are pastured animals being managed as outlined in the plan?      | <input type="checkbox"/>            | <input type="checkbox"/> *                         | <input checked="" type="checkbox"/> |

2. Record Keeping; Are the following records maintained at the operation?

|                                                                      |                          |                            |                                     |
|----------------------------------------------------------------------|--------------------------|----------------------------|-------------------------------------|
| a. Crop yields:                                                      | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| b. Manure/fertilizer application rates (includes comm. hauler):      | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| c. Soil test results current:                                        | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| d. Manure analysis results: <i>*manure used or making composting</i> | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |



|                                       | <u>Yes</u>               | <u>No</u>                              | <u>N/A</u>                          |
|---------------------------------------|--------------------------|----------------------------------------|-------------------------------------|
| e. Manure export sheets:              | <input type="checkbox"/> | <input checked="" type="checkbox"/> *2 | <input type="checkbox"/>            |
| f. Nutrient balance sheets:           | <input type="checkbox"/> | <input type="checkbox"/> *             | <input checked="" type="checkbox"/> |
| g. Rerun of the P-Index every 3 years | <input type="checkbox"/> | <input type="checkbox"/> *             | <input checked="" type="checkbox"/> |

**3. Manure Storage Information (where applicable)**

Note: Although they may not be Act 38 violations, "No" answers in this section require remedial action.

|                                                                      |                                     |                            |                                     |
|----------------------------------------------------------------------|-------------------------------------|----------------------------|-------------------------------------|
| a. Storage type and size: <u>60' x 40' roofed stacking shed</u>      |                                     |                            |                                     |
| b. Is perimeter fence and warning signage in place/maintained?       | <input type="checkbox"/>            | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| c. Is the structure free of significant cracks or structural damage? | <input checked="" type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/>            |
| d. Are embankments free of manure saturated areas (seepage)?         | <input type="checkbox"/>            | <input type="checkbox"/>   | <input checked="" type="checkbox"/> |
| e. Are interior/exterior slopes free of holes, trees or erosion?     | <input type="checkbox"/>            | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| f. Has storage been certified by a Professional Engineer?            | <input type="checkbox"/>            | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| g. Is Emergency Response Plan available on the operation?            | <input checked="" type="checkbox"/> | <input type="checkbox"/> * | <input type="checkbox"/>            |

**4. Animal Concentration Areas (ACAs)**

|                                                                 |                          |                            |                                     |
|-----------------------------------------------------------------|--------------------------|----------------------------|-------------------------------------|
| a. Are there ACAs on the operation (farmstead or pasture)?      | <input type="checkbox"/> | <input type="checkbox"/>   | <input checked="" type="checkbox"/> |
| b. Is surface water adequately protected from runoff?           | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| c. Is erosion properly controlled at stream access point?       | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| d. Is manure collected and handled appropriately?               | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| e. Is animal access to stream properly controlled?              | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |
| f. Are pastures free of ACAs where runoff is reaching a stream? | <input type="checkbox"/> | <input type="checkbox"/> * | <input checked="" type="checkbox"/> |

**Inspector Notes:**

|                                             | <u>Yes</u>                          | <u>No</u>                |
|---------------------------------------------|-------------------------------------|--------------------------|
| Are there violations of Act 38 regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, specific violations (indicate section number and letter above):

**1L [or Footnote 1] Failure to follow approved NMP: Manure exported to importer not listed in plan.**

**2e [or Footnote 2] Failure to keep required records: Manure export records were not complete.**

|                                |                                     |                          |
|--------------------------------|-------------------------------------|--------------------------|
| Are corrective actions needed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------|-------------------------------------|--------------------------|

If yes, set approximate re-inspection date: 10/22/21

Further action required (indicate section number and letter above):

**1. Either follow your NMP by only exporting manure to those importers listed in your NMP, OR, update your NMP to include a signed agreement and NBSs for each importer.**

**2. Keep accurate records of the amount of, and when manure was exported to *Mulch Products are Us***

**Additional Comments:**

**Stacking shed and loading areas were clean of all manure, and vegetation downslope from these areas was very well maintained maintaining a good vegetative filter.**

Signature of Inspector: \_\_\_\_\_

Signature of Operator: \_\_\_\_\_

(Operator signature does not signify guilt or agreement)



September 2, 2017

I.B. Broilerman  
110 John Deere Road  
Anytown, PA 54321

**Re: Requirement to Implement Your Current Nutrient Management Plan**

Dear Mr. Broilerman,

This letter is sent as a follow up to September 1, 2021 site visit where I assessed the status of your implementation of your Act 38 (commonly referred to as Pennsylvania's Nutrient and Odor Management Act) Nutrient Management Plan (NMP). Attached to this letter is a copy of the inspection report which outlines the various findings from my visit.

As is indicated on the inspection report, you were found to be out of compliance with your obligations under Act 38, relating to the following issues:

| Non-Compliance finding                                                                                                                                                                 | Corrective action required                                                                                                                                                                                                                    | Timeframe to complete corrective action                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1. <u>Failure to follow approved Plan:</u> Excess manure was exported to an importer not listed in the approved plan and without having a signed agreement or Nutrient Balance Sheets. | Either follow your NMP by only exporting manure to those importers listed in your NMP as approved, <b>OR</b> , with the help of your certified NM planner, update or amend your NMP to include a signed agreement and NBSs for each importer. | Prior to exporting manure to any new importer                    |
| 2. Failure to keep required records: Manure export records were not complete.                                                                                                          | Keep accurate records of the amount and when manure was exported to Mulch Products are Us                                                                                                                                                     | Following current flock of birds, and prior to October 15, 2021, |

The State Conservation Commission's (SCC) program policies oblige you to implement the required corrective actions within the timeframe provided in the above schedule in order to regain compliance with the law. I am directed to revisit your operation in order to confirm that you have implemented the required corrective actions outlined above. I plan to visit your farm on October 22<sup>nd</sup>, 2021 at 1pm in order to reassess your operation. Please make yourself available on that date so we can discuss the corrective actions you have taken to address these non-compliant issues. If you cannot meet on this date and time, please call me at least 5 days prior to this date so that we can reschedule to a date that meets your schedule.

If you have any questions relating to this obligation, please contact me at the conservation district office so that I can provide whatever additional information or direction you may need.

Sincerely,

Nutrient Management Technician

Encl: On-site Status Review Report

cc: Jared Lescavage, DEP



COMMONWEALTH OF PENNSYLVANIA  
NUTRIENT MANAGEMENT PROGRAM  
ON-SITE STATUS REVIEW REPORT

Date: Example for Traditional CAO / CAFOs w/ crop & pasture acres  
 Operation Name: \* small plain-sect dairy example  
 Person (s) Interviewed (Operator): Eli Stoltzfus  
 Report Completed By (Inspector): Mike Brubaker  
 Others Present: \_\_\_\_\_  
 Date of Plan Approval: August 13, 2020  
 Operation Type (CAO, VAO or CAFO): CAO  
 Date of next 3-year Plan review: Prior to September 30<sup>th</sup> 2023

**Program Compliance**  
(\* = Potential Act 38 Violations)

| <u>1. Nutrient Management Plan Implementation</u>                                           | <u>Yes</u>               | <u>No</u>                  | <u>N/A</u>               |
|---------------------------------------------------------------------------------------------|--------------------------|----------------------------|--------------------------|
| a. Is the operation current with its required plan review deadline?                         | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| b. Are actual animal numbers consistent with the plan?                                      | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| c. Acreage receiving manure application <u>38 acres</u>                                     |                          |                            |                          |
| d. Does plan information and mapping represent operation?                                   | <input type="checkbox"/> | X* <sup>4</sup>            | <input type="checkbox"/> |
| e. Are all sources of nutrient pollution addressed in the plan?                             | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| f. Is plan implementation on schedule?                                                      | <input type="checkbox"/> | X* <sup>2</sup>            | <input type="checkbox"/> |
| g. Are installed BMPs being maintained?                                                     | <input type="checkbox"/> | X* <sup>2</sup>            | <input type="checkbox"/> |
| h. Are manure application rates being followed?                                             | <input type="checkbox"/> | X* <sup>5</sup>            | <input type="checkbox"/> |
| If no, explain: <u>all fields received same amount, with some overapplication occurring</u> |                          |                            |                          |
| i. Is a certified manure hauler or broker being utilized?                                   | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| Hauler/Broker name and certification number: <u>Chad Martin MHB-428</u>                     |                          |                            |                          |
| j. Is a "current" Conservation Plan or Ag E & S Plan in effect?                             | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| k. Are all Critical Runoff Problem Areas (CRPAs) addressed?                                 | <input type="checkbox"/> | X* <sup>1</sup>            | <input type="checkbox"/> |
| l. Is excess manure handled according to the plan?                                          | <input type="checkbox"/> | X* <sup>3</sup>            | <input type="checkbox"/> |
| m. Is the manure spreader calibrated to apply planned rates?                                | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| n. Is <u>emergency</u> stacking required in the plan?                                       | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| If yes, is the site identified on plan maps?                                                |                          |                            |                          |
|                                                                                             | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| o. Are required <u>in-field</u> stacking procedures implemented?                            | <input type="checkbox"/> | <input type="checkbox"/>   | X                        |
| If yes, are site(s) identified on plan maps?                                                |                          |                            |                          |
|                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> * | X                        |
| If yes, are site(s) appropriate?                                                            |                          |                            |                          |
|                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> * | X                        |
| Is manure applied within 120 days (CAFOs 15 days) or covered?                               |                          |                            |                          |
|                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> * | X                        |
| p. Are fall/winter manure applications according to plan?                                   | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| q. Are the required setbacks being observed?                                                | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| r. Are pastured animals being managed as outlined in the plan?                              | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| <u>2. Record Keeping; Are the following records maintained at the operation?</u>            |                          |                            |                          |
| a. Crop yields:                                                                             | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| b. Manure/fertilizer application rates (includes comm. hauler):                             | <input type="checkbox"/> | X* <sup>5</sup>            | <input type="checkbox"/> |
| c. Soil test results current:                                                               | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| d. Manure analysis results:                                                                 | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |

|                                        | <u>Yes</u>               | <u>No</u>                  | <u>N/A</u>               |
|----------------------------------------|--------------------------|----------------------------|--------------------------|
| e. Manure export sheets:               | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| f. Nutrient balance sheets:            | <input type="checkbox"/> | X* <sup>3</sup>            | <input type="checkbox"/> |
| g. Rerun of the P-Index every 3 years: | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |

### 3. Manure Storage Information (where applicable)

Note: Although they may not be Act 38 violations, "No" answers in this section require remedial action.

|                                                                      |                          |                            |                          |
|----------------------------------------------------------------------|--------------------------|----------------------------|--------------------------|
| a. Storage type and size: <u>65'x 8' in-ground circular tank</u>     |                          |                            |                          |
| b. Is perimeter fence and warning signage in place/maintained?       | <input type="checkbox"/> | X <sup>2</sup>             | <input type="checkbox"/> |
| c. Is the structure free of significant cracks or structural damage? | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| d. Are embankments free of manure saturated areas (seepage)?         | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| e. Are interior/exterior slopes free of holes, trees or erosion?     | <input type="checkbox"/> | <input type="checkbox"/>   | X                        |
| f. Has storage been certified by a Professional Engineer?            | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| g. Is Emergency Response Plan available on the operation?            | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |

### 4. Animal Concentration Areas (ACAs)

|                                                                 |                          |                            |                          |
|-----------------------------------------------------------------|--------------------------|----------------------------|--------------------------|
| a. Are there ACAs on the operation (farmstead or pasture)?      | X                        | <input type="checkbox"/>   | <input type="checkbox"/> |
| b. Is surface water adequately protected from runoff?           | <input type="checkbox"/> | X* <sup>1</sup>            | <input type="checkbox"/> |
| c. Is erosion properly controlled at stream access point?       | <input type="checkbox"/> | X* <sup>1</sup>            | <input type="checkbox"/> |
| d. Is manure collected and handled appropriately?               | <input type="checkbox"/> | X* <sup>1</sup>            | <input type="checkbox"/> |
| e. Is animal access to stream properly controlled?              | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |
| f. Are pastures free of ACAs where runoff is reaching a stream? | X                        | <input type="checkbox"/> * | <input type="checkbox"/> |

### Inspector Notes:

Are there violations of Act 38 regulations?

| <u>Yes</u> | <u>No</u>                |
|------------|--------------------------|
| X          | <input type="checkbox"/> |

If yes, specific violations (indicate section number and letter above):

**1k, 4b, 4B, 4C [or footnote 1]:** Failure to protect surface water: Manure & spilled feed flowing from barn to diversion around pond, killing vegetation and causing erosion leading to stream.

**1f, 1g [or Footnote 2]:** Failure to implement BMPs: Roof Runoff Structure & VTA (scheduled for Fall 2020) not installed, fix gate, repair fence and install safety signs on storage not completed.

**Footnote 3:** Failure to follow approved Plan: Manure exported to farms not listed in NMP or not having signed Export / Import Agreements and NBSs

**Footnote 4:** Failure to follow approved Plan: Additional fields are being farmed which are not included or planned for in current NMP.

**Footnote 5:** Manure application records were incomplete: Application records were not specific, and without more to go on appeared to show overapplication on some fields.

Are corrective actions needed?

|   |                          |
|---|--------------------------|
| X | <input type="checkbox"/> |
|---|--------------------------|

If yes, set approximate re-inspection date: 10/20/21

Further action required (indicate section number and letter above):

- Clean up manure and make repairs caused by manure
- Install BMPs, including all safety measures
- Follow approved plan, or, with the help of a certified planner amend your plan.
- Keep detailed records

Additional Comments:



- 1. Recently installed barnyard looks good and is well maintained.**
- 2. Although more detail is still needed, required record keeping has improved.**

Signature of Inspector: \_\_\_\_\_

Signature of Operator: \_\_\_\_\_

(Operator signature does not signify guilt or agreement)





August 15, 2021

Eli Stoltzfus  
398 Cherry Lane  
Fansville, PA 65543

**Re: Requirement to Implement Your Current Nutrient Management Plan**

Dear Mr. Stoltzfus,

This letter is sent as a follow up to my August 11, 2021 site visit where I assessed the status of your implementation of your Act 38 (commonly referred to as Pennsylvania's Nutrient and Odor Management Act) Nutrient Management Plan (NMP). Attached to this letter is a copy of the inspection report which outlines the various findings from my visit.

As is indicated on the inspection report, you were found to be out of compliance with your obligations under Act 38, relating to the below issues:

| <b>Non-Compliant Finding</b>                                                                                                                                                                                                                                                                                                                                                                                             | <b>Corrective action required</b>                                                                                                                                                                                                                                                                  | <b>Timeframe to complete corrective action</b>                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <u>1.) Failure to protect surface water from manure runoff:</u><br>Manure mixed with spilled feed is leaving the western corner of rear barn above the pond, running downslope towards the pond, concentrating in the diversion around the pond, before flowing towards the stream in woods. Runoff has killed the vegetation leading to and in the diversion, and is flowing towards the stream in a concentrated flow. | a) Stop flow of manure leaving the barn, redirecting all manure to the storage, and clean up spilled feed and manure.<br><br>b) Lime and reseed area between barn and diversion as well as diversion channel.<br><br>c) Repair small channel created from the runoff of manure and silage mixture. | a) Immediately<br><br><br>b) September 20, 2021<br><br><br>c) September 20, 2021 |

|                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                     |                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>2. Failure to implement or maintain Best Management Practices as per the implementation schedule listed in the approved NMP:</u></p> <ul style="list-style-type: none"> <li>a) Roof Runoff Structure (scheduled for Fall 2020).</li> <li>b) Vegetated Treatment Area (Scheduled for Fall 2020)</li> </ul>                                                    | <ul style="list-style-type: none"> <li>a) Install stone dripline drain on back of heifer barn.</li> <li>b) Install vegetated treatment area downslope of composting area</li> </ul> | <ul style="list-style-type: none"> <li>a) October 20, 2021</li> <li>b) September 20, 2021</li> </ul>                                  |
| <p><u>3.) Failure to implement Best Management Practices (BMPs) listed in approved NMP:</u></p> <ul style="list-style-type: none"> <li>c) Fix west gate on existing circular concrete storage (Home Farm)</li> <li>d) Install warning signs on circular concrete storage (Hershey Farm).</li> <li>e) Repair hole in manure storage fence (Hershey Farm)</li> </ul> | <ul style="list-style-type: none"> <li>c) Complete repair in full</li> <li>d) Complete repair in full</li> <li>e) Complete repair in full</li> </ul>                                | <ul style="list-style-type: none"> <li>c) September 20, 2021</li> <li>d) September 20, 2021</li> <li>e) September 20, 2021</li> </ul> |
| <p><u>4.) Failure to follow approved Plan:</u><br/>Manure exported to farmers not listed in approved NMP or not having signed Export / Import Agreements and</p>                                                                                                                                                                                                   | <p>Either follow your NMP by <u>only</u> exporting manure to those importers listed in your NMP as approved, <b>OR</b>, with the help of your certified NM planner,</p>             | <p>Prior to exporting manure to any new importer</p>                                                                                  |



|                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                      |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Nutrient Balance Sheets (NBSs)                                                                                                                                                                                                                                               | update or amend your NMP to include additional importers.                                                                                                                                                            |             |
| <u>5.) Failure to follow approved Plan:</u><br>Additional fields are being farmed which are not included in current Nutrient Management Plan.                                                                                                                                | Either follow your NMP by <u>only</u> applying manure to those fields listed in your NMP as approved, <b>OR</b> , with the help of your certified NM planner, update or amend your NMP to include additional fields. | Immediately |
| <u>6.) Manure application records were incomplete:</u><br>Observed manure application records were grouped rather than being field specific, with no way to determine rate per acre. Without more specific records, overapplication appears to have happened on some fields. | Manure application records must to be kept (ungrouped) for each individual field. Additionally, fields may not receive rates higher than that listed in the approved NMP.                                            | Immediately |

The SCC program policies oblige you to implement the required corrective actions within the timeframe provided in the above schedule in order to regain compliance with the law. I am directed to revisit your operation in order to confirm that you have implemented the required corrective actions outlined above.

***I plan to perform your farm's follow-up visit on October 25<sup>th</sup> at 9:00 am*** in order to reassess your operation. Please make yourself available on that date so we can discuss the corrective actions you have taken to address these non-compliant issues. If you cannot meet on this date and time, please call me at least 5 days prior to this date so that we can reschedule to a date that meets yours and the accompanying agency representative's schedules.

If you have any questions relating to this obligation, please contact me at xxx-xxx-xxxx or email me at [zztop@xyzconservation.org](mailto:zztop@xyzconservation.org) so that I can provide whatever additional information or direction you may need.

Sincerely,

NM Tech's name

Agriculture Conservation Technician  
X County Conservation District

cc: file