
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1932 Session of
2017

INTRODUCED BY ZIMMERMAN, B. MILLER, GREINER, FEE, MILLARD, WARD,
BLOOM, A. HARRIS, ORTITAY, PHILLIPS-HILL, KEEFER, BERNSTINE,
KLUNK, BARRAR, SANKEY, CAUSER, HICKERNELL, WHEELAND, MILNE,
GILLEN AND SCHWEYER, NOVEMBER 20, 2017

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
NOVEMBER 20, 2017

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in nutrient management and odor management, further
3 providing for nutrient management plans.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 506(e) of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 506. Nutrient management plans.

9 * * *

10 (e) Plan review and approval.--Plans or plan amendments
11 required under this chapter shall be submitted to local
12 conservation districts for review and approval or alternatively
13 to the commission for agricultural operations located in
14 counties not delegated administrative authority under section
15 504 (relating to powers and duties of commission). Any person
16 performing the plan review must be certified in accordance with
17 section 508 (relating to nutrient management certification

1 program and odor management certification program). [Within 90
2 days of receipt of a nutrient management plan or plan amendment,
3 the reviewing agency shall either approve, modify or disapprove
4 the plan or plan amendment. Approvals shall only be granted for
5 those plans or plan amendments which satisfy the requirements of
6 this chapter and the regulations promulgated under this chapter.
7 Notice of determination to approve, modify or disapprove a plan
8 or plan amendment shall be provided in writing to the person
9 submitting same. Notice of a determination to modify or
10 disapprove shall include an explanation specifically stating the
11 reasons for modification or disapproval. If a plan or plan
12 amendment is disapproved, the person submitting a plan or plan
13 amendment for the first time shall have 90 days after receipt of
14 notice of disapproval to resubmit a revised plan or plan
15 amendment. An agricultural operation that submits a complete
16 plan or plan amendment is authorized to implement the same if
17 the reviewing agency fails to act within 90 days of submittal.
18 Where the reviewing agency fails to so act and the plan or plan
19 amendment is resubmitted and the reviewing agency again fails to
20 act within 90 days of resubmittal, it shall be deemed approved.]

21 The following apply:

22 (1) Within 10 days of receipt of a plan or plan
23 amendment, the reviewing agency shall provide written notice
24 to the owner or operator of the agricultural operation
25 indicating whether all required plan elements have been
26 received. If the plan or plan amendment does not include all
27 the required plan elements, the notice shall specifically
28 list each plan element that is missing.

29 (2) Within 90 days of receipt of a complete plan or plan
30 amendment, the reviewing agency shall render a written

1 decision indicating whether the reviewing agency approved,
2 modified or disapproved the plan or plan amendment. If a
3 reviewing agency fails to render a written decision within 90
4 days of receipt of a plan or plan amendment, the plan or plan
5 amendment shall be deemed approved.

6 (3) The reviewing agency shall only approve a plan or
7 plan amendment if the plan or plan amendment satisfies the
8 requirements under this chapter and the regulations
9 promulgated under this chapter.

10 (4) If a plan or plan amendment is modified by the
11 reviewing agency, the reviewing agency shall specifically
12 indicate the reason for the modification and list each plan
13 element modified. For the purposes of compliance under this
14 chapter, a reviewing agency-modified plan or plan amendment
15 shall constitute an approved plan or plan amendment. An owner
16 or operator of an agricultural operation may request for
17 reconsideration of an element of a plan or plan amendment
18 modified by the reviewing agency in accordance with the
19 following:

20 (i) A request for reconsideration under this
21 paragraph shall be provided to the reviewing agency
22 within 10 days of receipt of the reviewing agency's
23 written decision provided under paragraph (2). The
24 request for reconsideration shall identify the plan
25 element that the owner or operator of an agricultural
26 operation is requesting for reconsideration. The owner or
27 operator of an agricultural operation may provide
28 additional information and analysis related to the
29 request for reconsideration.

30 (ii) Within 30 days of receipt of a request for

1 reconsideration, the reviewing agency shall render a
2 written decision to the owner or operator of an
3 agricultural operation. The written decision shall
4 specify whether the reviewing agency approves or
5 disapproves of the request for reconsideration.
6 Disapproval of the request for reconsideration shall not
7 nullify the portions of the plan or plan amendment which
8 the reviewing agency has approved.

9 (5) If a plan or plan amendment is disapproved, the
10 reviewing agency shall specifically indicate the reasons for
11 disapproval and list the plan element determined to be
12 deficient. The reviewing agency may not disapprove for the
13 purpose of extending the time period to make a determination
14 under this subsection.

15 (6) The owner or operator of an agricultural operation
16 shall have 90 days after receipt of notice of a disapproval
17 of plan or plan amendment to resubmit a revised plan or plan
18 amendment. Within 90 days of receipt of a revised plan or
19 plan amendment, the reviewing agency shall render a written
20 decision in accordance with the provisions of this
21 subsection. If a reviewing agency fails to render a written
22 decision within 90 days, the revised plan or plan amendment
23 shall be deemed approved.

24 * * *

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