

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1550 Session of  
2003

INTRODUCED BY NAILOR, FAIRCHILD, PHILLIPS, MUNDY, CASORIO, COY,  
DENLINGER, HORSEY, KIRKLAND, McNAUGHTON, MELIO, REICHLEY,  
SATHER, THOMAS AND YOUNGBLOOD, JUNE 5, 2003

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 5, 2003

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 nutrient management plans.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

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

15 Section 6. Nutrient management plans.

16 \* \* \*

17 (e) Plan review and approval.--

18 (1) Plans or plan amendments required under this act  
19 shall be submitted to local conservation districts for review  
20 and approval or alternatively to the commission for  
21 agricultural operations located in counties not delegated

1 administrative authority under section 4. Concurrently  
2 therewith, plans or plan amendments shall be submitted to the  
3 municipality wherein the proposed concentrated animal  
4 operation is proposed to be located. The local conservation  
5 district or, alternatively, the commission for agricultural  
6 operations located in counties not delegated administrative  
7 authority under section 4 shall submit a full and complete  
8 copy of the plan or plan amendments to the municipality  
9 within ten days of receipt of same.

10 (2) Notice of the receipt of the plans or plan  
11 amendments by the municipality shall be mailed by the  
12 municipality within seven days of receipt of same from the  
13 local conservation district or, alternatively, the commission  
14 for administrative authority under section 4, by first class  
15 mail to owners of record of all real property contiguous to  
16 the property on which the concentrated animal operation is  
17 proposed to be located. The notice of the municipality shall,  
18 at a minimum, include the following: name and address of the  
19 operator; location of the property in question; name, address  
20 and telephone number of the responsible party or parties of  
21 the local conservation district or, alternatively, the  
22 commission for agricultural operations located in counties  
23 not delegated administrative authority under section 4.

24 (3) Any person performing the plan review must be  
25 certified in accordance with section 7. Within 90 days of  
26 receipt of a nutrient management plan or plan amendment, the  
27 reviewing agency shall either approve, modify or disapprove  
28 the plan or plan amendment. Approvals shall only be granted  
29 for those plans or plan amendments which satisfy the  
30 requirements of this act and the regulations promulgated

1 under this act.

2 (4) Notice of determination to approve, modify or  
3 disapprove a plan or plan amendment shall be provided in  
4 writing to the person submitting same. Notice of a  
5 determination to modify or disapprove shall include an  
6 explanation specifically stating the reasons for modification  
7 or disapproval.

8 (5) If a plan or plan amendment is disapproved, the  
9 person submitting a plan or plan amendment for the first time  
10 shall have 90 days after receipt of notice of disapproval to  
11 resubmit a revised plan or plan amendment. An agricultural  
12 operation that submits a complete plan or plan amendment is  
13 authorized to implement the same if the reviewing agency  
14 fails to act within 90 days of submittal. Where the reviewing  
15 agency fails to so act and the plan or plan amendment is  
16 resubmitted and the reviewing agency again fails to act  
17 within 90 days of resubmittal, it shall be deemed approved.

18 \* \* \*

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