Pennsylvania Agricultural Environmental Requirements

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Agricultural activities generate nearly $6 Billion in sales each year in PA; about $4 Billion in animal and animal products sales, and $2 Billion from crops. There are more than 63,000 farms, and 98% are family owned. Agriculture has a huge impact on PA’s economy, with a history rich in conservation and environmental stewardship. Before “green” was fashionable, farmers were finding the best ways to take care of their land, by conserving the soil and making the most of all their natural resources.

There are rules, laws and regulations everywhere. Many rules are meant to keep people safe. Others are meant to keep our environment safe. Environmental regulations cover industrial pollution as well as pollution controls for agriculture.

Two of PA’s ag-related environmental regulations were recently updated. Those regulations are PA Chapter 102 (Erosion & Sedimentation) and Chapter 91 (includes Manure Management). This brochure highlights the recent changes, and explains what is needed in a written Agricultural Erosion & Sedimentation Plan and a written Manure Management Plan.

If you have questions regarding the information in this brochure, please contact your County Conservation District, or regional Department of Environmental Protection office.
Am I in compliance with Pennsylvania’s erosion, sedimentation and stormwater regulations affecting agricultural operations?

Some things you need to know about this regulation.

Pennsylvania’s Chapter 102 regulations (relates to erosion and sediment control and stormwater management) have existed since 1972. All farms are required to develop and implement a written plan to reduce erosion on their crop fields and Animal Heavy Use Areas. All farms need a plan. These plans do not have to be submitted for approval but must be kept on the farm and made available upon request.

Record Keeping
Farmers are required to keep records of manure application, crop yield, manure export, and manure storage observations. Pastures should maintain average vegetation height of at least 3” during the growing season.

Pasture Management
The Manure Management Plan must identify pastures. Options for managing pastures, include:

- Develop a Grazing Plan, as outlined in NRCS-PA Technical Guide Practice Standard 528 – Prescribed Grazing Plan; or Maintain “dense vegetation throughout the growing season”, which minimize bare spots and maintain average vegetation height of at least 3 inches.

Animal Concentration Areas (ACA)
These are barnyards, feedlots, exercise lots or other similar animal confinement areas. ACAs are not pastures. When managing ACAs, the farmer should:

- Divert clean water away from the ACA.
- Collect or treat dirty water flowing from ACA.
- Limit animal access to streams.
- Minimize the size of the ACA.
- Move feeding and watering areas away from streams.
- Routinely remove manure.

Near Streams
Areas within 100 ft of a stream must maintain a minimum 25% plant cover/crop residue or implement additional BMPs.

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Much more vegetation is needed along stream banks.

NPDES Permits
The National Pollutant Discharge Elimination System (NPDES) permit is a requirement for construction activities that disturb 1 acre or more. Activities like plowing and tilling do not require an NPDES permit.

Any agricultural construction activity affecting 1 acre or more requires a Stormwater Management Plan and an NPDES permit, the same as required for all other types of construction. For example barn expansions or manure storage facilities require a permit.

NPDES Permits
The Manure Management Plan must identify any manure storages. The Manure Management Plan must

Manure Storage and Stockpiling/Stacking Area – Manure and agricultural process wastewater must be properly stored. The Manure Management Plan must identify any manure storage and stockpiling/stacking areas on the farm.

Streambank Fencing
Fencing is not required for pastures, but using fencing as a BMP is an option to meet some of the regulatory requirement. Fencing livestock out of streams is good for livestock health and good for local stream water quality.

Mechanical Manure Application
Manure Management Plans identify manure and fertilizer application rates. Generally, manure application is required to observe a setback of 100 ft. from streams and other environmentally sensitive areas unless additional BMPs are implemented.

Winter application of manure is discouraged. DEP encourages farmers to store or stack their manure over winter. Farmers may winter spread, but there are conditions and restrictions, including:

- Setback of 100 ft. from top of stream banks, lakes and ponds.
- No application on fields with slopes greater than 15%.
- All fields must have minimum 25% crop residue at application time or an established crop/cover crop.

Manure Storage and Stockpiling/Stacking Area – Manure and agricultural process wastewater must be properly stored. The Manure Management Plan must identify any manure storage and stockpiling/stacking areas on the farm.

Permanent manure storages must not leak or over flow – a minimum “free-board” needs to be maintained. Any leaks, overflows, or spills need to be addressed immediately.

Am I in Compliance with Pennsylvania’s Manure Management Requirements?

Some things you need to know about manure management requirements.

Pennsylvania Chapter 91 regulations address pollution control and prevention at agricultural operations. Section 91.36 of the regulations refers to the Manure Management Manual (MMM). The MMM is available to assist farmers in developing a written Manure Management Plan.

For farms not defined as CAFOs or CAOs, Manure Management Plans can be prepared by the farmer. Manure Management Plans do not have to be submitted for approval but must be kept on the farm and made available upon request.

Winter spreading is discouraged, but allowed with various conditions and restrictions.