

Pennsylvania Agricultural-Related Regulations

[25 Pa. Code Chapter 91. General Provisions](#)

Section 91.36: Effective January 29, 2000; Amended October 22, 2005

Reference Materials: [DEP's Manure Management Manual](#), [Water Quality Management Permit Application and Instructions](#), and [The Clean Streams Law \(35 P.S. § 691.1 et seq\)](#)

Proper Construction of Manure Storage Facilities	91.36(a)(1)	All manure storages must be designed, constructed, operated, and maintained in accordance with current engineering and agronomic practices to prevent discharges during a storm, including a 25-year/24-hour storm.
Water Quality Management (WQM) Permits	91.36(a)(2)-(4)	Required for all new or expanded liquid or semisolid manure storages that are: Constructed after January 29, 2000 (if under 1,000 Animal Equivalent Units, or AEUs, certification by a professional engineer may be submitted in lieu of permit); or, Constructed after October 22, 2005 with a capacity of 2.5 million gallons or more OR is a storage pond over 1 million gallons in a High Quality (HQ), Exceptional Value (EV), or nutrient-impaired watershed.
Minimum Freeboard Requirements for Liquid or Semisolid Manure Storages	91.36(a)(6)	For an agricultural operation with over 1,000 AEUs that was new or expanded after January 29, 2000: minimum 24-inch if exposed to rainfall, or 6-inch if not exposed to rainfall; For all other storages: 12-inch if a pond, 6-inch if not a pond.
Manure Management Plans (MMPs)	91.36(b)(1)	Required for all agricultural operations that land apply manure and/or agricultural process wastewater.
Manure Setback of 100' from Surface Waters	91.36(b)(2)	Required for Concentrated Animal Feeding Operations (CAFOs), Concentrated Animal Operations (CAOs), or operations receiving manure from CAOs or CAFOs (directly or indirectly) unless a minimum 35' wide vegetated buffer is used.
Unauthorized Discharges	91.36(c)	Unlawful for all agricultural operations, including CAFOs, to discharge pollutants without a permit.

[25 Pa. Code § 92a. National Pollutant Discharge Elimination System \(NPDES\) Permitting, Monitoring, and Compliance](#)

Effective October 9, 2010

Reference Materials: [CAFO General Permit Notice of Intent and Instructions](#), [CAFO Individual Permit Application and Instructions](#), [CAFO Annual Report and Instructions](#), [CAFO Manure Exportation Report](#), [CAFO Non-Compliance Discharge Report](#), [Earthen Manure Storage Facility Inspection Report](#) and [Instructions, CAFO Winter Period Application of Manure Notification, 3 Pa.C.S. Chapter 23, and 40 CFR 122.42](#)

CAFO NPDES Permit	92a.29	All CAFOs require a permit and must apply at least 180 days prior to operation and obtain the permit before commencing operations.
CAFO NMP	92a.42	All CAFOs are required to implement an NMP meeting the conditions found in 40 CFR 122.42.
CAFO Annual Report	92a.42	All CAFOs are required to submit an annual report meeting the conditions found in 40 CFR 122.42.
CAFO Transfer of Manure or Process Wastewater	92a.42	Large CAFOs that transfer manure, litter, or process wastewater must provide the recipient with the most current nutrient analysis and best management practices consistent with 40 CFR 412.
CAFO Mortality Management	92a.42 and 92a.49(3)	All CAFOs are required to comply with the animal disposal regulations found in 3 Pa. C.S. Chapter 23 (relating to the Domestic Animal Law).
CAFO Recordkeeping and Reporting	92a.42 and 92a.49(5)	All CAFOs are required to comply with the recordkeeping and reporting requirements found in their permit.

25 Pa. Code Chapter 83. State Conservation Commission

Subchapter D. (Nutrient Management): Effective October 1, 1997; Amended October 1, 2006;

Subchapter G. (Facility Odor Management): Effective February 27, 2009

Reference Materials: [PA's Nutrient Management Act Program Technical Manual](#), [Odor Management Program Guidance & Technical Manual](#), and [Penn State Extension's Nutrient Management Website](#)

Nutrient Management Plans (NMPs)	83.261	NMPs are required for CAOs and Voluntary Agricultural Operations (VAOs).
Nutrient Management Certification	83.261(8)	NMPs must be developed by a certified Nutrient Management Specialist.
Manure Setback of 100' from Streams, Lakes, Ponds, or Open Sinkholes	83.294(f)(1) - (2)	Required for CAOs and VAOs unless a minimum 35' wide vegetated buffer is used.
Manure Setback of 100' from Active Drinking Water Sources	83.294(f)(3)	Required for CAOs and VAOs.
Odor Management Plans	83.741(b)	Required for new or expanding CAOs and CAFOs.

25 Pa. Code Chapter 102. Erosion and Sediment Control

Effective October 30, 1972; Amended November 19, 2010

Reference Materials: [Soil Erosion and Sediment Control Manual for Agricultural Operations](#)

Agricultural Best Management Practices (BMPs)	102.4(a)(1)	All agricultural operations where land is plowed or tilled (including no-till) or there are Animal Heavy Use Areas (AHUAs) that have a combined total of less than 5,000 square feet must implement and maintain BMPs to minimize accelerated erosion and sedimentation.
Agricultural Erosion and Sediment Control Plan (Ag E&S Plan)	102.4(a)(2)	Written Ag E&S Plans are required for all agricultural operations where land is plowed/tilled/no-tilled or there are AHUAs that have a combined total of 5,000 or more square feet and must include the components found in 102.4(a)(3)-(9).
Timber Harvest and Clearing and Grubbing for Conversion to Agriculture	102.4(a)	All phases of the project require BMPs specific to the type of activity to minimize accelerated erosion and sedimentation, which can be addressed in the Ag E&S Plan.
Construction BMPs	102.4(b)(1)	All earth disturbance, other than agricultural plowing/tilling or AHUAs, must implement and maintain BMPs to minimize accelerated erosion and sedimentation.
Construction E&S Plan	102.4(b)(2)	Earth disturbance activities other than agricultural plowing/tilling/AHUAs require written Construction E&S Plans when 5,000 or more square feet is disturbed or if the activity has the potential to discharge to an HQ or EV water.

25 Pa. Code Chapter 105. Dam Safety and Waterway Management

Effective September 11, 1971; Amended January 8, 2011

Reference Materials: [Agricultural Crossings and Ramps General Permit Package](#) and [Agricultural Activities General Permit Package](#)

Permit for Stream Crossing or Ramp	105.11(a)	Required for agricultural stream crossings and ramps used to protect stream banks from livestock and equipment.
Permit for Activities that Encroach into Streams and Their Floodways, Wetlands, Ponds, or other bodies of water	105.11(a)	Required for agricultural activities such as grassed or lined waterways, diversions, terraces, waste storage facilities, spring development, and minor drainage that supports these activities and is necessary for contour strips.

7 Pa. Code Chapter 130e. Commercial Manure Hauler and Broker Certification

Effective January 13, 2007

Reference Materials: [Commercial Manure Hauler and Broker Certification Procedures](#)

Commercial Manure Hauler and Broker Certification	130e.4(a)	All owners and employees of a commercial manure hauler or broker are required to hold a valid certification.
<u>The Clean Streams Law (35 P.S. § 691.1 et seq.)</u>		
Effective June 22, 1937; Amended October 27, 2006		
Stream Fencing for Livestock Exclusion	Section 702	The erection of streambank fencing for the purpose of keeping livestock out of the stream cannot be required.