

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1757 Session of
1999

INTRODUCED BY S. MILLER, BUNT, HERSHEY, ROHRER, ARGALL,
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J. TAYLOR, TIGUE AND YOUNGBLOOD, JUNE 21, 1999

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JUNE 21, 1999

AN ACT

1 Amending the act of December 12, 1994 (P.L.888, No.128),
2 entitled "An act providing for the construction of six
3 anaerobic manure digesters as demonstration projects at
4 select locations in this Commonwealth; and providing for
5 funding," providing for investigation, study, development and
6 use of manure and animal by-product management technology for
7 normal farming operations.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The title and sections 1, 2 and 3 of the act of
11 December 12, 1994 (P.L.888, No.128), known as the Anaerobic
12 Manure Digesters Act, are amended to read:

13 AN ACT

14 Providing for the construction of six anaerobic manure digesters
15 as demonstration projects at select locations in this
16 Commonwealth; [and] providing for funding and for the
17 investigation, study, development and use of manure and
18 animal by-product management technology for normal farming
19 operations.

1 Section 1. Short title.

2 This act shall be known and may be cited as the [Anaerobic
3 Manure Digesters] Agricultural By-product Technology Act.

4 Section 2. Legislative findings.

5 The General Assembly finds and declares as follows:

6 (1) The development of [anaerobic manure digesters]
7 manure digesters and other animal by-product technology
8 across this Commonwealth [to reduce the nitrogen pollution
9 caused by livestock manure] will enhance and encourage
10 environmentally sound and economically feasible agricultural
11 production practices and will result in [a public benefit.]
12 numerous benefits to the agricultural community and society.

13 (2) The development of manure digesters and animal by-
14 product technology across this Commonwealth to produce
15 energy, pathogen-free fertilizers, animal feed supplements
16 and clean water will increase revenues for agricultural
17 producers and provide economically feasible and
18 environmentally sound methods of managing manure and other
19 agriculture by-products and nutrients thereby benefiting the
20 environment, the agricultural community and society.

21 [(2)] (3) The purpose of this act is to [demonstrate the
22 practical nature and the usefulness of anaerobic manure
23 digesters so that Pennsylvania farmers will build digesters
24 for their own use.] investigate, study and advance manure
25 digester systems and animal by-product technologies that are
26 environmentally sound and economically feasible and to
27 develop programs that encourage and promote the use and
28 development of new technologies. Such programs shall benefit
29 the agricultural community and society. In addition, this act
30 seeks to assist those engaged in production agriculture to

comply with the act of May 20, 1993 (P.L.12, No.6), known as
the Nutrient Management Act, through the use of
environmentally sound manure and animal by-product management
technologies.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agricultural community." Those involved in production
agriculture and agricultural processing facilities.

"Agricultural processing facilities." Those facilities
involved in the slaughter and processing of livestock or
livestock products, poultry or poultry products, swine or swine
products, milk or dairy products and other facilities approved
by the Department of Agriculture.

["Anaerobic manure digester" or "digester." A machine that
allows manure to decompose anaerobically, releasing methane
which is used to drive an electrical generator supplying power
to the farm and surplus power which can be sold to an electric
utility.]

"By-product management technology." That technology which
the Agricultural By-product Management Technology Board
determines will help, assist or facilitate the reduction of
potential pollutants to air or water, diminish odors and
pathogens associated with and being the natural result of
agricultural production, or any technology which the board
determines will further the purpose of this act.

"Board." The [Anaerobic Manure Digester] Agricultural By-
product Technology Board.

"Department." The Department of Agriculture of the

1 Commonwealth.

2 "Digester." A technology that through anaerobic or aerobic
3 digestion, photosynthetic purification or a combination of these
4 processes causes the decomposition of manure, animal carcasses,
5 offal and other agriculture by-products and nutrients, resulting
6 in the release of methane, which may be used to supply energy
7 for onsite use and surplus energy which can be sold to electric
8 utilities or private electric companies.

9 ["PEO." The Pennsylvania Energy Office.]

10 "Production agriculture." The management and use of farming
11 resources for the production of agricultural crops, livestock or
12 livestock products, poultry or poultry products, swine or swine
13 products, milk or dairy products and other practices approved by
14 the Department of Agriculture.

15 "Secretary." The Secretary of Agriculture of the
16 Commonwealth.

17 Section 2. Section 4 of the act is repealed.

18 Section 3. The act is amended by adding a section to read:

19 Section 4.1. Powers and duties of department.

20 The department shall have the following powers and duties:

21 (1) To develop programs which promote education, use and
22 development of economically and environmentally feasible
23 digesters and by-product management technology. Such programs
24 may include loan and grant programs.

25 (2) To work in concert with the board to continually
26 evaluate emerging practices, methods and technology regarding
27 digesters and by-product management technology.

28 (3) To promulgate regulations concerning this act and
29 programs developed under this act. Prior to promulgation of
30 regulations, the department shall have the power to recommend

1 interim guidelines for the purpose of facilitating the
2 initial development of programs established under this act.
3 Such interim guidelines shall be replaced by regulations
4 within two years of their effective date.

5 (4) To review, with the advice of the board, program
6 criteria and to periodically evaluate and make appropriate
7 changes in those criteria by regulation.

8 Section 4. Section 5 of the act is amended to read:

9 Section 5. The [Anaerobic Manure Digester] Agriculture By-
10 product Technology Board.

11 (a) Establishment.--There is established within the [PEO]
12 Department of Agriculture an [Anaerobic Manure Digester]
13 Agricultural By-product Technology Board.

14 (b) Composition.--The board shall be appointed by the
15 Governor and shall be composed of the following:

16 (1) the secretary or his designee who shall serve as
17 chairman.

18 [(1) Two persons] (2) One person who [own and operate]
19 owns and operates on a continuous basis [an anaerobic manure]
20 a digester.

21 [(2) One person from an electric utility.]

22 (3) One person who represents a by-product management
23 technology business enterprise.

24 [(3)] (4) One [soil] nutrient management specialist from
25 the private sector who has been commercially certified
26 pursuant to the act of May 20, 1993 (P.L.12, No.6), known as
27 the Nutrient Management Act.

28 [(4) One livestock farmer who does not own a digester.]

29 (5) One person [from an environmental protection
30 organization] representing the Pennsylvania Association of

1 Conservation Districts.

2 (6) One person, not part of the agricultural community,
3 who shall represent the public.

4 (7) Two active commercial farm owners or operators, at
5 least one representing animal agriculture.

6 (8) One representative from the agribusiness industry
7 representing agricultural processing facilities.

8 (9) Two representatives from the Penn State Cooperative
9 Extension Service with expertise in agricultural engineering
10 and by-product management.

11 (10) One representative of the State Conservation
12 Commission.

13 (c) Expenses of board members.--The members of the board
14 shall not be entitled to compensation for their services as
15 members but shall be entitled to reimbursement for all necessary
16 expenses incurred in connection with the performance of their
17 duties as members of the board.

18 (d) Meetings.--The board shall meet at least semi-annually
19 or more frequently if deemed necessary by the chairman.

20 (e) Quorum.--Seven of the members appointed to the board
21 shall constitute a quorum for purposes of conducting meetings
22 and official actions pursuant to authority given to the board
23 under this act. No decision by the board shall be effective
24 unless seven of the board members are actually present and a
25 majority of those present vote to support the decision.

26 (f) Application of member.--A member of the board may apply
27 to take part in any program administered under this act,
28 provided all decisions regarding the program application are
29 subject to the provisions of section 3(j) of the act of July 19,
30 1957 (P.L.1017, No.451), known as the State Adverse Interest

1 Act, and the act of October 4, 1978 (P.L.883, No.170), referred
2 to as the Public Official and Employee Ethics Law. If any
3 contract or agreement is made in violation of this section, the
4 contract or agreement shall be null and void and no action shall
5 be maintained against the Commonwealth.

6 (g) Powers and duties of board.--The board shall have the
7 following powers and duties:

8 (1) To work in consultation with the department to
9 continually evaluate advanced technology regarding
10 economically and environmentally feasible digesters and by-
11 product technologies.

12 (2) To research, review and evaluate manure management
13 systems and by-product technologies that are environmentally
14 sound and economically feasible and make recommendations to
15 the secretary.

16 (3) To research, review and evaluate specific regional
17 manure and by-product reduction needs and opportunities and
18 to recommend to the secretary any appropriate manure and by-
19 product management technology which exists to satisfy those
20 needs.

21 (4) To encourage cooperation among and between the
22 agricultural community, industry and local government
23 regarding the use and development of agricultural manure and
24 by-product management technologies.

25 Section 5. Section 6 of the act is repealed.

26 Section 6. Section 7 of the act is amended to read:

27 Section 7. Funding.

28 (a) Availability of funds.--Financing of [the construction
29 of anaerobic manure digesters] digesters and agricultural by-
30 product technology programs and projects shall be provided to

1 the extent that funds are available.

2 (b) Use of specific appropriation, contributions and other
3 payments.--The [Pennsylvania Energy Office] department is
4 authorized to use funds specifically appropriated by the General
5 Assembly for the purposes of this act and any funds,
6 contributions or payments which may be made available to it by
7 another State agency, the Federal Government or by any public or
8 private source for the purpose of implementing the provisions of
9 this act.

10 [(c) Center for Rural Pennsylvania.--The Pennsylvania Energy
11 Office is authorized to submit eligible projects to the Center
12 for Rural Pennsylvania for financing from funds appropriated to
13 the center.

14 (d) Department of Agriculture.--With the concurrence of the
15 Pennsylvania Energy Office, projects eligible for financing
16 under this act shall be eligible for financing under the
17 Agricultural Technology Loan Program in the Department of
18 Agriculture.

19 (e) Department of Commerce.--The Pennsylvania Energy Office
20 is authorized to submit eligible projects under this act to the
21 Department of Commerce for financing under the Ben Franklin/IRC
22 Partnership Fund.]

23 (c) Grant recipient.--The receipt of a grant, loan or other
24 financial assistance or participation in a program developed
25 pursuant to this act would not preclude an individual,
26 partnership or corporation from receiving grants, loans or other
27 financial assistance or participating in programs pursuant to
28 either the act of May 20, 1993 (P.L.12, No.6), known as the
29 Nutrient Management Act, or the act of December 12, 1994
30 (P.L.900, No.130), known as the Agriculture-Linked Investment

1 Program Act.

2 Section 7. This act shall take effect in 60 days.