

State Specific Training Module for Pennsylvania

Purpose of this Module

This module will provide awareness level information about applicable State Laws and Regulations that individuals need to provide conservation planning assistance in Pennsylvania.

You will gain a general understanding of which laws and regulations are relevant to statewide priority natural resource concerns.

What this Module is NOT

Remember, NRCS planning criteria and assessment tools remain the standard to determine treatment of a resource concern.

NRCS policies and Federal Laws & Regulations are not covered in this module.

Additional study and training will be needed to adequately service the local conservation needs of the diverse range of private lands decision-makers involved in agricultural and forestry activities in Pennsylvania.

Overview of State Laws

The most common State Laws applicable to providing conservation planning assistance in Pennsylvania related to agricultural and forestry activities are:

**Pennsylvania's Engineer, Land Surveyor and
Geologist Registration Law**

PA Act 38 of 2005 & PA Clean Streams Laws

PA Safe Drinking Water Act

PA Controlled Plant and Noxious Weed Act

Pennsylvania's Engineer, Land Surveyor and Geologist Registration Law

Under this Law, the practice of engineering is defined and procedures for licensing a professional engineer and other information of interest to engineers providing services in Pennsylvania are found.

Online information:

<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/EngineersLandSurveyorsandGeologists/Pages/default.aspx>

Applicable State Regulations under Act 38

Under **PA Act 38 of 2005**, there are applicable regulations and related programs to become familiar with. The:

- Nutrient Management Program, and the
- Facility Odor Management Program.

Nutrient Management Program under Act 38

Knowledge of the **Nutrient Management Program** under PA Act 38 of 2005, is required to develop the nutrient management element of a Comprehensive Nutrient Management Plan, a type of NRCS Conservation Activity Plan.

In Pennsylvania, this element must be developed equivalent to the content and format requirements of Pennsylvania's Act 38 Nutrient Management Program.

Nutrient Management Program cont.

Demonstrated competency to develop Act 38 nutrient management plans is certified by the Department of Agriculture of the Commonwealth. Nutrient management techniques and BMPs are made available and approved by the State Conservation Commission.

For additional information see the [Penn State University Nutrient Management website](#) or contact:

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(717) 705-3895

Odor Management Program under Act 38

Knowledge of the **Facility Odor Management Program** under PA Act 38 of 2005, is recommended for TSPs wanting to develop a Comprehensive Air Quality Management Plan, a type of NRCS Conservation Activity Plan that addresses particulate matter emissions and odors.

Act 38 requires that a certified Odor Management Specialist develop Odor Management Plans in Pennsylvania. For more information about Odor Management Certification go to https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/default.aspx.

Applicable State Regulations: Clean Streams Law

Under **PA Clean Streams Law**, applicable regulations include:

- Chapter 91 – Waste Storage guidance
- Chapter 92 - Concentrated Animal Feeding
- Operations Chapter 102 – Erosion & Sedimentation
- Chapter 105 – Dam Safety and Waterway
- Management Chapter 275 - Biosolids

PA Clean Streams Law: Chapter 91: Manure Management

Under this regulation, the Clean Streams Law, requires all operations that generate or utilize manure or agricultural process wastewater to have and follow a Manure Management Plan. In place of such a MMP, a NRCS Comprehensive Nutrient Management Plan is acceptable to the Commonwealth.

PA Clean Streams Law: Chapter 92: CAFOs

Knowledge of state regulation Chapter 92 is necessary for assisting an operation considered a CAFO (Concentrated Animal Feeding Operation). This regulation is PA's permitting program under the Federal Clean Water Act. A Nutrient Management Plan certified by an Act 38 planner is required to obtain DEPs National Pollution Discharge Elimination System permit.

PA Clean Streams Law: Chapter 102.4 Ag Erosion & Sedimentation

Knowledge of state regulation Chapter 102 is helpful to better communicate how a Conservation Plan voluntarily addresses requirements of the Clean Streams Law. Note that eligibility for USDA programs requires compliance with the provisions of the Food Security Act, as amended, including Highly Erodible Lands Conservation provisions.

If desired, client's may choose to record their decisions related to the requirements of section 4 of the Chapter 102 regulation in the Standard Statement section of their Conservation Plan for ease of review by a DEP regulatory official.

PA Clean Streams Law: Chapter 102 Construction Activities

Activities like plowing and tilling do not require an NPDES permit, but agricultural construction which will disturb 1 acre or more (including but not limited to barn expansions, new animal housing, manure storage facilities, compost facilities) **does** require a permit.

PA Clean Streams Law: Chapter 105 Dam Safety & Waterway Management

Knowledge of state regulation Chapter 105 Dam Safety and Waterway Management Assures proper planning, design, construction, maintenance and monitoring of water obstructions and encroachments, to prevent unreasonable interference with water flow.

Most stream/water body/wetland encroachment activities require a permit. Work in Waterways and other agricultural activities can qualify under a simple 'general permit' (GP). Larger projects may need an individual permit.

<https://www.dep.pa.gov/Business/Water/Waterways/Chapter-105-ePermitting/Pages/General-Permit-Types.aspx>

PA Clean Streams Law: Chapter 275 Biosolids

Knowledge of state regulation Chapter 275 is required for operations utilizing the land application of sewage sludge.

Online information:

<https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Biosolids/Pages/default.aspx>

Applicable State Regulations: Safe Drinking Water Act

Under **PA Safe Drinking Water Act**, applicable regulations are found in Chapter 109 - Wellhead Protection Program:

Online information:

<https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Proposed%20General%20Update%20and%20Fees.aspx>

Controlled Plant and Noxious Weed Act

The law defines a noxious weed as "a plant that is determined to be injurious to public health, crops, livestock, agricultural land or other property" and noted that "it shall be a violation of this act to sell, transport, plant, or otherwise propagate the weed within the Commonwealth."

For additional information, go to:

https://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/NIPPP/Pages/default.aspx

Controlled Plant and Noxious Weed Act

Noxious Weeds

Class A Noxious Weed-

- Is established in Pennsylvania
- Is geographically limited
- Is intended to be eradicated

Class B Noxious Weed-

- Is widely established in Pennsylvania
- Cannot feasibly be eradicated

Class C Noxious Weed-

- Is not known to exist in Pennsylvania
- Poses a potential threat if introduced into the Commonwealth
- Is listed on the Federal Noxious Weed List

For the Noxious Weeds List:

https://www.agriculture.pa.gov/Plants_Land_Water/PlantIndustry/NIPPP/Pages/Controlled-Plant-Noxious-Weed.aspx

Review of State FOTG Requirements

Vegetative & Management Practices

In addition to the practice documents found in the FOTG, familiarity with the **Pennsylvania Agronomy Guide** is essential. Part 1 covers crop and soil management, as well as storing seed and grain and farm management and budgeting. Part 2 covers pest management, and includes recommendations for managing pests in corn, grain sorghum, soybeans, small grains, and forages.

Review of Important Resource Issues

Pennsylvania's 28.6 million acres stretches across 6 physiographic provinces subdivided into 23 major landform sections. 24.4 million acres of those lands are privately held by 12.7 million decision makers. It's a diverse state!

The Pennsylvania Natural Heritage Program (PNHP) provides information on the location and status of important ecological resources (plants, vertebrates, invertebrates, natural communities and geologic features) to help inform environmental decisions.

Review of Important Resource Issues

Conservation Planners use the Pennsylvania Natural Diversity Inventory Tool to search for potential impacts to threatened, endangered, special concern species and resources in PA and ensure the maximum conservation benefit is achieved for the minimum cost.

To access the PNDI Environmental Review Tool, go to:

<https://conservationexplorer.dcnr.pa.gov/>

Review of Major Land Uses

Pennsylvania has roughly 7.3M acres of total land in farms and 11.7M acres used for private forests. Another 4.2M acres are publically protected as mostly state forests or game lands. Major urban areas include Philadelphia and associated megalopolis area of the eastern seaboard, Pittsburg in the West and the capital area around Harrisburg.

Of its roughly 52,000 farms, half are used for livestock production. A significant concentration of farms exist in the SE area of the state to supply the neighboring urban areas.

Review of Major Landforms and Waters

The Allegheny Plateau, Ridge and Valley section of the Appalachian Mountains, and the Northern Piedmont are the most extensive landforms in the State.

Pennsylvania's waters flow into 6 major water resource drainage basins – the Delaware River to the Mid Atlantic Ocean, the Susquehanna and Potomac Rivers to the Chesapeake Bay, the Allegheny and Monongahela Rivers to the Ohio and on to the Gulf of Mexico, and into tributaries of Great Lakes Erie and Ontario.

Review of Major Land Ownership

Approximately 78% of Pennsylvania is privately held land. Over 490,100 individuals manage over 11 million acres of woodlots while 60,000 farmers manage over 7 million acres of farmland. The average farm size remains under 150 acres.

The Department of Conservation of Natural Resources and the Pennsylvania Game Commission manage approximately 3.8 million acres of public state land and the Federal Government owns another 0.62 million acres.

Expected TSP Workflow

- The State Resource Conservationist (SRC) will be responsible for reviewing TSP conservation planning qualifications for the National Planner Certification.
- The completion of Conservation Planning Activities (CPA) and Design and Implementation Activities (DIA) are reviewed and certified by the Designated Conservationist (DC) at the local USDA Service Center.
- The SRC will conduct plan reviews for TSP planner designation renewals.
- TSPs will work with the local Designated Conservationist to make sure proper environmental evaluations of resource and special concerns (NRCS.CPA.52) are completed. A NEPA compliance finding made by the Responsible Federal Official is necessary for project implementation.

Additional References or Training

- Pennsylvania NRCS Field Office Technical Guide at <http://efotg.sc.egov.usda.gov/>
- Pennsylvania NRCS pages for Conservation Planning and Nutrient Management
- Penn State Extension page for Pennsylvania's Nutrient Management Program
- Pennsylvania Department of Conservation of Natural Resources
- State Statute Act of May 23, 1945, P.L. 913, No. 367 Cl. 63 (Engineer, Land Surveyor And Geologist Registration Law)

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Certificate of Completion

After viewing the State Specific Training module, please print and sign the completion certificate on the following slide.

The certificate is your acknowledgement that based on the information provided in this module, you have the proper knowledge, skills and ability to conduct planning in this state.

Send the signed certificate to the State TSP Coordinator. Copy the below link to your browser for a list of State TSP Coordinators:

https://www.nrcs.usda.gov/sites/default/files/2022-12/SP_Coordinators-Backups_12.22.22.pdf

Within your NRCS Registry profile, enter the training and upload the signed certificate to verify completion.

STATE SPECIFIC TRAINING MODULE COMPLETION CERTIFICATE

I, _____ hereby verify I have viewed and understand the content of the Pennsylvania State
TSP Name
Specific Training Module and affirm I have the knowledge, skills, and ability to conduct conservation planning
services in this state.

TSP Signature

Date