

MINUTES

AGRICULTURAL ADVISORY BOARD

**Rachel Carson State Office Building
Room 105, First Floor Conference Room
Harrisburg, PA**

December 19, 2001

Chairperson Bill Adams, PA Farm Bureau, called the meeting to order at 10:00 a.m.

Attendance:

Members

Chairperson Bill Adams, PA Farm Bureau
Barry Frantz, USDA, Natural Resources Conservation Service
Dr. Herb Cole, Penn State University
Lyle Forer, PA Department of Environmental Protection
Larry Breech, PA Farmers Union
Gerald Seyler, Grain Producer
Frank Long, PA Association of Conservation Districts
Carl Shaffer, Vegetable Producer
Jay Howes, House, Agricultural and Rural Affairs Committee (Rep. Bunt)
Tom Andrews, House, Agricultural and Rural Affairs Committee (Rep. Daily)
Brenda Shambaugh, PA State Grange
Kristin Ebersole, Senate, Agricultural and Rural Affairs Committee (Sen. Waugh)
David Irvin, Fruit Producer
Thomas Williams, Dairy Producer
William Wells, Jr., Ornamental Horticulture Representative
Stuart Gansell, PA Department of Environmental Protection

Agencies, Advisors, and Guests

David Jostenski, DEP, Bureau of Watershed Management
Ken Murin, DEP, Bureau of Watershed Management
Kelly O'Neill, Chesapeake Bay Foundation
Steve Socash, DEP, Bureau of Land Recycling and Waste Management
Habib Sharifi, DEP, Bureau of Land Recycling and Waste Management
Daniel Lapato, DEP, South Central Regional Office
Mohammad Farooq, DEP, Bureau of Watershed Management
Bill Achor, Wenger's Feed Mill, Inc.
Cedric Karper, DEP, Bureau of Watershed Management
Meredith Hill, DEP, Office of Policy
Greg Mahon, DEP, Legislative Office
Bruce Holbrook, DEP, Bureau of Watershed Management

Dean Auchenbach, DEP, Bureau of Watershed Management

Introduction of New Members

The following new Board members were introduced:

Thomas Williams replaces Robert Pardoe, Jr., (Dairy Producer)
David Irvin replaces Thomas Oyler, Jr., (Fruit Producer)
William Wells, Jr., replaces Larry Cogan (Ornamental Horticulture)
Gerald Seyler replaces Donald Lichtenwalner (Grain Producer)
Larry Breech replaces Robert Junk, Jr., (PA Farmers Union)

It was also noted that Michael Brownback replaces Cass Peterson as the Sustainable Agriculture Representative to the Board. Mr. Brownback was not able to attend today's meeting.

These appointments fill all the vacancies that existed on the Board.

Public Comment Period

There were no public comments made.

Action on the Minutes of the October 17, 2001 Meeting

The minutes were approved as mailed.

Report on the Concentrated Animal Feeding Operation (CAFO) General permit Deadline and a Status Report on Individual CAFO Permits

Cedric Karper, DEP, Bureau of Watershed Management, noted that a second permit deadline of February 28, 2002 is approaching for concentrated animal feeding operations (CAFOs) with 301 to 1,000 animal equivalent units (AEUs) to apply for National Pollutant Discharge Elimination System (NPDES) permit coverage. The first NPDES permit deadline for Individual permits for existing CAFOs with more than 1,000 AEUs occurred on May 18, 2001. In addition, concentrated animal operations (CAOs) in special protection watersheds (watersheds that contain high or exceptional quality waters designated by DEP) must apply for an expedited Individual NPDES permit. All CAFOs beginning or expanding operations after November 18, 2000, must obtain NPDES permit coverage before beginning these operations. The permit deadlines resulted from DEP's November 18, 2000 revision of its Chapter 92, NPDES regulations.

Karper noted the Department has been pleased with the response to date, as 40 individual NPDES permit applications were received (26 Individual permits issued) and 36 general NPDES permit applications received (26 general NPDES permits issued.) There is only one known operation over 1,000 AEUs that failed to apply for an Individual permit.

Board members were asked to help spread the word to the agricultural community through their organizations and agencies about the approaching permit deadline date.

Karper also distributed information on the Nutrient and Sediment Control Innovative Technology Forum, sponsored by the PA Departments of Agriculture and Environmental Protection on February 12-14, 2002 at the Holiday Inn in Grantville, PA. Board members were encouraged to attend this technology forum.

Update Report on the Proposed Water Resources Legislation.

Stuart Gansell, DEP, Bureau Director of the Bureau of Watershed Management, noted that since he briefed the Board at its October meeting on the Department's proposal for water resources legislation, two bills have been introduced in the Legislature. They are Senate Bill 1230 (which was distributed to Board members) and House Bill 2230, which is similar to the Senate bill but does not contain (section 9) water well standards and provisions since they are contained in a separate House bill. Gansell noted the House Environmental Resources and Energy Committee have scheduled a hearing on House Bill 2230 for February 7, 2002. A Senate hearing on Senate Bill 1230 will be held but has not yet been scheduled.

Gansell then reviewed the major provisions of the water resource bills. The two bills require DEP to update the State Water Plan within three years of the passage of the Act, and then update the water plan once every five years. The plan will identify Critical Water Planning Areas (CWPA) where water availability does not meet the current or projected future water resource needs. Integrated Water Resources Plans (IWRP) will be developed for watersheds within a CWPA. A Statewide Water Resources Advisory Committee will be established to advise DEP on the state water plan. Section 5 contains requirements on registration, reporting, and record keeping for water withdrawal. Section 7 establishes a Water Resources Technical Assistance Center in DEP to promote water conservation and provide technical assistance on water resources issues. Section 9 (not in the House version of the bill) establishes water well standards and water well driller testing, training, and licensing requirements.

Chairperson Bill Adams requested Board members review the bills and submit written comments to him by January 21, 2002. Chairperson Adams also appointed a Water Resources Legislation Committee to review the two bills in detail and provide draft comments to the full Board at its February 20th meeting. The Committee consists of Bill Adams, Dr. Herb Cole, Frank Long, Larry Breech, and William Wells, Jr. The Committee will meet on January 22, 2002 at 9:00 a.m. in the 12th floor Conference Room of the Rachel Carson State Office Building. There was some discussion as to whether the Board should address its comments to the Department or directly to the Legislature. It was pointed out that since the Agricultural Advisory Board is a Board to the Department, any comments regarding the water resources legislation made by the Board should go to the Department.

Review and Provide Comments on the Draft of the DEP Proposed Comprehensive Stormwater Management Policy

Stuart Gansell noted the Board members were mailed a copy of the draft October 27, 2001 Proposed Comprehensive Stormwater Management Policy prior to the December meeting. The Department is accepting comments on this draft policy until January 28, 2002. The purpose of the DEP policy is to encourage the infiltration of stormwater and to address new federal NPDES Permit requirements. Ken Murin, DEP, Bureau of Watershed Management addressed the Chapter 102, Erosion and Sediment Control Regulation sections of the policy. Murin noted the current NPDES standard is that a permit is required for construction disturbances of five acres and greater. By December 8, 2002 the Department must have in place a program to address construction disturbance down to one acre or greater. Murin noted that agricultural plowing and tilling is exempt from the NPDES permit requirements but must comply with the Chapter 102 erosion control requirements, usually handled by a conservation plan. These requirements will affect agriculture when CAFOs construct new livestock operations or when existing agricultural operations expand and construct new structures. If the construction activity is between one and five acres and the stormwater will be kept on site and not discharged by a point source (such as a pipe) no NPDES permit will be required.

Chairperson Bill Adams stated that due to the January 28, 2002 comment deadline date the Board would not provide comments regarding the draft policy but; he requested that Board members review the DEP Proposed Comprehensive Stormwater Management Policy and provide comments as individuals to the Department by the comment deadline date if they so desired.

Response to the Board's Questions Regarding The DEP Food Processing Residual Management Manual

Steve Socash, DEP, Bureau of Land Recycling and Waste Management, stated that Board members had expressed concerns regarding revisions to the DEP Food Processing Residual Management Manual. Socash noted the manual was developed in 1994 in a cooperative effort between DEP, Department of Agriculture, Penn State University, the Agricultural Advisory Board, the regulated community, and interested public. The manual was not revised but was recently updated in September 2001 to add current regulation references and terms and to add web site link addresses for additional information references. Socash noted that the technical requirements of the manual will be revised in the future and the Department has approved a one-year contract with Robin Brandt from Penn State University to do the revisions. One of the reasons for the revisions is the problem that has occurred with improper storage of the materials at the farm site. When the farms accumulate more material then they can use odor, vector, and the material blowing off site have become big problems. Socash also noted farmers need to give consideration to the type of crops that food-processing waste will be applied to since incorporation is a factor in preventing odor, vector, and wind blown waste problems. Socash also noted the revision of the manual will include a section on animal mortality composting.

Carl Shaffer complimented the Department on the common sense and foresight they have used to address this issue. Shaffer stated the application of food processing waste is one of the best recycling tools we have in the state. Shaffer also requested that Robin Brandt from Penn State University attend the Board's February meeting to discuss the proposed revisions to the manual with the Board before they are released for public comment. Thomas Williams noted that equipment that allows for incorporation of manure or food processing waste in hayfields is available in Europe but is not being used in the United States. He suggested we need to look at using this technology to allow for the incorporation of material in hayfields to prevent odor, vector, and wind blown material problems. Department staff stated that Robin Brandt would be contacted to see if he can attend the Board's February meeting to outline the proposed revisions to the manual.

Legislative Update Report

Greg Mahon, DEP Legislative Office reviewed bills and issues of importance to the Department during the recently completed Legislative session. Mahon noted House Bill 1830; regarding municipal treatment plant re-certification was currently awaiting Senate floor action. Two bills on underground storage tanks were introduced. Senate Bill 696 is an enhanced level of notice for releases from storage tanks and Senate Bill 837 provides more dollars for clean up of releases. Mahon noted the Legislation focus next year would be on water resources legislation. Two water resources bills, which are different than the Department's proposal, are House Bill 539 and Senate Bill 149, which create a regulatory program for water withdrawals and permitting. Mahon stated that he does not anticipate these bills moving since the SB 1230 and HB 2230 were introduced. Senate Bill 998 was referred to the Senate Environmental Resources and Energy Committee on June 14, 2001. This bill would create a state water resources board with six regional water boards. It would also provide water conservation credits for voluntary water use reductions below levels of normal water use.

The reason HB 2230 (Water Resources Legislation reviewed earlier in the meeting) does not contain water well standards is because a separate bill, House Bill 1591 covers water well standards. Another bill, Senate Bill 870, also covers water well standards. These two bills go further than the DEP proposal for water well standards does but they are not expected to move until the legislature has looked at the DEP water resources legislative proposal. Frank Long questioned whether the standards in HB 1591 and SB 870 would apply to people that drill their own wells. Mahon stated he was not sure but would check into this and get back to the Board with an answer.

Comments/Issues/Concerns from the Floor

Carl Shaffer questioned why the Board could not directly comment to the Legislature regarding the water resources legislation. It was pointed out by various Department staff in attendance that since the Board is an advisory board to the Department, they have an obligation to direct their comments to the DEP Secretary. It was also noted that Senate Bill 298, which created the Agricultural Advisory Board, specifically states the Board shall provide advice and expertise to the Secretary regarding the nature of agriculture in

the Commonwealth, and assist the Secretary and provide comment on regulatory proposals, new Departmental policies and existing Departmental policies that will impact or affect agriculture in the Commonwealth.

Carl Shaffer noted that he heard recently that Fulton Farm at Wilson College recently received an Environmental Excellence Award from Governor Mark Schweiker. Shaffer expressed concern over the fact that the award did not go to a working farm that needs to make a profit to remain in business. He noted the Wilson College farm does not need to make a profit to sustain itself.

Adjournment

There being no further business the meeting was adjourned at 1:49 p.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison