

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA CODE CH. 9]

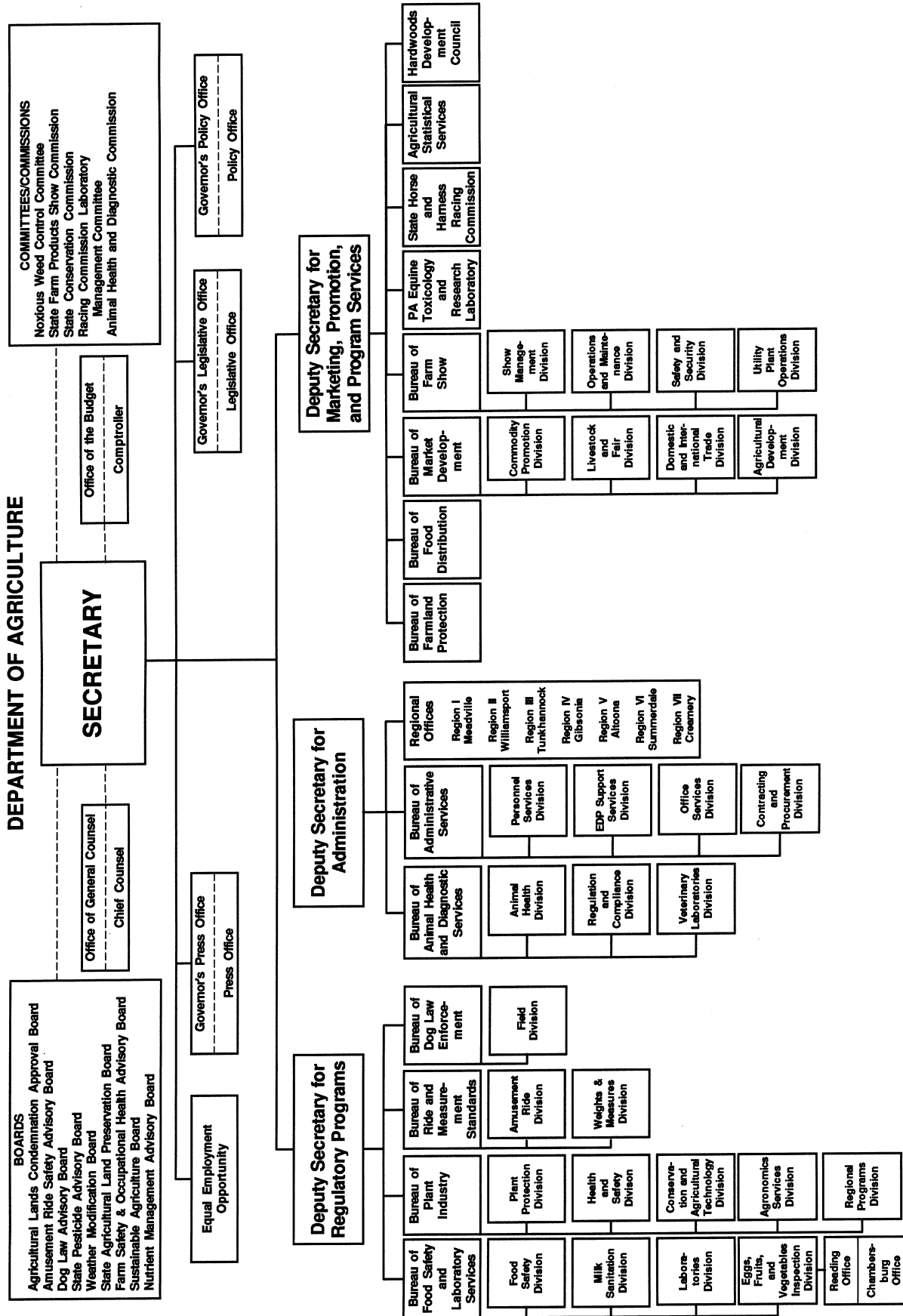
Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective August 6, 1997.

The organization chart at 27 Pa.B. 4354 (August 23, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 97-1352. Filed for public inspection August 22, 1997, 9:00 a.m.]



Title 25—ENVIRONMENTAL PROTECTION

STATE CONSERVATION COMMISSION
[25 PA. CODE CH. 83]

Nutrient Management Funding Program

The State Conservation Commission (Commission), adopts Chapter 83, Subchapter E (relating to Nutrient Management Funding Program—statement of policy) to read as set forth in Annex A, under the authority contained in the Conservation District Law (3 P. S. §§ 849—864).

The Nutrient Management Funding Program (Program) provides agricultural operations, delegated local conservation districts and cooperating organizations with funds to implement programs developed under the Nutrient Management Act (3 P. S. §§ 1701—1718). The Program includes the Technical Assistance Funding Program and the Plan Development Incentives Program (PDIP).

A. Effective Date

This statement of policy will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For information, contact Karl G. Brown, Executive Secretary, State Conservation Commission, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821. Persons with a disability may use the AT&T Relay Service by calling (800) 654-9584 (TDD users) or (800) 654-5788 (voice users) and request that they relay the call.

C. Statutory Authority

This statement of policy is adopted under sections 4(1), 5(c) and 6 of the Conservation District Law (3 P. S. §§ 852(1), 853(c) and 854), which establishes the Commission and grants it the power to approve conservation district programs and allocate funds as it deems appropriate.

D. Background

The Technical Assistance Funding Program provides local conservation districts with funding for the employment of technical staff and provides administrative support for the conservation district. The PDIP is a cost-sharing program established in §§ 83.211—83.216 (relating to PDIP) which provides funds to agricultural operations that are producing livestock or poultry as of October 1, 1997, and are developing nutrient management plans under the act. The PDIP also provides for certain administrative expenses for the local conservation districts and the cooperating organization implementing the program.

(Editor's Note: The regulations of the State Conservation Commission, 25 Pa. Code Chapter 83, are amended by adding a new Subchapter E, §§ 83.501, 83.502, 83.511—83.519 and 83.521—83.528 to read as set forth in Annex A.)

SAMUEL E. HAYES, Jr.,
Chairperson

Fiscal Note: 7-505. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter E. NUTRIENT MANAGEMENT FUNDING PROGRAM—STATEMENT OF POLICY

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PDIP

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GENERAL PROVISIONS

§ 83.501. Purpose.

(a) It is the intention of the Commission to provide delegated conservation districts with funds to assist districts in the implementation of the Program developed under the act, if the district complies with the terms and conditions of this subchapter. The funds will be used for the employment of technical staff, to provide administrative funding assistance to the district and to finance other Commission approved activities under the Program.

(b) The Commission will annually allocate the available funding for this program and will provide for the fair and equitable distribution of funds.

(c) The purpose of the Technical Assistance Funding Program is to provide assistance to delegated districts for employment of technical staff, administrative purposes and other Commission approved activities to carry out those district functions necessary to implement the Program.

(d) The purpose of the PDIP is to provide financial support to the operators of concentrated animal operations or other agricultural operations for the development of an approved nutrient management plan under the act.

§ 83.502. Definitions.

The definitions in § 83.201 (relating to definitions) apply to this subchapter. In addition, the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Cooperating organization—An organization approved by the Commission to assist in carrying out the Conservation District Law (3 P. S. §§ 849—864).

Directors—The district's board of directors as defined in the Conservation District Law.

Nutrient management technician—A person employed by the district to perform those duties necessary to implement the Program developed under the act.

PDIP—Plan Development Incentives Program—The program established in §§ 83.211—83.216 (relating to PDIP).

Program—The Nutrient Management Program.

TECHNICAL ASSISTANCE FUNDING PROGRAM

§ 83.511. General requirements.

(a) This program is known as the Technical Assistance Funding Program.

(b) State and Federal funds allocated to districts for the Technical Assistance Funding Program shall be used solely to employ nutrient management technicians and finance administrative expenses and other Commission approved activities to implement the act. The funding allocation will be based on the level of responsibilities assumed by the district in the Program as specified in the delegation agreement with the Commission.

(c) The nutrient management technician is not an employe of the Commission. A person serving as a nutrient management technician shall receive general supervision from a district director or an employe of the district designated by the board of directors.

(d) The Commission will prioritize and determine the amount of funding provided to each district and the nature and extent of expense to be funded.

(e) If an evaluation of the district's performance reveals that the district is not performing satisfactorily at the authorized level, the Commission has the authority to reduce the funding allocation to that district.

(f) Within 60 days of the termination of the delegation agreement with the district, the Commission may require the return of equipment and nonexpendable supplies purchased under the delegation agreement.

(g) Fines, fees, judgments and interest collected by the district on behalf of the Commission under the Program shall be paid or credited to the Fund at the end of each quarter.

(h) The Commission may audit any records or accounts of the district under the Program.

§ 83.512. Procedures for allocating funds.

(a) The Commission will determine the amount of funding available for the Technical Assistance Funding Program.

(b) Priority for funding shall be established by the Commission based on the estimated workload for the district under the Program.

(c) The Commission may reallocate funds if a delegation agreement cannot be fulfilled by the district.

(d) During fund allocation, the Commission, at its own discretion, may require that the district budget requests meet specific technical and administrative funding levels.

§ 83.513. Application procedures.

(a) An application for available funds, including requests for advance payments, shall be in writing on forms approved by the Commission. The application shall be received by the deadline established by the Commission for filing applications. The application shall also include a budget outlining anticipated expenses.

(b) Applications will be approved based upon the priorities set by the Commission and the availability of funds.

(c) Applications for districts will not be approved and expenses cannot be incurred unless the district has entered into a fully approved delegation agreement.

(d) Applications will be for a calendar year period, unless other time periods are established by the Commission.

§ 83.514. Reimbursement procedures.

(a) Claims for reimbursement shall be made on forms approved by the Commission.

(b) Claims for reimbursement shall be submitted to the Commission within 15 days of the end of each quarter. The days are April 15, July 15, October 15 and January 15.

(c) The Commission will suspend claim processing until receipt of required reports or the completion of all conditions of the agreement.

§ 83.515. Advance payments.

(a) Requests for advance payments shall be made on forms approved by the Commission.

(b) Advance payments to cover expenses for the first claim of each year may be requested from the Commission. Advance payments will be based on demonstrated need in accordance with the Commission-approved district budget submitted with the application.

(c) Advance payments and unspent funds shall be placed in an insured, interest bearing account. To document the amount of interest to be paid or credited to the Fund, the district may use methods that are equal to the method used by the account holding the unspent program funds that follow generally accepted accounting principles.

(d) Requests for advance payments to cover expenses for the first claim of each year shall be submitted to the Commission by January 15, or as established by the Commission.

(e) Claims may be filed for reimbursement for the first and second quarter. Claims shall be submitted to the Commission within 15 days of the end of the quarter.

(f) Expenses for the third quarter shall be submitted, but no payments will be processed until final claims are submitted at the end of the fourth quarter. A final yearly payment will be made after balancing money provided in the initial advanced payment with claims for the third and fourth quarter. No advancement of funds will be made until final approval of the previous quarterly report of expenditures is given by the Commission.

(g) The Commission will suspend advance payment processing until receipt of required reports or the completion of all conditions of the agreement.

§ 83.516. Allowed expenses.

(a) Eligible expenses directly related to implementation of the delegation agreement and the Technical Assistance Funding Program include:

(1) Salary, benefits and associated costs (for example, travel and training) of an act technician (if not reimbursed from other State or Federal programs).

(2) Clerical assistance and managerial oversight provided to the program (if not reimbursed from other State or Federal programs).

(3) Materials, supplies, equipment, postage, phone bills, office rent, legal expenses, certification fees and administrative travel.

(b) The district will be bound by the terms and conditions of the approved application and budget. The Commission, at its own discretion, may require specific technical and administrative funding levels.

(c) Budget modifications for reallocations of up to 10% of the total approved annual budget amount between the categories of an approved budget shall be approved in writing by the Commission prior to expenses being incurred.

§ 83.517. Reporting requirements.

(a) Reports shall be filed as specified on forms or in a format approved by the Commission.

(b) The dates for report submission are April 15, July 15, October 15 and January 15 unless otherwise specified in the agreement.

(c) Processing of expense claims or request for advance payment will not begin until required reports are received by the Commission.

(d) Records shall be maintained for 3 years following termination of the agreement with the Commission.

§ 83.518. Relationship to other programs and money sources.

(a) Individuals being funded by the Technical Assistance Funding Program may participate in other programs, but the district providing technical, clerical or managerial assistance for the Program may not apply for or receive payment from more than one program for the same work.

(b) Money received through the Technical Assistance Funding Program shall be used solely for the program purposes authorized by the Commission.

§ 83.519. Special provisions.

(a) Funds not used for the purposes authorized by the Commission will be deducted from the following year's allocation to that district.

(b) The Commission may delegate authority to the Commission's staff to act on its behalf.

PDIP

§ 83.521. General.

(a) This program is known as the Plan Development Incentives Program (PDIP).

(b) State and Federal funds allocated for the PDIP shall be used solely to finance a portion of the costs associated with the development of plans for agricultural operations planning under the act and those administrative expenses of delegated conservation districts or cooperating organizations associated with the implementation of the PDIP.

(c) Eligibility for cost-share funding under the PDIP is limited to operators of concentrated animal operations and other agricultural operations participating under the act as defined in § 83.211 (relating to applicant eligibility).

(d) PDIP participants shall submit an application for PDIP funds to the Commission or a delegated conservation district on forms provided by the Commission.

(e) Funding levels for PDIP shall be determined by the Commission. Availability of funds to eligible participants

will be determined as described in § 83.213 (relating to application prioritization criteria).

(f) The Commission or a delegated conservation district will evaluate applications for eligibility, prioritization and allowable reimbursement based on criteria established in §§ 83.211—83.216 (relating to Plan Development Incentives Program) and other guidance established by the Commission.

(g) An approved application for funding shall remain effective for 180 days from the date of approval by a delegated conservation district or the Commission.

(h) The Commission may audit PDIP records or accounts of the conservation district or cooperating organization assisting in the administration of the PDIP.

§ 83.522. Procedures for allocating PDIP funds.

(a) The Commission will determine the amounts of funds available for the PDIP.

(b) The Commission will determine the cost share rates for reimbursement to participants for the PDIP.

(c) The Commission will determine the nature and extent of administrative expenses to be funded to delegated conservation districts and cooperating organizations.

§ 83.523. Agreement procedures and requirements.

(a) The Commission will execute an agreement with a participating conservation district or cooperating organization specifying the terms and conditions for providing PDIP funds, including advance payments to cooperating organizations, if requested. Allowable reimbursable items for administering PDIP will include those items determined by the Commission to be necessary to carry out the agreement or PDIP.

(b) Conservation districts or cooperating organizations may not incur reimbursable expenses in advance of the effective date of the agreement or contract with the Commission.

§ 83.524. Reimbursement procedures.

(a) Claims for reimbursement by delegated conservation districts or cooperating organizations shall be made on forms or in a format approved by the Commission.

(b) Claims for reimbursement by the cooperating organization shall be submitted to the Commission within 15 days of the end of each quarter. These days are April 15, July 15, October 15 and January 15. A summary of PDIP activities during the quarter shall be included with the claim for reimbursement for that quarter.

(c) The Commission will suspend claim processing to a cooperating organization until receipt of the required quarterly report or the completion of all conditions of the agreement.

(d) Claims for reimbursement by a delegated conservation district shall be made on forms or in a format approved by the Commission and submitted to the cooperating organization within 15 days of the end of each quarter. These days are April 15, July 15, October 15 and January 15.

§ 83.525. Advance payments to cooperating organizations.

(a) The Commission may advance funds to cover expenses for the first claim of each year as requested. Advance payments will be based on a demonstrated need in accordance with the Commission-approved budget submitted with the application.

(b) When the Commission has determined that an emergency payment is necessary to assure cash flow to a cooperating organization, the Commission will advance funds based on demonstrated need in accordance with criteria established by the Commission.

(c) Advance payments and unspent funds shall be placed in an insured, interest bearing account. To document the amount of interest to be credited to the fund, a cooperating organization may use methods that are equal to the methods used by the account holding the unspent PDIP funds that follow generally accepted accounting principles.

(d) Request for advance payments to cover expenses for the first claim of each year shall be submitted to the Commission by January 15, or as established by the Commission. Requests for advance payments shall be made on forms or in a format approved by the Commission.

(e) Advance payments will include cost-share funds for disbursement to PDIP participants and administrative costs of the delegated conservation district or cooperating organization as determined by the Commission necessary for the administration of the PDIP.

(f) Claims may be filed for reimbursement for the first, second and third quarter. Claims shall be submitted to the Commission within 15 days of the end of the quarter.

(g) If an agreement between the Commission and a cooperating organization is terminated, all unspent PDIP funds pertaining to the agreement shall be returned to the Commission within 10 days.

§ 83.526. Allowable administrative expenses.

Eligible expenses directly related to the implementation of PDIP may include approved charges for staff support, office equipment and supplies, accounting supplies, postage, telephone charges, office rent, legal expenses, and bank charges and other expenses as determined appropriate by the Commission.

§ 83.527. Conservation district responsibilities.

(a) A delegated conservation district is encouraged to promote PDIP participation through sign-up periods or other processes as an integrated element of the conservation district's education and outreach programs.

(b) A delegated conservation district shall evaluate applications for eligibility, prioritization and allowable reimbursement based on criteria established in

§§ 83.211—83.216 (relating to Plan Development Incentives Program) and other PDIP guidance established by the Commission.

(c) A delegated conservation district shall transmit to the cooperating organization a request for an allocation and authorization for payment of PDIP funds for the applicant.

(d) PDIP activity reports shall be filed quarterly to the Commission on forms or in a format approved by the Commission.

(e) PDIP reports shall be submitted to the Commission on April 15, July 15, October 15 and January 15 unless otherwise specified in the agreement.

(f) Records shall be maintained for 3 years following the termination of the agreement with the Commission.

§ 83.528. Cooperating organization responsibilities.

(a) The cooperating organization shall obligate funds to the approved PDIP applications submitted by the conservation district.

(b) The cooperating organization shall disburse PDIP funds in the form of a one-time payment according to funding levels established by the Commission to approved applicants. Records of these fund disbursements shall be submitted to the Commission on a quarterly basis.

(c) The cooperating organization shall deposit advance funds in an insured, interest bearing account. Interest generated by these advance funds shall be utilized within the PDIP.

(d) The cooperating organization shall disburse administrative funds to participating delegated conservation districts for their efforts under the PDIP. Administrative funding levels for conservation district PDIP activities will be determined by the Commission.

(e) Reports shall be submitted as specified on forms or in a format approved by the Commission. These reports shall detail quarterly activities and cost share and administrative fund disbursements.

(f) PDIP reports shall be submitted to the Commission on April 15, July 15, October 15 and January 15 unless otherwise specified in the agreement.

(g) Records shall be maintained for 3 years following termination of the agreement with the Commission.

[Pa.B. Doc. No. 97-1353. Filed for public inspection August 22, 1997, 9:00 a.m.]