

# Agricultural Requirements

Every farm/agricultural operation/livestock owner and manager in Pennsylvania is required to obtain and implement the following necessary plans.

Disclaimer: This document does not constitute legal advice and is intended for educational purposes only. Readers and users are solely responsible for determining and complying with all federal, state and local laws, ordinances and regulations.

## Manure Management Plan (MMP)

Required under DEP regulations in Chapter 91.36

Plan for operations not exceeding two Animal Equivalent Units (AEU) per acre per year

Landowners/operators can develop this plan on their own

Information for the Manure Management Plan can be found [here](#)

Every farm in Pennsylvania that land applies manure or agricultural process wastewater (generated on the farm or received from an importer), regardless of size, is required to have and implement a written Manure Management Plan. This includes manure and agricultural process wastewater application by various types of equipment and/or direct application of manure by animals on pastures and in Animal Concentration Areas (ACAs). Farms that do not mechanically apply manure, but which do have pastures or ACAs still need a manure management plan.

[Review this document to determine which type of plan best suites an operation](#)

Manure Management Plans may also look like:

\*See also, Comprehensive Nutrient Management Plan under Ag E&S Plan

Nutrient Management Plan (Act 38)

Must be developed by a certified nutrient management specialist

Information on regulated operations can be found [here](#)

For regulated operations, CAOs, CAFOs. NPDES permit is required. Operation complies with State Conservation Commission and DEP

\*Operations can volunteer to have an Act 38 plan and would not be required to obtain the permit.

To be a volunteer they must not exceed two AEUs per acre per year.

This plan is reviewed and updated every three years.

## Agricultural Erosion & Sedimentation Control Plan (Ag E&S Plan)

Required under The Clean Streams Law, [Chapter 102](#)

The specific requirements for erosion and sediment control are contained in Chapter 102 of the Department's regulations can be found [here](#)

All agricultural operations in Pennsylvania, regardless of size, are subject to The Clean Streams Law, which makes it unlawful to discharge pollutants to surface or groundwater unless authorized by the Pennsylvania Department of Environmental Protection. All agricultural operations in Pennsylvania are required to minimize accelerated erosion and sedimentation to the waters of this Commonwealth, as sediment is considered a pollutant of water. Agricultural operations that plow or till or have Animal Heavy Use Areas (AHUAs)/Animal Concentration Areas (ACAs) must implement appropriate Best Management Practices (BMPs) to prevent accelerated erosion and sedimentation to waters of this Commonwealth. Those operations that plow or till 5,000 or more square feet, including no-till, or that have AHUAs that are 5,000 or more square feet in total, are required to have a written Agricultural Erosion and Sediment Control Plan (Ag E&S Plan).

Ag E&S Plan may also look like:	<p>Conservation Plan</p> <p>Must be developed by a certified planner</p>	<p>A United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Conservation Plan is similar to an Ag E&amp;S Plan; however, in an NRCS Conservation Plan, all resource concerns on an operation, including soil erosion, are evaluated. NRCS Conservation Plans contain conservation practices that address identified resource concerns such as soil erosion, water quality or inadequate habitat. An NRCS Conservation Plan may fulfill the requirement of an Ag E&amp;S Plan, but the operator/landowner must specifically request this during their consultation with NRCS. Additionally, DEP is the regulatory authority that determines if the NRCS Conservation Plan satisfies DEP's regulatory requirements of an Ag E&amp;S Plan. Ag E&amp;S Plans and NRCS Conservation Plans being used to fulfill the requirement of an Ag E&amp;S Plan must be consistent with the current conditions and activities on the agricultural operation and must be available for review. If the provisions of the plan are currently being implemented on the operation, the plan is consistent with the operation's conditions and activities. Both the operator and landowner are jointly responsible for developing, implementing, and updating the plan.</p>
	<p>Comprehensive Nutrient Management Plan (CNMP)</p> <p>Must be developed by a certified planner</p>	<p>Plan that encompasses multiple environmental planning parts in one. CNMPs include a Nutrient Management Plan, a Conservation Plan and an Inventory and Evaluation. These plans are required if the landowner/operator is seeking funding for BMPs.</p>

Setbacks	Stream, River, Spring, Lake, Pond	Water Well, Sinkhole	Property Line
Manure Storage	100' 200' if slope >than 8%	100' 200' if slope >than 8%	100' (waiver possible) 200' if slope >than 8%
Manure Stack	100'	100'	None, follow setback for other environmentally sensitive areas
Manure Application	100' Year-round unless a permanent 35' buffer exists, then 35' *does not apply to winter application	100'	None, follow setback for other environmentally sensitive areas

For assistance with agricultural requirements contact, Jennifer Lauri at the Luzerne Conservation District, 570-674-7991 x 7, Jennifer@luzcd.org, www.luzernecd.org