

DRAFT

MINUTES

AGRICULTURAL ADVISORY BOARD MEETING

December 21, 2011

DEP Southcentral Regional Office
Susquehanna Room A
Harrisburg, PA

In Attendance – Members

Kristen Saacke Blunk, Pennsylvania State University
Larry Breech, Pennsylvania Farmers Union
Roy Brubaker, Sustainable Agriculture
Michael Firestine, Agribusiness
Kerry Golden, PA House - Agriculture and Rural Affairs Committee
Jennifer Harry, PennAg Industries
Kelly Heffner, Department of Environmental Protection
Richard Hissong – Dairy Producer
Duane Hobbs – Agricultural Chemicals Manufacturer
Jay Howes, Department of Agriculture
Betsy Huber, Pennsylvania State Grange
Larry Kehl, USDA Farm Service Agency
Keith Masser, Vegetable Producer
Susan Marquart, USDA Natural Resources Conservation Service
David McElhaney – Livestock Producer
William Neilson, Pennsylvania Farm Bureau
Michael Rader - PA Senate - Agriculture and Rural Affairs Committee
Gerald Seyler – Grain Producer
Brenda Shambaugh, Pennsylvania Association of Conservation Districts
Jeanne Sullivan - PA House - Agriculture and Rural Affairs Committee
William Wells Jr. – Ornamental Horticulture

In Attendance - Agencies, Advisors, and Guests

Johan Berger – State Conservation Commission
Katie Fink
William Fink, Country View Farms

Grant Gulibon, Pennsylvania Builders

Greg Hostetter – USDA Farm Service Agency

Kelly O’Neil, Chesapeake Bay Foundation

Erin Smith, Pennsylvania Department of Agriculture

Eileen Wheeler, Pennsylvania State University

Sean Gimbel, Kenn Pattison, Frank Schneider, Susan Seighman, Steve Taglang -

Department of Environmental Protection

The December 21, 2011, meeting of the Agricultural Advisory Board (AAB) was called to order by Chairperson Jennifer Harry at 10:04a.m.

Members of the AAB introduced themselves, as did the various guests.

Minutes from the June 15, 2011, and October 19, 2011, meeting were approved.

The 2012 meetings dates and times were approved.

Election of Chairperson for 2012 – Chairperson Harry opened the floor for nominations for Chairperson for 2012.

Keith Masser, Vegetable Producer, was nominated.

Chairperson Harry closed the nominations.

Keith Masser was elected as Chairperson for 2012 by unanimous vote.

Election of Vice - Chairperson for 2012 – Chairperson Harry opened the floor for nominations for Vice - Chairperson for 2012.

Jennifer Harry, PennAg Industries, was nominated.

Chairperson Harry closed the nominations.

Jennifer Harry was elected as Vice - Chairperson for 2012 by unanimous vote.

Legislative Update – Michael Rader, representing Senator Elder Vogel, PA Senate Agriculture and Rural Affairs Committee, reported on Senate Bill 1298 which would allow composting operations on ground enrolled in Clean and Green to accept up to 50%, by volume, off farm waste to mix with their compost.

Mr. Rader expects the bill to move out of the Senate in January or February of 2012.

Mr. Larry Breech inquired if the bill would allow the off farm waste to include sewage sludge and Mr. Rader answered technically yes but that he sees some more debate on the sewage sludge issue. Mr. Larry Kehl asked if the bill was passed would DEP authority on composting supersede that of local municipalities. Mr. Rader answered that this bill is only a Clean and Green allowance bill and not an environmental bill on composting.

EPA Air Consent Agreement Update – Eileen Wheeler, Pennsylvania State University, provided an update on the continued work / study behind the EPA Air Consent Agreement.

Dr. Wheeler reported that the National Air Emissions Monitoring Study (NAEMS) was initiated due to citizen concerns and lawsuits over odor, air emissions, and mega-livestock farms, and that a 2003 National Academy of Science report indicated that there was insufficient scientific data to regulate agriculture air emissions.

Dr. Wheeler reported the Environmental Protection Agency (EPA) entered into Consent Agreements with livestock organizations and operations to support the NAEMS. A total of 2,748 agricultural operations signed consent agreements, and by signing the consent agreements, EPA cannot take enforcement actions against those operations until the rules are passed.

Dr. Wheeler stated that EPA regulations applicable to agriculture include the Clean Air Act (CAA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Emergency Planning and Community Right-to-Know Act (EPCRA).

Dr. Wheeler reported that EPA relaxed the reporting requirements for agriculture for CERCLA and EPCRA in 2009 and that EPA has never initiated a response based upon notification of a hazardous substance released to the air from animal wastes at farms.

Dr. Wheeler reviewed the emissions from animal agriculture which would include ammonia, hydrogen sulfide, particulate matter, volatile organic compounds, carbon dioxide, methane, and nitrous oxide.

Dr. Wheeler reported that the NAEMS study was funded by industry, roughly \$14 million, and was conducted by university researchers with EPA oversight. There were 2,300 sensors at 24 sites and the data set is very extensive. Mr. Johan Berger asked how EPA selected the sites for the study. Dr. Wheeler answered that there were many factors including climate and geographical locations and industry recommendations. In total there were eight dairy barns, four dairy lagoons, one dairy corral, two broilers, three layers, five swine barns, and six swine lagoons selected. It was noted that there were no beef farms in the study and this was partially due to no support from

the beef industry. Dr. Wheeler did report that there has been criticism that not enough farm locations were selected.

Dr. Wheeler reported that the data sets are interesting and show great variation. When comparing dairy barn ammonia emissions, a flush system dairy in California was recorded as omitting five grams ammonia per cow per day while a flush system dairy in Washington was recorded as omitting 78 grams ammonia per cow per day. Dr. Wheeler advised that there has only been a “preliminary skim” of the data but it appears challenging and that EPA acknowledges that there is a wide variety of dairy systems that cannot be captured in the current data set.

Mr. Larry Breech asked if part of the study was an analysis of the feed that was fed. Dr. Wheeler answered yes but the data still needs to be analyzed.

Mr. William Neilson asked if the same testing parameters were used at each monitoring site and Dr. Wheeler answered yes and that there was strict control.

Dr. Wheeler reported that the data from the study will be analyzed and Emission Estimating Methodologies will be created in the following fashion with broilers being first, followed by swine, layers, and dairy being last. Deputy Secretary Heffner asked that if the methodologies being developed are in comparison to anything else. Dr. Wheeler answered no as this is the first time non-point source air monitoring data has been looked at, so the methodologies will be completely new.

Dr. Wheeler reported EPA is in the process of appointing a Science Advisory Board to review the methods used in determining the Emission Estimating Methodologies. Roughly 100 people were nominated and it is believed that the final Science Advisory Board will contain 12-15 persons. Chairperson Harry reported that Dr. Wheeler was nominated and many agricultural organizations in PA sent letters of support for her nomination.

Dr. Wheeler concluded that the analysis of the data and formation of Emission Estimating Methodologies by the summer of 2012 is an ambitious goal and that EPA will release information on all species at the same time. As results are released, EPA may require discharge permits, under the CAA, for particulate matter, and reporting requirements for ammonia and hydrogen sulfide under EPCRA and CERCLA. Additionally, EPA is looking to the United States Department of Agriculture (USDA), which is considered to have the expertise, to help producers with emission estimation via equations (currently undetermined) or look up tables.

Ms. Susan Marquart asked if the data collected will help with Pennsylvania's efforts. Dr. Wheeler answered that Pennsylvania has been doing work with agricultural air emission the past 12 years

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and the data would be very helpful in determining such thing as what are the major concerns, which BMP may help, etc.

Chairperson Harry mentioned that there are still many unknowns but if EPA does enact stricter rules they will be enforced by the DEP Air Deputate, which is not familiar with agriculture, so the industry as a whole will need to work in educating and working with that Deputate.

Ms. Kristen Saacke Blunk mentioned that Pennsylvania does have an Agricultural Air Quality Taskforce under the SCC and they have been meeting and staying on top of these issues.

Pennsylvania Chesapeake Bay Agricultural Water Quality Initiative (AgWQI) – Steven Taglang, Bureau of Watershed Management, provided an update on the Pennsylvania Chesapeake Bay Agricultural Water Quality Initiative (AgWQI).

Mr. Taglang provided an update on the last AgWQI workgroup meeting that was held on November 17, 2011. During that meeting there was discussion on the following items:

- Education / Outreach / Training
 - Conservation district site visits equal 550, as of September 30, 2011
 - MMM barn sheet that was developed.
 - MMM Train the Trainer sessions.
 - Mailing to be sent out to the PA National Agricultural Statistics Service (NASS) mailing list.
- Model Compliance Policy development to be used by conservation districts.
- Review of Phase I Watershed Implementation Plan (WIP) progress.

Mr. Neilson asked if the MMM barn sheets are going to be posted on the DEP website. Mr. Taglang answered that since the SCC Agricultural Ombudsman developed the barn sheets that they will posted to their website but that a link will be provided on the DEP website.

Concentrated Animal Feeding Operation General Permit Renewal (PAG-12) – Kenn Pattison, Bureau of Watershed Management, provided an overview of the Concentrated Animal Feeding Operation (CAFO) General Permit Renewal (PAG-12).

Mr. Pattison explained that EPA has submitted to DEP 26 comments that should be included in the revised PAG-12, and one comment that dealt with Nutrient Management Plans (NMPs), which will be handled separately, since NMPs are handled by the SCC. The majority of the EPA comments dealt with new definitions being required by EPA, additional reporting requirements,

and additional record keeping requirements. Mr. Pattison reported that in regards to the reporting and record keeping requirements that most of the additional requirements are already being done by producers under the Pennsylvania Nutrient Management Program.

Mr. Pattison reported that the CAFO workgroup, of the AAB, will continue to meet. After the original meeting, most of the EPA comments have been addressed. The next workgroup meeting will be January 17, 2012.

Mr. Neilson asked how federal definitions can be placed in the permit, but not in PA regulations.

Mr. Pattison answered that the general permit is a federal National Pollution Discharge Elimination System (NPDES) permit and that DEP has delegation from EPA to administer their program, so federal definitions not part of state regulations can be included. Mr. Neilson then asked if EPA was looking to do a CAFO reporting rule rather than an NPDES permit.

Mr. Pattison answered that there is nothing new in the reporting requirements for Pennsylvania CAFOs and the DEP will still require a NPDES permit be in place. The proposed reporting rule would not supersede the NPDES permit and it was never intended too.

Chairperson Harry asked if any members of the AAB or public had any comments.

Deputy Secretary Kelly Heffner reported that the Phase II WIP for the Chesapeake Bay has been submitted to EPA and that the public comment period is open. Deputy Secretary Heffner asks for comments to be submitted, including positive observations. Additionally, Deputy Secretary Heffner thanked the AAB for all their hard work over the last year.

Deputy Secretary Jay Howes reported that Brenda Shambaugh will be leaving the Pennsylvania Association of Conservation Districts (PACD) at the end of the year to become the Pennsylvania Department of Agriculture (PDA) Director of Legislation. He thanked Brenda for her many years of service to the AAB.

Mr. Keith Masser thanked the AAB for his election of Chairperson for 2012.

Chairperson Harry reported on the new display at the Farm Show, "Today's Agriculture" and hoped that all members could visit the new display.

Mr. Bill Fink reported that Doug Goodlander, Director of the PA Nutrient Management Program, has left the program for a position at DEP. Mr. Fink thanked Mr. Goodlander for all his hard work and said that the "consulting world" will miss his presence. Mr. Fink also reported that Johan Berger is serving as the interim director of the PA Nutrient Management Program.

There being no additional discussions, the meeting was adjourned at 11:45 a.m.