

## BIOSECURITY

No 'Germs'  
IN

No 'Germs'  
OUT

Biosecurity is CRITICAL to understand, if you drive trucks between farms, and/or haul and spread manure to multiple farms. Biosecurity procedures reduce the risk of infectious diseases from entering barns, flocks and herds. Communication between a manure hauler or broker and the farmer is essential. If it is determined that your business equipment is the reason a disease is spread or introduced, that could be detrimental to your bottom line.

## FLY CONTROL

If you haul or spread manure for yourself or as a service to others, manure must be spread as directed in a written Manure Management Plan, Nutrient Management Plan or Nutrient Balance Sheet. While fly monitoring and reduction techniques are not required by nutrient management planning regulations, these practices are encouraged and can greatly reduce conflicts with neighbors.

For more information about fly control techniques refer to "Fly Management in Pennsylvania...when spreading manure!" brochure or view the brochure online at <http://www.paagombudsman.com/resources/publications/>



# PA's Manure Haulers and Brokers are Key!



Custom manure haulers, brokers and applicators are key players in helping farmers in PA transport and apply manure. Manure handling professionals need to be fully informed about regulatory requirements for handling manure in Pennsylvania. This brochure summarizes these requirements.

PA's Clean Streams Law requires all farms using or producing manure to have a written Manure Management Plan (MMP), which is similar to but not the same as a Nutrient Management Plan (NMP). A Manure Management Plan

- protects surface and ground waters while obtaining optimum crop yields
- must be written (including farm maps)
- must be kept on site for use and inspection
- can be written by the farmer, manure hauler/broker, or other non-certified individual
- does not need to be submitted for approval

includes:

- manure and fertilizer application rates
- manure application setbacks
- winter manure application details
- pasture management
- animal concentration areas (barnyards, feeding/watering areas, walkways) management
- manure storage details and regular inspection records
- in-field manure stacking requirements
- involves manure application recordkeeping; and the records must be kept on the farm

## You can help your clients by:

- ensuring that you are applying manure according to a plan. **If there is no plan, you are NOT allowed to apply.**
- developing or updating Manure Management Plans for your clients, if you are interested.
- following the manure application setbacks.
- avoiding winter spreading when possible; but if the plan allows it, apply in accordance with the plan.
- stack manure appropriately, in accordance with the plan.
- documenting manure application rates and which fields received manure for record keeping obligations.
- advising how to address neighbor relation issues such as flies and odor.

Concentrated Animal Operation (CAOs) and Concentrated Animal Feeding Operations (CAFOs) are required to have a written and approved Nutrient Management Plan, developed by a certified Commercial Nutrient Management Specialist. Manure applications on CAO or CAFO farms must follow the approved Nutrient Management Plan (NMP) and manure from a CAO or CAFO applied on an importing site must follow the Nutrient Balance Sheets (NBS) developed for the operation.

If manure is being exported from a CAO or CAFO to an importer, there must be a NBS outlining the required application rates and areas approved for application. The NBS should provide all the information a manure hauler needs to properly apply imported manure.

If a farmer does not have a written MMP or an NMP, but a certified manure hauler spreads the manure, that farmer is liable for enforcement actions and there may be consequences for the manure hauler as well.

If a farmer is importing manure, but doesn't generate the manure, a farmer is still required to have a Manure Management Plan. Nutrient Balance Sheets (NBS) provide excellent direction for the application of the imported manure on the importing farm, and provide a significant part of the information needed for a MMP, however, the farmer still needs the full MMP to be considered in compliance.



## Helping Farmers Meet Their Manure Handling Requirements



Produced and distributed by the PA Agricultural Ombudsman Program. Funding provided by the PA Department of Environmental Protection through a U.S. Environmental Protection Agency Chesapeake Bay grant.

## Questions you need to ask the farmer BEFORE you spread:

1. Do you have a NBS, NMP or MMP?
2. Can I see the plan's summary and map for application instructions?
3. May I have a copy of the summary and maps for my records?
4. What records would you like me to provide to you?



## Questions to ask yourself BEFORE applying:

1. Is the NBS, NMP or MMP telling me that I am allowed to do what the farmer is requesting?
  - a. Manure type
  - b. Application rates
  - c. Application areas (follow all application setbacks)
  - d. Winter spreading restrictions
2. Do I have a copy of the NBS, NMP, MMP and maps to prove I applied according to the plan?



## MAPS

Setbacks are an important part of a Manure or Nutrient Management Plan. The map indicates the fields identified for manure application and it identifies areas where manure application is restricted due to the regulatory manure application setback requirements. The site specific MMP or NMP will provide the setbacks relevant to the farm where manure is being applied.



## KEY ITEMS

Key items to check in the plan before you spread manure. Are you applying the:

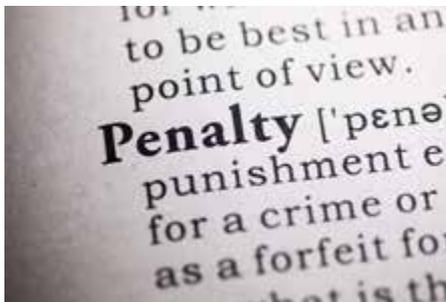
1. Right Manure?
2. Right Season?
3. Right Rate(s)?
4. Right Method?
5. Right Field(s)?
6. Right Setbacks?



## FREQUENTLY ASKED QUESTIONS.

### 1) What if a client doesn't have a NBS, NMP or MMP?

Act 49, the Commercial Manure Hauler & Broker Law, requires that the application of manure be done according to a Nutrient Management Plan, Nutrient Balance Sheet or Manure Management Plan, and provides a level of liability protection to you and your business. If you choose to apply manure when one of the above plans do not exist, it is at your own risk and may subject you to enforcement under the Act 49 Law, and the farmer under the Clean Streams Law.



### 2) How do I police my customers, who are paying me?

Act 49 is a law in PA, and you are expected to follow the law relating to applying manure consistent with a written plan, and to provide accurate information to your customers. You are not expected to confront a farmer not complying with environmental laws, but you are expected to not participate or support an action that is knowingly in violation of state environmental laws, even if the farmer is paying you to do it.

## FREQUENTLY ASKED QUESTIONS.

### 3) What is the penalty for over applying, or for applying without a written plan or Nutrient Balance Sheet?

You, the certified hauler or broker, and the farmer would both be liable. Enforcement and penalty payments are based on a number of factors including extent of environmental damage due to the violation, willfulness of the violation, notification to the PA Department of Environmental Protection (DEP) of the violation, history of past violations, etc. Penalties can be \$10,000 or more, so it is imperative that you and the farmer are acting appropriately when handling and applying manure.



### 4) If I am fined for a violation, what happens to my hauler/broker certification?

If you pay the fine, and come back into compliance, nothing happens to your certification. If you fail to come back into compliance, the situation could escalate into the suspension or revocation of your certification.

### 5) Can I write a Manure Management Plan for a client who does not currently have one? Where can I go for direction in writing this plan?

Yes you can. You can follow the DEP Manure Management Manual workbook and instructions which outline how to develop a Manure Management Plan. Also, county conservation districts and other entities may provide training in your region, and these free trainings are a great resource.

### 6) Can I write Nutrient Balance Sheets for manure that I am not brokering?

Level 2 certified brokers can write NBSs addressing CAO and CAFO manure. NBSs addressing MMP manure, and not coming from a CAO or CAFO can be written by anyone with the ability to fully and accurately complete the Nutrient Balance Sheet form.

### 7) If I have a Nutrient Balance Sheet for a farm, is that enough?

An NBS, including a farm map, provides all the information you need to apply manure appropriately and legally on a farm. This document alone is not enough to allow the farmer to meet the Manure Management Planning requirements. The NBS provides a good start toward meeting Manure Management Planning requirements, but is still not fully compliant. The farmer needs to incorporate the NBS information into the remaining sections of the MMP template to be fully compliant with the manure application sections of the MMP.

### 8) How does a manure application agreement/contract protect me?

A contract specifically spells out who will perform certain actions and it helps lay out who is liable for meeting various regulatory obligations.



## FREQUENTLY ASKED QUESTIONS.

### 9) What record-keeping am I responsible for, and how long must I maintain it?

Records are to be maintained for three years. The type of records required depends on the type of license you hold. To find the specific records needed, go to [www.paagombudsman.com/resources/mhb/](http://www.paagombudsman.com/resources/mhb/)

### 10) What records are my clients responsible to keep, that I can assist with?

- a. The farmers are responsible for keeping records relating to the transfer and application of manure.
  - i. For manure transferred from one operation to the other, without application, you can help with the farmer's record keeping obligations by providing:
    1. Date of Transfer
    2. Amount transfer
  - ii. When applying manure on an operation, whether the producing farm or the importing farm, you can help by providing:
    1. Date applied
    2. What fields the manure was applied to
    3. Type of manure applied
    4. Rate of manure application

