

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2841 Session of
2002

INTRODUCED BY CREIGHTON, CAPPELLI, M. COHEN, COLEMAN, DALEY,
GABIG, HERSHEY AND YOUNGBLOOD, SEPTEMBER 24, 2002

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
SEPTEMBER 24, 2002

AN ACT

1 Amending the act of May 20, 1993 (P.L.12, No.6), entitled "An
2 act providing for the management of nutrients on certain
3 agricultural operations to abate nonpoint source pollution,
4 for the certification of nutrient management specialists and
5 for the assessment of other nonpoint sources of nutrient
6 pollution to the waters of this Commonwealth; establishing
7 the Nutrient Management Advisory Board and providing for its
8 powers and duties; establishing the Nutrient Management Fund;
9 and providing for enforcement and penalties," further
10 providing for declaration of legislative purpose; defining
11 "commercial poultry producer"; and providing for a manure
12 transportation pilot project.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 2 of the act of May 20, 1993 (P.L.12,
16 No.6), known as the Nutrient Management Act, is amended to read:

17 Section 2. Declaration of legislative purpose.

18 The purposes of this act are as follows:

19 (1) To establish criteria, nutrient management planning
20 requirements and an implementation schedule for the
21 application of nutrient management measures on certain
22 agricultural operations which generate or utilize animal

1 manure.

2 (2) To provide for the development of an educational
3 program by the State Conservation Commission in conjunction
4 with the Cooperative Extension Service of The Pennsylvania
5 State University, the Department of Agriculture and
6 conservation districts to provide outreach to the
7 agricultural community on the proper utilization and
8 management of nutrients on farms to prevent the pollution of
9 surface water and ground water.

10 (3) To require the State Conservation Commission, in
11 conjunction with the Cooperative Extension Service of The
12 Pennsylvania State University, Department of Environmental
13 [Resources] Protection, Department of Agriculture and the
14 Nutrient Management Advisory Board to develop and provide
15 technical and financial assistance for nutrient management
16 and alternative uses of animal manure, including a manure
17 marketing and distribution program and manure transportation
18 program.

19 (4) To require the Department of Environmental
20 [Resources] Protection to assess the extent of nonpoint
21 source pollution from other nutrient sources, determine the
22 adequacy of existing authority and programs to manage those
23 sources and make recommendations to provide for the abatement
24 of that pollution.

25 Section 2. Section 3 of the act is amended by adding a
26 definition to read:

27 Section 3. Definitions.

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

1 * * *

2 "Commercial poultry producer." An entity that contracts with
3 an operator of agricultural operations to raise poultry for the
4 entity on property owned or leased by the operator.

5 * * *

6 Section 3. The act is amended by adding sections to read:

7 Section 7.1. Manure matching service.

8 (a) Establishment.--The department shall establish a manure
9 matching service, which shall develop transfer programs and
10 marketing techniques to promote and facilitate the transfer of
11 poultry and livestock manure.

12 (b) Implementation in conjunction with other projects.--The
13 manure matching service shall be implemented in conjunction with
14 the manure transportation pilot project established in section
15 7.2.

16 Section 7.2. Manure transportation pilot project.

17 (a) Establishment.--The manure transportation pilot project
18 is established as a cost-share matching program to assist in the
19 transportation of poultry or livestock manure from farms over a
20 period of four years from the effective date of this section:

21 (1) to be used on land with soil having the capacity to
22 hold additional phosphorus and nitrates; or

23 (2) to be used in environmentally acceptable ways other
24 than land application.

25 (b) Funding.--The department shall provide funding by
26 matching the amount of funds contributed by the commercial
27 poultry producer industry for eligible costs, as determined by
28 the department, associated with the transportation and handling
29 of poultry litter. The department's share may not exceed:

30 (1) One-hundred percent of eligible costs up to \$10 per

1 ton for poultry manure.

2 (2) Eighty-seven and one-half percent of eligible costs
3 up to \$20 per ton for livestock manure.

4 (c) Regulations.--The department shall adopt regulations
5 authorizing the disbursement of cost-share matching funds
6 consistent with the purposes of the manure transportation pilot
7 project.

8 (d) Testing.--The department shall provide the assistance
9 necessary to ensure that poultry or livestock manure is tested
10 in accordance with departmental procedures before transportation
11 of the manure occurs.

12 Section 4. This act shall take effect in 60 days.