Waiver Request for Manure Storage Setback Requirements

# Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# City, State, ZIP: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# County: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Township: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Directions to Farm:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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I hereby request the setback of 100 feet from a perennial stream, river, spring, private well, lake, pond or reservoir required by the Nutrient Management Act be waived for the construction of a manure storage facility on the above farm. I have included a sketch of the operation showing the proposed location of the manure storage facility, farm buildings and the body of water in question.

I understand that a delegated conservation district or the State Conservation Commission can grant a waiver only for agricultural operations that existed prior to October 1, 1997. I further understand that the following criteria will be used by the reviewing agency in consideration of the requested waiver:

* The placement of the manure storage facility outside the setback area is found to be physically impractical or economically unreasonable. (Increase cost $5,000 or 50%, whichever is less)
* The placement of the manure storage facility within the setback area has been determined to adequately protect the surrounding area from off-site migration of manure, or, the placement of the facility outside the setback area would increase the probability of off-site migration of manure.
* The design and construction of the facility shall meet PA Technical Guide standards and be certified by the contractor and the Engineer of Record.
* The operator shall allow for annual inspection of the manure storage facility when empty
* Where applicable, the loading/unloading area shall be designed to retain, or divert from off-site migration, 3,000 gallons of manure. If required, the retention area shall be designed for recollection of the manure for field application.
* The manure storage facility shall not utilize a gravity unloading system.
* The foundation, floor and walls of the manure storage facility shall be protected against erosion and flotation from the 25-year flood event.
* The top of the manure storage facility shall be above the 100-year flood elevation.
* A written Operation & Maintenance plan, to include a site-specific contingency plan, shall be developed, reviewed and implemented for the facility.
* Where appropriate, a secondary check valve shall be installed in loading/unloading equipment, to assure that manure cannot freely flow out of the storage if there is a primary valve or equipment failure.
* If applicable, the private water well construction meets the criteria that the Commission, in consultation with NRCS, deems necessary to protect water quality.

**Operator’s Signature**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_