

# NMP REVIEW TIMEFRAME EXTENSIONS

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## HISTORY / PROCEDURE

### REGULATIONS

As noted in the regulations, an action on Act 38 NMPs needs to occur within the first 90-day review timeframe. The regulations do allow for an additional 90 days' review. However, only Conservation Districts or the Commission (not planners) can roll a plan review over into a second 90-day review timeframe.

### PROCEDURE

If NMPs are not in approvable form in the first 90-day review time frame, the Conservation Districts are to contact their SCC regional coordinator for consultation on extending the plan review timeline from the first 90 days to the second 90 days. (See NM/MM Administrative Manual Chapter 3)

## ADMINISTRATIVE MANUAL

- Conservation districts have a finite timeframe in which to act on a plan under review for the Act 38 program.
- **Unless there is a plan review delay caused by the conservation district, action on the plan must take place within 90 days of receiving a complete plan.**
- If the conservation district provides its full set of initial plan review comments to the planner, **giving the planner at least 30 days to address the comments prior to the first 90-day deadline**, the district is expected to act on the plan within 90 days.
- However, if the district is delayed in providing its complete initial plan comments to the extent that the planner does not have the aforementioned 30-day time period to make any required plan revisions, the district is to request a plan review extension from their SCC Regional Coordinator.
- **Districts should not have to request to extend the review time for the entire second 90 days.** Districts shall review their scheduled board meeting dates and consult with their SCC regional staff as to whether to extend the time period and the length of time to extend.
- These requests should be submitted prior to the last board meeting within the first 90-day review time frame.
- It is the discretion of the SCC whether it is appropriate to utilize the second 90-day period, or any portion thereof.

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## Information Provided by CD

### NM/MM Administrative Manual – Supplement 17

- Name of NMP
- Plan Writers Name
- Crop Year(s)
- Date NMP was initially received at the CD for review
- Date administrative completeness review was completed on NMP
- Date formal admin review letter was sent to operator/plan writer
- If a CAFO, date NMP appeared in the PA Bulletin
- If a CAFO, date that the 30-day PA Bulletin Notice expires
- Date technical review was performed
- Date the on-site farm visit was performed
- Date(s) comments/deficiencies were sent to operator / plan writer
- Date of plan writer's most recent revisions were received at CD
- Date of the last board meeting prior to the end of the first 90-day review time frame
- Last day CD can accept revisions to the submitted NMP prior to board meeting (that meets the first 90-day time frame)
- Dates of future board meetings after the first 90-day time frame has expired
- Any issues or items encountered during the review that CD feels delayed the review process
- Other items which CD has encountered with the review of the submitted NMP that have caused the delay
- Any other additional information CD staff wishes to supply concerning the request to extend the review time period, such as – lack of quorum of CD board members, employee turnover, cancellations of board meetings. Lack of response from the plan writer or operator, etc...
- Length of extension requested
- Anticipated board meeting date when action will take place on NMP

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## SUPPLEMENT 17

Supplement 17

### COMMONWEALTH OF PENNSYLVANIA NUTRIENT MANAGEMENT PROGRAM

#### PLAN REVIEW TIMEFRAME EXTENSION REQUEST

As noted in the regulations, an action on Act 38 NMPs needs to occur within the first 90-day review timeframe. The regulations do allow for an additional 90 days' review. However, only Conservation Districts or the Commission (not planners) can roll a plan review over into a second 90-day review timeframe.

If NMPs are not in approvable form in the first 90-day review time frame, the Conservation Districts are to contact their SCC regional coordinator for consultation on extending the plan review timeline from the first 90 days to the second 90 days. (See NM/MM Administrative Manual Chapter 3)

When requests for review extensions are sent to the SCC Regional Coordinator, the following information shall be provided:

1. Name of NMP: \_\_\_\_\_
2. Plan Writers Name: \_\_\_\_\_
3. Crop Year(s): \_\_\_\_\_
4. Date NMP was initially received at the CD for review: \_\_\_\_\_
5. Date administrative completeness review was completed on NMP: \_\_\_\_\_
6. Date formal admin review letter was sent to operator/plan writer: \_\_\_\_\_
7. If a CAFO, date NMP appeared in the PA Bulletin: \_\_\_\_\_
8. If a CAFO, date that the 30-day PA Bulletin Notice expires: \_\_\_\_\_
9. Date technical review was performed: \_\_\_\_\_
10. Date the on-site farm visit was performed: \_\_\_\_\_
11. Date(s) comments/deficiencies were sent to operator / plan writer: \_\_\_\_\_
12. Date of plan writer's most recent revisions were received at CD: \_\_\_\_\_
13. Date of the last board meeting prior to the end of the first 90-day review time frame: \_\_\_\_\_

Supplement 17

14. Last day CD can accept revisions to the submitted NMP prior to board meeting (that meets the first 90-day time frame): \_\_\_\_\_

15. Dates of future board meetings after the first 90-day time frame has expired: \_\_\_\_\_

16. Any issues or items encountered during the review that CD feels delayed the review process: \_\_\_\_\_

17. Other items which CD has encountered with the review of the submitted NMP that have caused the delay: \_\_\_\_\_

18. Any other additional information CD staff wishes to supply concerning the request to extend the review time period, such as - lack of quorum of CD board members, employee turnover, cancellations of board meetings, Lack of response from the plan writer or operator, etc....: \_\_\_\_\_

19. Length of extension requested: \_\_\_\_\_

20. Anticipated board meeting date when action will take place on NMP: \_\_\_\_\_

Person Requesting Extension: \_\_\_\_\_

County: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### FOR OFFICIAL USE ONLY

Plan Review Time Extension: \_\_\_\_\_APPROVED \_\_\_\_\_DISAPPROVED

Length of time NMP was under review: \_\_\_\_\_

Number of days extended past original 90 days: \_\_\_\_\_

Proposed meeting date for NMA plan approval: \_\_\_\_\_

180 day NMP approval deadline: \_\_\_\_\_

SCC Regional Coordinators signature: \_\_\_\_\_ DATE: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

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## CROP YEAR 2021

West – 2  
Central – 9  
Northeast- 9  
Southeast – 24

# of NMPs – 1,232  
Percent extensions -  
3.6%

## CROP YEAR 2022

West – 1  
Central – 12  
Northeast- 15  
Southeast – 29

# of NMPs – 1,301  
Percent extensions –  
4.4%

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## REASONS FOR EXTENSIONS

- COVID 19 ISSUES
- PA BULLETIN NOTICES AND TIMING
- REVIEWER USING PLAN REVIEW TOWARDS NM CERT
- PLAN SUBMISSION DATE VERSUS CD MONTHLY BOD MEETING DATES
- SOIL AND MANURE TESTS WERE DELAYED.
- PLANNER FORGOT TO SEND BACK CORRECTIONS.
- PLANNER WAS LATE IN SENDING FINAL FORM PLAN AFTER CORRECTIONS WERE MADE.
- SWINE DISEASE OUTBREAK SO OPERATOR DID NOT WANT CD DOING SITE VISIT

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## REASONS FOR EXTENSIONS

- LACK OF RESPONSE FROM OPERATOR / HARD TO COMMUNICATE WITH / OR SCHEDULE VISITS WITH LIMITED AVAILABILITY MADE IT DIFFICULT TO SCHEDULE SITE VISIT
- SCC ACTION MEETINGS OCCUR ONLY EVERY OTHER MONTH
- BOARD MEETING CANCELLED
- PLANNER DID NOT ADDRESS ALL CONCERNS / PLANNER RESUBMITTED INCOMPLETE NMP/ SLOW RESPONSE FROM PLAN TO SUBMIT REVISIONS
- ADDITIONAL NBSS WERE NEEDED
- AG E&S PLAN WAS NOT AVAILABLE OR NEEDED UPDATED/AMENDED
- CD RECEIVED A HIGH # OF NMPS AND DECIDED TO PUSH VAO TO THE BOTTOM OF THEIR LIST SO THAT ALL CAOS COULD BE APPROVED PRIOR TO THE START OF THE CROP YEAR

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## REASONS FOR EXTENSIONS

- DID NOT GET THE FIRST SET OF TECHNICAL REVIEW COMMENTS TO THE PLAN WRITER WITHIN 30 DAYS OF PLAN SUBMISSION
- BMPS NEEDED TO BE CERTIFIED BY A P.E.
- SIX (6) NON-FINAL FORMS OF THE NMP SUBMITTED BY THE PLAN WRITER AND STILL NOT IN FINAL FORM

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## SUMMARY

- Plan review extension requests are to be initiated by plan reviewers, not plan writers.
- The SCC is fully aware of CAFO bulletin notice delays, its just the nature of that beast.
- The SCC is also fully aware that timing of CD Boards meetings and the NM certification process causes timing issues.
- Operators need to be more involved and take the program seriously. It's the LAW.
- There is no reason that soil / manure test results, ag E&S plans, and P.E. Certification of BMPs should delay approval of NMP. These items should be completed before submitting the NMP
- In general, NMP writers and reviewers are doing an OUTSTANDING job is getting NMPs approved within the 1<sup>st</sup> 90 days

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THANK YOU /  
QUESTIONS

