

# Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

A Meeting to discuss comments received during the Nutrient Management and Manure Management Administrative Manual Open Comment Period was held on December 18, 2020.

Meeting Attendees:

- Frank Schneider
- Laurel Rush
- Johan Berger
- Jamie Ulrich
- Mike Aucoin
- Mike Brubaker
- Mark Jackson
- Brady Seeley
- Mike Walker
- Jerry Martin
- Don Orner

Listed below are comments received during the Nutrient Management and Manure Management Administrative Manual open comment period. Recommendations were made to incorporate or dismiss the comment. The decision to dismiss or assign a “No Merit” status was made because either there is sufficient guidance in the Nutrient Management and Manure Management Administrative Manual or the request exceeds the regulatory requirements. There were a total of 24 comments received during the open comment period. Of the 24 comments received, 14 comments were determined to have merit and will be addressed in Version 6.0 of the Administrative Manual. The results are listed below and will be presented to the Nutrient Management Advisory Board on January 21, 2021 and the DEP Agriculture Advisory Board on March 18, 2021.

	<b>Comment 1 – Plan Review Checklist</b>
<b>Comment</b>	<p>There is a nice header (as shown below) for the Administrative Completeness Review, but then it flows right into the Technical review of the Cover Page without the same kind of header - might be confusing for newbies</p> <p><b>Administrative Completeness Review</b></p> <p><i>Review Section V: Plan Review and Implementation</i> in the NM Technical Manual for more detailed guidance on the Administrative Completeness Review and the plan review administrative requirements. When the plan is received, the reviewer should:</p> <ul style="list-style-type: none"> <li>• Date stamp the plan using the “Non-Final Form” stamp provided by the SCC.</li> <li>• Conduct an Administrative Completeness Review within 10 days from the date of receipt of the plan.</li> <li>• Provide notice to the operator indicating whether all the required plan elements have been received.</li> </ul> <p><b>To be considered administratively complete the plan must:</b></p> <ul style="list-style-type: none"> <li>• Be completed using the required version of the NMP Standard Format Spreadsheet.</li> </ul>

# Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

	<ul style="list-style-type: none"> <li>• Include all the required sections.</li> <li>• Be for crop year(s) within the required date range.</li> <li>• Contain all the required information (each section must be complete).</li> <li>• Include current soil tests (dates) from laboratories using the appropriate tests (Mehlich 3 for P). These soil tests must meet the required acreage and Crop Management Unit requirements.</li> <li>• Include current manure analyses (dates).</li> <li>• Include complete and appropriate manure equipment calibration information.</li> <li>• Have no known issue that would stall the technical review of the plan.</li> </ul> <p><b>Cover Page</b></p> <p><b>General Cover Page Guidelines</b></p> <ul style="list-style-type: none"> <li>• Conduct a complete technical review of the Cover Page.</li> </ul> <p>For Crop Year(s)</p> <ul style="list-style-type: none"> <li>• Act 38 NMPs span three crop years. Plans submitted for review and approval may include three separate annual plans for each crop year or one annual plan for the first crop year with the understanding that annual plans (updates) will be submitted (not for approval) for the two subsequent crop years.</li> </ul> <p>☐ Ascertain whether the plan submitted for review and approval contains three separate</p>		
<b>Manual Sections Impacted (Author)</b>	Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Jackson
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit for revision		

<b>Issue</b>	<b>Comment 2 – Plan Review and Approval</b>		
<b>Comment</b>	Allow for full electronic submission of draft NMPs, as well as, addressing review comments to see the plan through the entire review process. This could work similarly to how odor management plans are submitted / reviewed / approved. If explicitly needed, then a hardcopy for final approval can still be provided.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Rush
<b>Bulletin Article Author</b>	Schneider		

# Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit
--	-------

Issue	Comment 3 – Compliance		
<b>Comment</b>	Some type of guidance stating operators are not out of compliance if they have not over applied nutrients even if manure and crops have changed from what is written into the approved plan.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Rush Seeley
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	<p>Merit</p> <p>Provide guidance in NM Administrative Manual under the status review portion, that provides guidance on documenting the issue but also providing a simple calculation that nutrient was not over applied and that the issue should be addressed in next NMP amendment. If over application is noted in a side calculation, it should be noted as a violation, etc.</p> <p>There is a difference when there is a thought process behind it versus just disregarding the plan and not following the plan.</p>		

Issue	Comment 4 – CAFO Public Notice Review Comments Delay		
<b>Comment</b>	SCC could update TM and Adm guidance that we would allow “unofficial” comments to be sent to the planner before the 30-public comment period is up to speed up the review process. Letter needs to make it clear to plan writer that these may not be the final set of comments, that more comments may be coming.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Rush Seeley
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	<p>Merit</p> <p>Revised Language - District are allowed to send their formal technical comments to the plan writer before the 30-day public comment time frame has lapsed, but a note must be added to the letter that additional comments may be forthcoming if any are received at the end of the 30 day comment period.</p>		

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Issue</b>	<b>Comment 5 - Typo</b>		
<b>Comment</b>	Just an FYI Don Orner's phone number is also incorrect in Chapter 5 of the NM Admin manual.		
<b>Manual Sections Impacted (Author)</b>	Chapter 5 - Appendices		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 6 – Plan Update Notice to BOD</b>		
<b>Comment</b>	Provide consistent guidance to CD BOD on when NMPs are updated (not amended)		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Seeley Rush
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit SCC developed draft guidance and forms		

<b>Issue</b>	<b>Comment 7 – On-site Status Review</b>		
<b>Comment</b>	Clarify that On-Site Status Reviews are needed every year, including the year that the NMP is being Amended		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Seeley Rush
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion</b>	Merit		

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Meeting 12/18/20</b>	
-----------------------------	--

Issue	Comment 8 – Administrative Incomplete Plans		
<b>Comment</b>	For admin incomplete plans, the program says to send the incomplete plan back to the operator. The operator doesn't really want an incomplete plan, and I don't want to spend the postage to send it back to them. In my opinion, the admin incomplete letter addressed to the operator tells them what they need to know.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Seeley Rush
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit Must include guidance that adm incomplete plan is destroyed, so not in district files and available under RTK		

Issue	Comment 9 – 3 <sup>rd</sup> notice letter		
<b>Comment</b>	3 <sup>rd</sup> notice to update a plan – right now I have 4 plans that I'm waiting for, that I know are in progress, and are expected to be submitted soon. If I send the 3 <sup>rd</sup> notice letter out, I'm supposed to get Board Approval, and either Chairman or Manager to sign it. The farmer receives the letter and calls me upset saying that I already know they're getting a plan, so why did I send such a nasty letter? Can we skip these letters if we know there is a plan in progress? Or is there a different way to document things if I don't receive a plan by September 30 <sup>th</sup> ?		
<b>Manual Sections Impacted (Author)</b>	Chapter 4 – Act 38 Compliance Strategy and DEP County Conservation District Agricultural Compliant Response Policy		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit, follow policy		

Issue	Comment 10 – CAFO Bulletin Notice Update		
-------	--	--	--

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Comment</b>	Update guidance that CAFO bulletin notices get sent to the Resource Account now versus Kelly Rathon. See record of change for last adm manual		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations Chapter 5 – Appendices		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 11 – Update Quarterly Reporting information</b>		
<b>Comment</b>	Update Quarterly Reporting information and forms now that PracticeKeeper is the repository of much of the information <a href="https://extension.psu.edu/programs/nutrient-management/news/2019/act-49-reporting-practicekeeper-notice">https://extension.psu.edu/programs/nutrient-management/news/2019/act-49-reporting-practicekeeper-notice</a>		
<b>Manual Sections Impacted (Author)</b>	Chapter 2 – General Program Duties Chapter 3 – Program Operations Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Deeley
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 12- NBS Review</b>		
<b>Comment</b>	<p>Delegated conservation district staff receive first submission NMPs and NBSs from commercial nutrient plan specialists and certified Act 49 Class 2 manure brokers (MB2) that contain many mistakes. It is understandable that some errors will occur. However, conservation district staff end up taking much of their time correcting mistakes that the NMP and NBS writers could have avoided. Some conservation district staff feel that they are doing the work the farmer is paying the NMP and NBS writers to complete. While there are procedures for conservation districts to follow in alerting the SCC of poor quality NMP and NBS writing, this seems to be inadequate.</p> <p>The SCC should develop a statewide “spot checking” procedure of first NMP and NBS submissions that delegated conservation districts receive. NMPs, NBSs,</p>		

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

	commercial nutrient management specialists or MB2 could be randomly selected by the SCC. Liaison with delegated conservation districts or regional SCC nutrient management coordinators would be needed. This statewide “spot checking” procedure of first submissions would a.) put NMP and NBS writers on notice that another set of eyes (SCC) are looking directly at their work and b.) create better quality first submissions.		
<b>Manual Sections Impacted (Author)</b>	NA		
<b>Issue Workgroup Leader</b>	NA	<b>Issue Workgroup</b>	NA
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No merit, plans on the commercial side are seen in the CD review or review and also during the NM/MM Program Delegation Evaluation		

Issue	Comment 13 – Website Updates		
<b>Comment</b>	<p>Whenever there is a revision to either Technical Manual and the Administrative Manual after first publishing, notices are sent out to conservation districts and commercial nutrient management specialist with directions on how to modify their original paper or electronic copies. However, it has been noticed that these manual updates are not always reflected on the PA Nutrient Management Program website administered by Penn State Extension. Many people typically refer to the website instead of downloading a copy and then make changes to the original.</p> <p>While this may be a challenge, the SCC should coordinate with Penn State Extension’s website administrators and update the entire Technical and/or Administrative Manual online whenever a modification is made. Also, the website should indicate these Administrative Manual changes under the current “Chapter 7—Record of Changes” link and a similar weblink for Technical Manual changes.</p>		
<b>Manual Sections Impacted (Author)</b>	NA		
<b>Issue Workgroup Leader</b>	NA	<b>Issue Workgroup</b>	NA
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No merit, weblinks on the NM website are updated before or the same time that the notices of an update in sent out.		

Issue	Comment 14 – Compliance Letters		
-------	---------------------------------	--	--

# Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Comment</b>	<p>Delegated conservation districts are tasked to send out notices to concentrated animal operations (CAOs), concentrated animal feeding operations (CAFOs) or volunteer animal (or agricultural) operations (VAOs) reminding them the need to update or amend their current nutrient management plans (NMPs) and submit their NMPs to the conservation districts by the end of the crop year (September 30). When these operations do not submit their plan after two letters, conservation districts are to send a third notice letter. The SCC sanctioned template letter (Template Letters “3.C.CAO” and “3.C.VAO”) indicates that the operator is to submit the NMP update or amendment by the date of the September conservation district board of directors (CD BOD) meeting. However, the template letter is dated September 1. Depending on when the CD BOD meeting is held, this may not give much notice, especially when the CD BOD meeting is within the first week in September.</p> <p>While a conservation district could probably send the third notice letter earlier than September 1, the SCC should consider having all conservation district mail the third notice letters by August 1. This may be beneficial to conservation districts that review many plans within a given year. If this date change is considered, it may be wise to change the July 1 second notice letter’s dates (Template Letters “3.B.CAO” and “3.B.VAO”) to either May 1 or June 1, possibly even moving the April 1 first notice letter’s date to at least a month earlier (Template Letters “3.A.CAO” and “3.A.VAO”).</p>		
<b>Manual Sections Impacted (Author)</b>	Chapter 4 – Act 38 Compliance Strategy and DEP County Conservation District Agricultural Compliant Response Policy		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Rush
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit, dates can be changed by the CD and letter can be sent before the date on the templates.		

Issue	Comment 15 – Compliance Letters
<b>Comment</b>	<p>Delegated conservation districts are to utilize a template letter (Template Letters “4.A.CAO” and “4.A.VAO”) whenever they discover an operation with an Act 38 NMP is out of compliance. The Administrative Manual indicates that this letter is to be used whenever the conservation district performs a status review or responds to a complaint. However, the template letter utilizes the term “site visit.” Some conservation district staff consider the term “site visit” the time when the public NMP reviewer visits the operation to determine whether the submitted NMP coincides what is happening.</p>





## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Issue Workgroup Leader</b>	Ulrich	<b>Issue Workgroup</b>	Ulrich Schneider
<b>Bulletin Article Author</b>	Ulrich		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 17 – Form Letters</b>		
<b>Comment</b>	Develop form letters for VAO CAFO operations. Currently the form letters provided only are specific to CAO OR Volunteer operations. Neither fits well when addressing VAO CAFO situations		
<b>Manual Sections Impacted (Author)</b>	Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit		

<b>Issue</b>	<b>Comment 18 - Form Letters</b>		
<b>Comment</b>	Develop form letters for acknowledging NMP transfers. The only form letters currently for plan transfers are for operators to use to request the transfer, not for the District to acknowledge the transfer		
<b>Manual Sections Impacted (Author)</b>	Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	Schneider		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit, look at language in adm manual to use the approval letter		

<b>Issue</b>	<b>Comment 19 – Sale of Operation</b>		
<b>Comment</b>	Provide more guidance in the Admin manual for operations that withdraw from Act 38 due to transfer from a sale. This would include developing a letter to be		

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

	sent to the previous owner of the operation (the seller) since the new owner will be assuming all responsibility.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations		
<b>Issue Workgroup Leader</b>	Rush	<b>Issue Workgroup</b>	Rush
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit		

<b>Issue</b>	<b>Comment 20 – Form Letters</b>		
<b>Comment</b>	Edit the Status Review Follow-up Letter. It currently states, “Thank you for implementing your NMP, and for maintain the records required for your animal operation under Act 38.” Replace “maintain” with “maintaining”.		
<b>Manual Sections Impacted (Author)</b>	Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 21 – Administrative Review</b>		
<b>Comment</b>	Develop an official Administrative Completeness Checklist from the SCC and include in the admin manual. This would create consistency between Districts, NM technicians, and SCC regional coordinators/certification staff.		
<b>Manual Sections Impacted (Author)</b>	Chapter 3 – Program Operations Chapter 6 – Blank Forms / Sample Letters / Review Guidelines		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider Jackson
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion</b>	No merit, review guidelines already exist		

## Nutrient Management and Manure Management Administrative Manual Version 6.0 Open Comment Period Summary of Comments Received

<b>Meeting 12/18/20</b>	
-----------------------------	--

<b>Issue</b>	<b>Comment 22 – Form Letters</b>		
<b>Comment</b>	Edit Letter 4B CAO, as it jumps around in tense and person throughout the letter. For example, it's signed by the District Manager, but at times refers to "my next visit", although it's probably the technician who's doing the visit.		
<b>Manual Sections Impacted (Author)</b>	Chapter 4 – Act 38 Compliance Strategy and DEP County Conservation District Agricultural Compliant Response Policy		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		

<b>Issue</b>	<b>Comment 23 – Form Letters</b>		
<b>Comment</b>	Clarification on why the operator's spouse's name needs to be included in compliance letters, but planners are not required to include this information on NMPs and all other correspondence does not include the operator's spouse if they are not listed on the NMP. This becomes confusing when often we do not interact with the operator's spouse and likely do not know their name.		
<b>Manual Sections Impacted (Author)</b>	Chapter 4 – Act 38 Compliance Strategy and DEP County Conservation District Agricultural Compliant Response Policy		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	No Merit, we ask you to include the spouse, if they are known, as in many cases the spouse can assist in gaining compliance		

<b>Issue</b>	<b>Comment 24 – Manual Setup</b>		
<b>Comment</b>	Digital Manuals – The web versions of both the Tech and Admin manuals are difficult to navigate. It would help us greatly if these digital versions could contain hyperlinked TOC along with a TOC link on each page. The organization and indexing of the manual contents is confusing at some points and could be improved for quicker referencing.		

**Nutrient Management and Manure Management Administrative  
Manual Version 6.0 Open Comment Period  
Summary of Comments Received**

<b>Manual Sections Impacted (Author)</b>	Entire Manual		
<b>Issue Workgroup Leader</b>	Schneider	<b>Issue Workgroup</b>	Schneider ??
<b>Bulletin Article Author</b>	NA		
<b>Open Comment Period Discussion Meeting 12/18/20</b>	Merit		