

Nutrient Management (Act 38) On-site Status Review / Inspections





Learning Goals

- Overview of on-site status review
- Guidance for frequency
- Prioritization scheme
- Procedural outline
- Status review of BOD members or CD staff
- Follow Up
- Identifying continuing violators

Overview – Act 38 On-Site Status Reviews

- Provide valuable information
 - CD
 - Operator
 - SCC
- Emphasis to education
- When necessary, assistance to gain voluntary compliance
- Form and letter that show compliance or non-compliance



Guidelines for the frequency and number of on-site status reviews

- CAO – Yearly
- CAFO – Yearly
- VAO – Once every 3 years (1/3 of all county VAOs each year)
- Operation out of compliance / Complaints – As needed
- Follow the Crop Year dates
- Contact SCC Regional Coordinator if you can not perform all inspections



Prioritization scheme for on-site status reviews

- Out of compliance operations
- Operation is in special protection watershed
- Systematic scheme to minimize travel
- Biosecurity



Information to be reviewed in the office and on-site includes:

- Plan Implementation
- Record Keeping
- Manure Storage Information
- Animal Concentration Areas

Prepare Ahead of Time

- Be mindful of and respect the operator's time
- Review NMP in office
- Review file notes page and history of past Status Reviews in office
- Review Status Review form and complete as much of the form as possible before leaving the office.
- Think through the visit:
 - What records will you need to see;
 - What areas of the farm will you need to see;
 - What BMPs will need to be evaluated;
 - What files & biosecurity items will you need;
 - What questions on the form are not necessary or pertinent to the operation



Procedural outline for on-site status reviews

- Select the appropriate operations
- Contact the operation and set up date/time
- Review NMP and file in office
- Review Biosecurity Procedures, ask operator if they have any additional procedures
- Meet with Operator and conduct status review
- Discuss findings
- Follow Up

Status Review Form

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

Date: _____
 Operation Name: _____
 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: _____

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	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
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 emergency stacking required in the plan?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If yes, is the site identified on plan maps?			
o. Are required in-field stacking procedures implemented?	<input type="checkbox"/>	<input type="checkbox"/> *	<input type="checkbox"/>
If yes, are site(s) identified on plan maps?			
If yes, are site(s) appropriate?			
Is manure applied within 120 days (CAFOs 15 days)			
or covered?			
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"/>

Status Review Form General Information

Date: _____
Operation Name: _____
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: _____

Status Review Form Part 1

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"/>

Status Review Form Part 2

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:	<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"/>

Status Review Form Part 3

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is the structure free of significant cracks or structural damage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Are embankments free of manure saturated areas (seepage)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Are interior/exterior slopes free of holes, trees or erosion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Has storage been certified by a Professional Engineer? | <input type="checkbox"/> | <input type="checkbox"/> * | <input type="checkbox"/> |
| g. Is Emergency Response Plan available on the operation? | <input type="checkbox"/> | <input type="checkbox"/> * | <input type="checkbox"/> |

Status Review Form Part 4

4. Animal Concentration Areas (ACAs)

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

Status Review Form Conclusion

Inspector Notes:

Are there violations of Act 38 regulations?

Yes

☐

No

☐

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

Are corrective actions needed?

☐☐

If yes, set approximate re-inspection date: _____

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

Additional Comments:

Signature of Inspector: _____

Signature of Operator: _____

(Operator signature does not signify guilt or agreement)



Documenting findings

- Completed Status Review Form in File and with Operator (copy to specialist that prepared NMP)
- Formal letter sent to operator indicting the outcome and action that may be needed (copy DEP if a CAFO)
- Provide Technical Assistance as appropriate
- Request assistance for your SCC regional coordinator
- Quarterly reporting



Follow-up for on-site status reviews

- Follow up to noncompliance is a regulatory requirement
- Follow-up technical assistance visits will likely be necessary
- NMP Update or Amendment may be needed
- All Follow-up's should use inspection report forms, not on-site status review forms, and a copy provided to operator (and Follow up letter)
- If compliance can not be achieved, other efforts will be made, as described in Chapter 4 of the Adm Manual
- SCC Regional Coordinator assistance is always available
- When compliance is achieved, final letter should document



Status Reviews for Conservation District Board of Director members or other Conservation District staff NMPs

- Notify your SCC Regional Coordinator
- SCC regional Coordinator will then work with you on options that could include:
 - SCC performing the on-site status review
 - SCC and CD performing a joint on-site status review
 - SCC overseeing the CDs on-site status review

Identifying Continuous violators to the SCC

- Follow up to noncompliance finding is a regulatory requirement.
 - CD needs to give deadline to comply and re-inspection date
 - CD needs to follow through with re-inspecting, again documenting, and sending follow up documentation to operator.
 - Checking back next year in UNACCEPTABLE
- Continuous violators should be referred to the SCC
- Detailed discussion in Chapter 4 of the Administrative Manual



Summary

- Familiarity with:
 - On-site status review process
 - Completion of form(s)
 - Documentation
 - Follow-up visits and documentation
 - Interactions between on-site status reviews, follow-ups, and the compliance and enforcement process
 - Frequency of on-site status reviews
 - Filing
 - Follow up



Questions

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Management Programs

SCC Regional Coordinators

[https://extension.psu.edu/programs/nutrient-
management/scc/manual](https://extension.psu.edu/programs/nutrient-management/scc/manual)