

MANURE MANAGEMENT

§ 83.311. Manure management.

(a) *Review existing practices.* In the preparation of a plan, the nutrient management specialist shall perform a site visit to conduct a review of the adequacy of existing manure management practices to prevent surface water or groundwater pollution from storm events up to and including a 25-year, 24-hour storm intensity. The specialist may confer with NRCS, conservation district staff or others with expertise with nutrient runoff control. This review shall be documented in the plan by identification of those conditions and areas where there is a potential for stormwater commingled with manure to directly runoff into surface water as a result of a storm event up to and including a 25-year, 24-hour storm intensity, without sufficient filtration or other appropriate treatment or handling BMPs, such as vegetated buffers. Practices to be evaluated in this review include manure handling, manure collection, barnyard runoff control and manure storage practices. Examples of inadequate manure management practices include the following:

(1) Manure, contaminated water or nutrients leaving manure storage or animal concentration areas, and directly discharging into surface water or groundwater.

(2) The uncontrolled flow of storm water into, or across, manure storage facilities, emergency manure stacking areas or animal concentration areas.

(3) Manure storage facilities overflowing or maintained at levels above design full levels.

(4) Manure storage facilities that are sized for less than the projected manure accumulation based on the expected application periods used in the plan.

(5) Leaking or unstable manure storage facilities.

(6) Manure storage facilities which otherwise do not comply with § 91.36 (relating to pollution control and prevention at agricultural operations).

(b) *Address inadequate practices.* The plan must address any existing inadequate manure management practices as follows:

(1) As part of a plan certification under § 83.261(8)(relating to general), the nutrient management specialist shall ensure that the review required under subsection (a) was undertaken in the preparation of the plan.

(2) The plan must contain a listing of inadequate manure management practices and related conditions and problem areas, and the BMPs planned to correct them to protect surface water and groundwater.

(3) The BMPs shall be selected, designed, constructed and maintained to meet the requirements of this subchapter. When this subchapter does not specifically address an inadequate manure management practice, the BMPs contained in the *Pennsylvania Technical Guide* may be used to comply with this section. Other BMPs shall be approved by the Commission.

(4) The plan submitted for approval is not required to include BMP designs. During the implementation of the approved plan, the operator is responsible for obtaining the necessary BMP designs and associated operation and maintenance plans to implement the BMPs listed in the approved plan. The BMP designs and associated operation and maintenance plans shall be kept on record by the operator as a supplement to the plan.

(c) *Animal concentration areas.* The following applies to animal concentration areas:

(1) These areas shall be sized, located, implemented and managed using BMPs to eliminate the direct discharge of storm water runoff commingled with manure from these areas to surface water and groundwater.

(2) These areas must meet the following requirements which shall be addressed in the plan:

(i) Animal concentration areas shall be sized appropriately to minimize environmental impacts that may be associated with the areas.

(ii) These areas shall be located and managed to eliminate the direct discharge of storm water runoff commingled with manure from a storm event of up to and including a 25-year 24-hour storm intensity, except as allowed in paragraph (5).

(3) Accumulated manure on nonvegetated animal concentration areas shall be collected and land-applied to cropland, or exported from the operation, as described in the plan.

(4) These areas shall be designed, implemented and managed to minimize the amount of clean water entering the animal concentration area.

(5) Storm water runoff commingled with manure from these areas shall be either treated or stored through an appropriate vegetative or other suitable treatment or storage method, which meets the requirements of this subchapter. BMPs for vegetated buffers and other treatment or storage methods contained in the *Pennsylvania Technical Guide* may be used to satisfy this requirement. Other BMPs shall be approved by the Commission.

(6) Animal access to surface water in these areas shall be limited to properly installed stream crossings. BMPs contained in the *Pennsylvania Technical Guide* may be used to meet this requirement. Other BMPs shall be approved by the Commission.

(d) *BMPs.* The following BMPs, as appropriate, shall be used if necessary, and shall be described in the plan, to protect water quality by controlling storm water in the farmstead, including the manure storage and animal concentration areas:

(1) Manure storage facilities including permanent manure stacking areas. The construction of manure storage facilities is not required unless necessary to protect surface water and groundwater. Nutrient management plans that require the construction of a manure storage facility must describe the planned type, dimensions and capacity of the proposed facility, and the location of the proposed facility shall be identified on a plan map.

(2) Diversion of clean water from manure storage facilities and animal concentration areas, unless required for proper operation of the BMP.

(3) Treatment or storage of storm water commingled with manure in the manure storage or animal concentration areas.

(4) Emergency manure stacking areas must be located outside of concentrated water flow areas and areas where manure application is restricted or prohibited based on § 83.294(f) and (g) (relating to nutrient application procedures).

(5) Other appropriate BMPs acceptable to the Commission, including those described in the *Pennsylvania Technical Guide*.

(e) When emergency manure stacking areas may be necessary for the implementation of the plan, the plan must identify those areas available for the storage of manure due to unforeseen circumstances such as adverse weather conditions. The stacks shall be managed using appropriate BMPs such as placement on appropriate soils, proper consideration of slopes where stacks will be placed and shaping that minimizes absorption of rainfall. The operator shall notify the county conservation district at least 24 hours in advance of the use of an emergency manure stacking area. Manure shall be removed from emergency stacking areas for utilization on cropland or other acceptable uses within 60 days, unless extended by the Commission or a delegated conservation district.

(f) Information contained in other sections of the plan may be used by the specialist when addressing this section.

(g) The siting, design and installation of manure storage facilities shall meet the requirements in § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities). The BMPs contained in the *Pennsylvania Technical Guide*, as they relate to water quality protection, may be used to comply with this subsection. Other measures shall be approved by the Commission.

(h) If alternative manure technology practices and equipment are planned to address nutrient management issues related to the operation, the rationale for and expected benefit of the planned alternative practices and equipment shall be described in the plan.

Source

The provisions of this § 83.311 amended June 2, 2006, effective October 1, 2006, 36 Pa.B. 2636. Immediately preceding text appears at serial pages (232362) and (266201).

Cross References

This section cited in 25 Pa. Code § 83.201 (relating to definitions); 25 Pa. Code § 83.204 (relating to applicability of requirements); 25 Pa. Code § 83.261 (relating to general); 25 Pa. Code § 83.272 (relating to content of plans); and 25 Pa. Code § 83.381 (relating to manure management in emergency situations).

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