

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1757

Session of  
1999

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INTRODUCED BY S. MILLER, BUNT, HERSHEY, ROHRER, ARGALL,  
ARMSTRONG, CLARK, FAIRCHILD, FREEMAN, HARHAI, HORSEY,  
MASLAND, ORIE, RUBLEY, SHANER, STERN, E. Z. TAYLOR,  
J. TAYLOR, TIGUE, YOUNGBLOOD, RAMOS, SEYFERT, ROSS AND R.  
MILLER, JUNE 21, 1999

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 6, 1999

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## 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:

## AN ACT

13  
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

1     operations.

2     Section 1.   Short title.

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

5     Section 2.   Legislative findings.

6         The General Assembly finds and declares as follows:

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

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

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

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.

1     "Department." The Department of Agriculture of the  
2     Commonwealth.

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

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

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

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

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

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

20    Section 4.1. Powers and duties of department.

21    The department shall have the following powers and duties:

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

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

29        (3) To promulgate regulations concerning this act and  
30        programs developed under this act. Prior to promulgation of

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

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

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

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

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

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

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

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

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

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

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

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

30 (5) One person [from an environmental protection

organization] representing the Pennsylvania Association of Conservation Districts.

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

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

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

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

(10) One representative of the State Conservation Commission.

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

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

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

(f) Application of member.--A member of the board may apply to take part in any program administered under this act, provided all decisions regarding the program application are subject to the provisions of section 3(j) of the act of July 19,

1 1957 (P.L.1017, No.451), known as the State Adverse Interest  
2 Act, and the act of October 4, 1978 (P.L.883, No.170), referred  
3 to as the Public Official and Employee Ethics Law. If any  
4 contract or agreement is made in violation of this section, the  
5 contract or agreement shall be null and void and no action shall  
6 be maintained against the Commonwealth.

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

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

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

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

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

26 (5) TO RESEARCH, REVIEW AND EVALUATE HEALTH AND SAFETY <—  
27 ISSUES ARISING FROM THE SPREADING OF SEWAGE SLUDGE ON  
28 AGRICULTURAL LANDS OF THIS COMMONWEALTH, INCLUDING THE  
29 GRAZING OF CERTAIN FARM ANIMALS, INCLUDING DAIRY CATTLE, ON  
30 SUCH LAND.

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

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

3 Section 7. Funding.

4 (a) Availability of funds.--Financing of [the construction  
5 of anaerobic manure digesters] digesters and agricultural by-  
6 product technology programs and projects shall be provided to  
7 the extent that funds are available.

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

16 [(c) Center for Rural Pennsylvania.--The Pennsylvania Energy  
17 Office is authorized to submit eligible projects to the Center  
18 for Rural Pennsylvania for financing from funds appropriated to  
19 the center.

20 (d) Department of Agriculture.--With the concurrence of the  
21 Pennsylvania Energy Office, projects eligible for financing  
22 under this act shall be eligible for financing under the  
23 Agricultural Technology Loan Program in the Department of  
24 Agriculture.

25 (e) Department of Commerce.--The Pennsylvania Energy Office  
26 is authorized to submit eligible projects under this act to the  
27 Department of Commerce for financing under the Ben Franklin/IRC  
28 Partnership Fund.]

29 (c) Grant recipient.--The receipt of a grant, loan or other  
30 financial assistance or participation in a program developed



1 pursuant to this act would not preclude an individual,  
2 partnership or corporation from receiving grants, loans or other  
3 financial assistance or participating in programs pursuant to  
4 either the act of May 20, 1993 (P.L.12, No.6), known as the  
5 Nutrient Management Act, or the act of December 12, 1994  
6 (P.L.900, No.130), known as the Agriculture-Linked Investment  
7 Program Act.

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