

Pennsylvania CAFOs Stakeholders Meeting
May 23, 2003, DEP Southcentral Regional Office, Susquehanna Room A

Introduction: The third Pennsylvania CAFO Stakeholders Workgroup meeting for updating the current Program to meet the new EPA requirements was convened at 9:05 a.m. After an introduction of participants and an open comment period, the summary of the April 15, 2003 meeting was slightly amended to state that the proposed large CAFO approach was only discussed without any clear acceptance. Here is a description of the main discussion items for this meeting.

Large CAFOs – Potential Numbers and Permitting Approach: Estimates by EPA and PSU of the number of large and medium CAFOs in Pennsylvania was reviewed and provided in the agenda packet. Some of the estimates were thought to be high and the changing nature of the industry and mixing of animal types and groups makes it difficult to analyze. A review of currently covered CAFOs in Pennsylvania in relation to the new EPA categories showed that 38% operations have mixed species and adding the mixing of groups within species increases the mixing to 67%. A review of the same information showed that many operations would not be required to maintain coverage by strictly following the new EPA categories. From this and other comments, it was noted that adding together the animal weights using the AEU method would be a fairer method for operations in Pennsylvania. Also, targeted use of the CAO concept was again suggested as a tool for maintaining equivalent program coverage and protection levels. Having a coherent program that matches Pennsylvania farms and available resources was mentioned in several comments. Strictly following the new EPA categories was suggested as an option.

EPA Comments on Operation Categorization: EPA compared the proposal presented at the last meeting with new EPA animal number categories. They said there are large differences for the horse, duck, lamb, wet layer and wet broiler groups. Smaller differences with other groups could be explained or justified. Previously, EPA accepted our program because when taken as a whole the program provided equivalent or more stringent coverage and protection. It was noted that wet poultry systems are rare, especially for chickens, have no additional nutrients and must follow the same storage standards as other operations. Some of the equivalent activities included in the new EPA rules depend on adoption of the proposed Nutrient Management Act revisions. DEP offered to draft regulatory wording for the next meeting.

Addressing Medium/Small Operations: A definition for discharges was presented and included in the agenda packet. The definition was written to describe discharge problems that unless corrected would subject the operations to additional compliance or designation as a CAFO. It was stated that corrections and BMP installation is favored over permitting. Several people commented that a systematic review of potential discharge problems along with adequate staff and resources could help in obtaining significant water quality improvements. Dealing with discharges during nutrient application was an additional item for possible inclusion in the definition. A workgroup was assigned to review the definition and including nutrient application discharges.

Setbacks: A previously provided comparison table of setback issues related to the new EPA rules was reviewed. The EPA rules have a 100-foot buffer (or 35-foot with permanent vegetation) from surface waters or conduits, which was said to provide good over-all protection. The current and proposed setbacks in the Nutrient Management Act program, which is required of all CAFOs, were explained. The current program requires manure applications in accordance with an approved nutrient management plan and has spreading limitations near surface waters during frozen, snow-covered or saturated conditions. The conservation plan implementation requirement will be maintained. The proposed P-index planning for Pennsylvania has required analysis, practices or spreading limitations in near-stream delivery areas and requires a 150-foot buffer for manure importing farms unless a Nutrient Management Plan with P-index planning is implemented. Also, bare field manure spreading limitations and additional well protection is proposed for protection surface waters and conduits. All of this is based on controlling discharges related to frequent storm events.

Inventory of CAFO Issues/Concepts: The group selected issues and concepts to discuss from a list provided in the agenda packet.

Co-Permitting – An alternative to the co-permitting concept was presented that involves the use of MOUs by sectors of the animal industry. The MOUs could add commitments and assurances beyond minimum requirements that would help to minimize problems and conflicts. An initiative in Delaware was offered as an example that could be customized for Pennsylvania. The comments on this were: it may be difficult to deal with mixed animal operations, which are common in Pennsylvania; DEP is not driving to adopt co-permitting for CAFOs; MOUs may be a good compromise instead of pursuing extra requirements.

Odors – This area was said to be difficult to directly address under the CAFO Program. Some avenues for addressing this were mentioned: the Pa. Senate Resolution 91 BMP Manual, the Manure Management Manual, university research and industry support. The MOU approach was suggested as method for assisting with this issue.

Delegation of the Program – It was brought up that county conservation districts could be given authority to issue the CAFO general permits. Comments were: conservation district efforts, abilities and participation may be variable; districts may have too many roles and may not want this; this would add to the district review duties and take away from its assistance role; the current DEP permit issuance role provides proper checks and balances to the system; districts would need extra money to cover additional duties.

Animal Mortality – The new EPA rule requires proper management of mortalities. DEP will address this by continuing the current permit requirements that require proper management under the Pennsylvania Dead Animal Act.

Protecting Private Wells and Property Values Adjacent to CAFOs – The Program already has or proposes protections for wells including requiring a complete 100-foot manure-spreading buffer around water wellheads. Local land-use zoning and decisions were mentioned as the main mechanism for dealing with land use and related property values. The Pa. Senate Resolution 91

BMP Manual was brought up as a source of information on this, along with the importance of providing outreach and assistance to smaller farms.

Action Items:

Draft Regulations Wording – DEP will present its first draft of proposed regulatory wording at the next meeting.

Discharge Wording – A subcommittee will review the comments on the draft wording for the discharge definition and develop recommendations for edits or additions.

Next Meeting: Thursday, July 10, 2003 at 9 a.m.; Pennsylvania Dept. of Agriculture, Room 202.

Participants:

Charlie Abdalla, Professor, Penn State University, College of Ag. Science
Bill Achor, Environmental Coordinator, Wenger's Feed, Inc.
Bill Adams; PA Farm Bureau
Dan Alters, Program Manager, DEP Northcentral Regional Office
Amy Bradford, Penn Ag Swine Council
Doug Brennan, Attorney, DEP Office of Chief Counsel
Alissa Dodd, Ext. Assoc., Penn State University
William Fink, Team Ag Inc.
Chris Frame, Hostetter Management Co.
Bob Gibson, Section Chief, DEP Central Office
Doug Goodlander, Program Manager, SCC-Nutrient Management Program
Mike Halet, Professor, Penn State University, College of Ag. Science
Tom Juengst, Program Specialist, DEP Central Office
Cedric Karper, Division Chief, DEP Central Office
Jerry Mackarevich, DEP Southcentral Regional Office
Christy McAllister, USEPA
Lori Mohr, DEP Policy Office
Tim Murphy, Conservation Engineer, USDA-NRCS
Kelly O'Neill, Ag. Policy Analyst, PA CBF
Walt Peechatka, Executive Vice President, PennAg Industries Assoc.
Paul Patterson, Professor, Penn State University, College of Ag. Science
Matt Porter, Wenger's Feed Inc.
William Rogers, Private Consultant
Tom Schmick, DEP Northcentral Regional Office
Kevin Seibert, Lancaster Conservation District, PACD
Kim Snell-Zarcone, Staff Attorney, Penn Future
Jim Spontak, Operations Chief, DEP Southcentral Regional Office
Sue Weaver, DEP Policy Office
James Wheeler, Pennsylvania State Association of Township Supervisors
Hank Zygmunt, USEPA