



**Perry County**  
**Agriculture Conservation Assistance Program**  
**Policy and Procedures**

Approved at the 7/14/2025 Conservation District Board meeting.

The Pennsylvania State Conservation Commission's Agricultural Assistance (ACAP) is an innovative effort to fund and implement agricultural structural and non-structural best management practices to reduce pollution and improve the water quality of local streams. Program delivery will be achieved through a delegation agreement with the local conservation district. The Program focuses on funding and implementing best management practices identified in agriculture compliance plans.

All projects funded under the ACAP shall be conducted in accordance with the Commission's most current guidelines, policies and procedures for the program. The projects must conform to the design and construction standards established by the State Conservation Commission.

Key Program concepts are:

- Stresses site-specific, long-term solutions to prevent erosion and pollution.
- Minimal administration; limited to 4% at the state level; limited to 6% at the local level.
- Emphasis on informed local control
- Uses a computerized GIS system used for project tracking and central reporting with minimal paperwork.

**Roles of the Program Cooperating Agencies**

The State Conservation Commission will provide administrative and technical oversight and training to the District for the execution of program outputs. The SCC will provide administrative resources and updates related to the program for District use.

The **PA State Conservation Commission (SCC)** is a departmental administrative commission under the concurrent authority of PA Department of Environmental Protection (DEP) and the PA Department of Agriculture (PDA) that administers the Agricultural Conservation Assistance Program (ACAP).

The SCC determines general statewide ACAP policies, and allocates funds to conservation districts based on agriculturally impaired stream miles, number of cropland acres, number of farms, and the number of livestock and poultry within the county's borders.

**The Perry County ACAP Advisory Committee** will be appointed by the conservation district board to advise the program and identify and rank local priorities. Specifically, the committee establishes county-specific policies and selection criteria, and recommends projects for funding to the Conservation District Board. The committee will be made up of no more than 5 members; District staff (1), Natural Resource Conservation Service (1) and up to three representatives from the District Board, either Directors or Associate Directors. The ACAP Advisory Committee, working closely with District Staff in an advisory capacity, is responsible for recommending projects for funding. All policies and funding recommendations by the ACAP Advisory Committee must be adopted by the Conservation District Board in order to be implemented.

The **Perry County Conservation District** administers the Program at the local level. Landowners and operators apply to the District for financial assistance to fund best management practices. The District receives an allocation from the SCC annually, and along with the oversight of a local ACAP Advisory Committee:

- Provides education and outreach opportunities across Perry County.
- Works directly with applicants to develop a strategy for project development and implementation.
- Works with applicants to complete the necessary program requirements.
- Assists with logistics of project work whenever possible.
- Maintains project financial records and tracks funds separately by project.
- Files quarterly and annual reports on project completions and all ACAP Program finances.

The funding is available for all farmers within the county to install agricultural best management practices identified in their Nutrient Management or Manure Management Plan and their Agriculture Erosion and Sediment Control Plan or NRCS Conservation Plan.

### **Policy and Procedures**

#### **ACAP ADVISORY COMMITTEE RULES OF CONDUCT**

The ACAP Advisory Committee will meet as required by their workload. Meetings will be announced as per the provisions of the Pennsylvania Sunshine Law. Every attempt will be made to accommodate member schedules. In cases of conflicts of interest or severe scheduling conflicts, a substitute from the agency of the unavailable committee member will stand in and represent their agency. In the event that a committee member has a vested interest in the worksite, the committee member will abstain from voting.

## **CONFLICT OF INTEREST STATEMENT**

No District Director, ACAP Advisory Committee member, or District employee, shall, as a result of this Program, be permitted to obtain financial benefits for himself, a member of his immediate family, or a business with which he is associated. This shall preclude the payment of normal salary and benefits to employees provided in their normal course of employment.

A District director, ACAP Advisory Committee member or employee may apply for ACAP Program funding for themselves, immediate family member or a business with which they are associated; however that individual may not participate in the evaluation, ranking or any deliberations for approval or disapproval of the application or approval of an ACAP Program reimbursement payment.

## **EQUAL ACCESS POLICY STATEMENT**

The ACAP Advisory Committee has adopted the following policy and procedures to insure equal access to the benefits of the ACAP Program, and to eliminate bias and favoritism. The ACAP Advisory Committee is committed to managing a program that protects and improves water quality through the installation of agricultural best management practices.

- 1) The District will make available and receive applications for ACAP projects on an ongoing basis.
- 2) The District will review applications for completeness and determine eligibility based on the project meeting state compliance criteria through resource concerns addressed in ag compliance plans.
- 3) The District will approve or disapprove of the application within 90 days. The amount of the award may be determined at a later date depending on the project.
- 4) The District will advise applicants of known alternative and additional funding sources for project implementation such as tax credits, loans and grants.
- 5) Awards in excess of \$500,000 per operator or operations require approval from the State Conservation Commission.

## **GRANT RECIPIENT COST SHARE POLICY**

It will be the policy of the Conservation District to cover most ACAP program improvement costs incurred by the grant recipient for an approved worksite. The District agrees to pay 90% of project materials, rented equipment costs, and costs for contracted work.

BMPs that address a resource concern that are sized for future expansion will be paid at the currently sized estimated cost plus allow for expansion of 20 percent as per ACAP guidelines

### **ADVANCING FUNDS TO GRANT RECIPIENTS**

Up to 50% of the contract amount may be advanced to grant recipients once a contract is signed. This will be decided by the ACAP Advisory Committee on a project basis. Consideration will be based on type and amount of costs involved and payment timing of those costs. In addition, the selected contractor will be required to provide a performance bond, consent of surety and a labor and material payment bond in an amount equal to 100% of the amount of the contract and issued by a corporate surety authorized to do business in the Commonwealth of Pennsylvania and provide documentation of such to the Conservation District, before the advance is provided.

The District shall withhold the remaining 50 % payment of the approved project expenses until the satisfactory completion of the project. Final payment for the project expenses shall be made only after a final inspection by the District determines that the work was performed consistent with the project application and the work plan, and to the satisfaction of the District.

### **CONTRACT AMENDMENTS**

Requests for an amendment of the project shall be memorialized in an Agreement Amendment and approved by the District Board before the change is undertaken. Amendments may include up to an additional 20% of the original agreement sum amount at the discretion of the District Board. Any Agreement Amendment cost that exceeds 20% of the original agreement sum amount may be taken to SCC for their approval. If approval is not received, the cost must be carried over into other funding sources (ie REAP, loan or farmer financed).

### **ELIGIBLE APPLICANTS**

The eligible Perry County applicant is any person or other legal entity that has the legal or financial responsibility for one of the following;

- (1) an agricultural operation in which they are engaged; or
- (2) property on which an agricultural operation takes place.

### **INELIGIBLE APPLICANTS**

The conservation district reserves the right to deny an application due to active compliance and/or enforcement actions, or a court order issued by or on behalf of the Commission or cooperating agency for violations of Act 38 of 2005, the Clean Streams Law or other programs administered by the Commission or any other criteria established by the Commission.

## **ELIGIBLE PROJECTS**

ACAP will fund the implementation of a best management practice (BMP) or combination of BMPs identified in an agricultural operation's agricultural erosion and sediment control plan (Ag E&S) or conservation plan and manure management plan or nutrient management plan, to reduce nutrient and sediment pollution from the agricultural operation and address resource concerns.

## **SELECTION CRITERIA**

Applications will be ranked and offered contracts after projects are planned according to the District's current workload. Contracts may be offered out of ranking order if partnering funding is available for the project. The selection and acceptance of applications will take into consideration the following:

BMP(s) funded meets the goals of any applicable Watershed Implementation Plan and/or County Action Plan.

BMP is part of a conservation plan or agriculture E&S plan and a manure management or nutrient management plan.

Development of such plans shall be included in the application if not yet developed prior to the application.

All Animal Concentration Areas (ACAs) on the farm must be treated to abate storm water runoff, loss of sediment, loss of nutrients from the ACA, or the implementation of such BMPs shall be included in an application for funds.

The project must meet the design and construction standards established by the commission and/or the USDA-NRCS Technical Manual. The committee will require that the most cost effective practices that meet the established construction standards while addressing the identified resource concern(s) be recommended to the District Board. It will be the District Board's sole opinion to approve and fund the most cost effective practices.

## **ELIGIBLE EXPENSES**

### 1.) Materials:

Typical material expenses on projects include but are not limited to items such as concrete, pipe, stone, fill, fabric, aggregate, etc.

### 2.) Equipment:

1.) FEMA rates will be used to calculate in-kind contributions on applicant owned equipment.

- 2.) An applicant may rent or lease equipment necessary to complete a project with Program funds. Equipment that is rented or leased may ONLY be used on the project for which it was rented.
- 3.) ACAP Program fund recipients may not use ACAP funds to purchase or maintain equipment.

3.) Labor:

Reimbursement of labor and equipment operator costs supplied by the applicant is an eligible expense under the program. Projects funded by this program which total cost exceeds \$25,000 are subject to provisions of Pennsylvania's Prevailing Wage Act. It is the responsibility of the grant recipient to obtain the Prevailing Wage Act scale for the area and include it in any proposal to solicit bids for the contract. In addition, the ACAP fund recipient must provide a completed and signed copy of the Prevailing Wage Notification and Acknowledgement Form with the agreement, and the first and last weekly page from the Weekly Payroll Certification for Public Works Projects with the final reimbursement request.

4.) Contractor Costs:

Projects may be completed entirely by sub-contractor where no work is performed by the applicant. Applicants must follow standard procedures regarding project bidding and work with sub-contractors. The District will make payments directly to the ACAP fund recipient, not the sub-contractor.

5.) Technical Assistance Costs Consultants and Permitting Costs:

The applicant can spend up to 10% of the total construction contract to hire a third party consultant to complete a Nutrient Management Plan and permitting. These costs can be reimbursed if invoiced after the application but before the contract. These costs will be reimbursed after the contract is signed.

6.) No funding will be allocated for pastured swine operations.

7.) Costs related to planned best management practices for the start up of an operation are not funded through this program.

### **Application Process**

All applications for program funding must be received on the "Agricultural Conservation Assistance Program Application" form. The form must be signed by the program participants. Applications will be taken on an ongoing basis but will be addressed as funding and District workload allow. A pre-application meeting is highly recommended.

Operations that do not have a project pulled together will be given a Technical Assistance Application. Once the project is planned, the operation will be given an ACAP application.

Conservation district staff will review applications for administrative completeness and ensure they comply with established Program policies and guidance. The location of the project, description of the project, including BMPs, relevance of the project to the development, improvement or implementation of the applicant's manure or nutrient management plan, conservation plan or agriculture erosion and sediment control plan are required as part of the grant application.

Applications that district staff deem complete and potentially acceptable to the program will be forwarded to the local ACAP Advisory Committee for review and selection. The ACAP Committee will notify the applicant that the District will work to get a project pulled together and then the ACAP committee will make the funding recommendations to the conservation district board when the project is ready.

All applications for funding must be acted on by the conservation district board at public meeting. All ACAP participants should be notified in writing of the funding decisions of the conservation district board.

The conservation district may retain unfunded ACAP applications on file for two years for future allocations. The applying entity may update or cancel the application at any time. Project participants may also choose to revise existing submitted applications.

Projects funded by ACAP funds in which the estimated cost of the total project (materials, equipment and labor), exceeds prevailing wage limits (currently \$25,000) are subject to provisions of Pennsylvania's Prevailing Wage Act. If the application is funded, a signed Prevailing Wage Notification and Acknowledgement Letter (Exhibit A of the ACAP Grantor/Grantee Agreement) is a requirement.

Applicants are encouraged to work in partnership with USDA-NRCS for financial and technical assistance.

### **District-Landowner Agreement**

Once an application has been accepted by the ACAP Committee, the conservation district will enter into a contract agreement with the successful program participant when the project is ready for construction. The contract, when signed by both parties, is a legally binding document between the applicant and the conservation district that describes in detail the responsibilities of both parties. No funding transfers can take place with program participants, and no project work can begin, without a signed contract. The contract states the terms and conditions that must be met for the project. All contracts must be made using the "Agriculture Conservation Assistance Program Grantor-Grantee Agreement" form.

The project participant shall be considered to be in breach of this contract if he/she does not maintain and repair the project in compliance with Operation and Maintenance plan or willfully neglects any other terms of this contract. The

project participant shall be responsible for all normal, routine maintenance and normal, routine repair of the site and project.

This contract shall be binding on the parties, their heirs, legal representatives, successors, and assigns. The term of this contract shall be for the duration of project construction and for the term of the longest lifespan of any particular BMP.

If the ACAP funded BMPs are not managed or maintained for the required period, the applicant/grantee may be required to return a portion or full amount of what was originally granted.

Program participants that are not maintaining installed Best Management Practices according to the set operation and maintenance requirements, will not be eligible to receive additional funding until after the practice lifespan.

### **Project Work**

#### **PA One Call**

PA One Call must be notified at various stages of the project, including the design phase and also prior to construction. One Call assigns a serial number to each call they receive. These serial numbers must be recorded and kept in the project file.

#### **Chapter 105 Permits, Erosion and Sediment Control Plans, and Other Requirements**

Any required project permits must be obtained by the grant recipient before work can begin on the portion of the project related to the permit. Under no circumstances can any project work begin until all required permits are in hand. An erosion and sediment control plan is required for projects consisting of earth disturbances of 5,000 square feet or greater. It is required that the erosion and sediment control plan be on-site during all phases of the project. For those projects within special protection watersheds (HQ or EV), all earth disturbances, regardless of size or scope, will require an erosion and sediment control plan to be on-site during all phases of the project.

If plans/permits are found to not be in place and approved if necessary, the project may be suspended and/or payment not rendered on completed components.

#### **Pre-Project Meeting**

A pre-project meeting is required prior to the beginning of a project. This will allow the District to meet in person with the program participants and any contractors or sub-contractors to discuss each contract item or element of the approved plan to avoid any misunderstanding about how the plan is to be implemented and how payment will be made.

## **Pre-Construction Notification of Project Work**

Program participants MUST notify the district before beginning work on a project. The District must also be notified before beginning a new phase of the projects. The District may withhold payments or cancel the contract if a program participant fails to comply with notification requirements.

## **Performing Project Work**

Program participants must follow the bidding procedures for contractors and materials as outlined in Exhibit B of this policy, unless the farm is completing the project. In this case, no one may be hired outside of normal farm employees to work on the project. Labor will be reimbursed not to exceed \$35 per hour.

Work must be performed in accordance with the accepted application, work plan and/or design unless both parties agree to project changes in writing. Work must be performed within the contracted scope, budget and timeframe.

If an increase in costs or extension of time is required, the district must be contacted as soon as possible.

All contractors or subcontractors are responsible to protect work from environmental conditions such as temperature extremes, weather events, wind, surface water and ground water.

## **Certification and Final Payment**

Payment shall be made upon satisfactory completion of project for actual services performed consistent with the project application, and the work plan.

If a project's BMP(s) require review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the BMP shall be certified by a registered professional engineer.

Those BMPs required to meet the Natural Resource Conservation Service (NRCS) standards and specifications shall be certified by a technical service provider, staff from conservation district having the appropriate job approval authority, the USDA-NRCS, or any other qualified person who has appropriate training and expertise and is approved by the Commission.

Payment may be withheld on account of defective work not remedied, liens filed, damage by the Contractors to others.

All claims submitted by the program participant pursuant to this agreement shall be submitted to the District in accordance with the Schedule of Payments and the terms and conditions contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the approved project application

and work plan. Claims shall include receipts, and/or other appropriate supporting information to document actual expenditures on the project. Payments will be addressed to the program participant.

Upon completion of the project The Certification/Verification Form (Exhibit C, ACAP Grantor/Grantee Project Agreement) must be completed, reviewed and signed.

Approved 07/14/2025

Procurement Method	Expense Amount	Requirements
Micro-purchase (No quotes required)	Less than \$10,000	<ul style="list-style-type: none"> <li>• Consider price to be reasonable</li> <li>• Distribute equitably among suppliers to the extent practical</li> </ul>
Small Purchase Procedures (Relatively simple and informal)	\$10,000 - \$249,999	<ul style="list-style-type: none"> <li>• obtain/document price or rate quotations from a reasonable number of qualified sources</li> <li>• written or documented quotes required to be kept in the contract file</li> </ul>
Sealed Bids	\$250,000 or more	<ul style="list-style-type: none"> <li>• Bids must be publicly advertised using standard bidding requirements</li> <li>• Bid must allow for a minimum of 15 days for response time</li> <li>• Bids must be solicited from an adequate number of qualified sources</li> <li>• Sealed bids must be opened publicly</li> <li>• Contract award must be made to the lowest responsible bidder</li> <li>• Contract must be for a firm, fixed price</li> </ul>

**EXHIBIT B: BIDDING PROCEDURES**

\*ACAP is currently funded with federal ARPA funds. Federal ARPA funds require bidding procedures. Bidding requirements were approved through the Department of General Services waiver process.