

MINUTES

AGRICULTURAL ADVISORY BOARD

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

August 28, 2002

Chairperson Larry Breech, PA Farmers Union, called the meeting to order at 10:06 a.m.

Attendance

Members

Chairperson Larry Breech, PA Farmers Union
Frank Long, PA Association of Conservation Districts
David Irvin, Fruit Producer
Mike Firestine, Agri-business Representative
Mike Brendle, Poultry Producer
Roxanne Levan, USDA, Farm Service Agency
Kristin Ebersole, Senate, Agricultural and Rural Affairs Committee (Sen. Waugh)
Tom Andrews, House Agricultural and Rural Affairs Committee (Rep. Daley)
Brenda Shambaugh, PA State Grange
Bill Adams, PA Farm Bureau
Carl Shaffer, Vegetable Producer
Dr. Herb Cole, Penn State University
Lyle Forer, PA Department of Agriculture
Bill Wells, Ornamental Horticulture Representative
Jay Howes, House, Agricultural and Rural Affairs Committee (Rep. Bunt)
Bruce Holbrook, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Sue Weaver, DEP, Office of Policy
Lori Mohr, DEP, Office of Policy
Dan Snowden, DEP, Citizens Advisory Committee
Walt Peechatka, PennAg Industries Association
Kelly O'Neill, Chesapeake Bay Foundation
Don Fiesta, DEP, Bureau of Watershed Management
Kim Snell-Zarcone, Penn Future
Doug Brennan, DEP, Bureau of Regulatory Counsel
Bill Achor, Wenger's Feed Mill, Inc.
Representative Robert Belfanti, Jr., PA House of Representatives
Jay Africa, DEP, Bureau of Water Supply and Wastewater Management
Denise Uzupis, DEP, Bureau of Water Supply and Wastewater Management
Greg Mahon, DEP, Legislative Office

Andy Zemba, DEP, Office of Water Management
Dean Auchenbach, DEP, Bureau of Watershed Management

Public Comment Period

There were no public comments made.

Action on the Minutes of the June 19, 2002 Meeting

The minutes were approved as distributed.

Presentation on Pennsylvania's Biosolids Program

Jay Africa and Denise Uzupis, DEP, Bureau of Water Supply and Wastewater Management, provided an overview of Pennsylvania's Biosolids Program. The presentation covered how biosolids are produced, a description of how the General Permit Program is administered for the land application of biosolids, site consideration criteria, DEP oversight in the program and staffing and resources. The speakers then opened the floor to questions by Board members and the general public.

Chairperson Larry Breech questioned if DEP considered the land application of biosolids to be a normal farming practice. Jay Africa responded that the Department does view it as a normal farming practice. A farm must show that they do not meet the crop nutrient agronomic needs in order to apply biosolids. Chairperson Breech also noted the National Research Council's National Academy of Sciences has stated there are serious concerns over the use of sludge as a fertilizer and has called for an updating of the latest science regarding the land application of biosolids since the current standards are 10-15 years old. Africa stated the Department was in agreement that the standards should be reviewed, and hoped the EPA would accept the recommendations of the National Academy of Sciences. He also noted that there is no evidence of adverse health effects from the application of biosolids. Bill Adams questioned if biosolids, which are land filled, are treated prior to disposal? Africa noted that land filled biosolids are treated but do not meet the standards required for land application such as dewatering. Mike Brendle questioned whether septage could be run through an anaerobic digester on a farm. Africa noted a DEP permit would be required and the septage would have to meet regulatory standards.

Representative Robert Belfanti, Jr., stated that a permit is pending in his legislative district to apply Class B sludge to mine land. He stated that under DEP's mining regulations the applicant applied to spread the material on one acre and then expanded the coverage to several thousand acres. The DEP considered adding the additional acres to be a minor modification of the permit. Representative Belfanti questioned how a permittee can get approval from DEP to apply biosolids on a few acres and then expand it to unlimited acres with no new public hearings held. Jay Africa stated that biosolids are not considered raw sewage but are treated to meet standards and the site where it is applied must meet the site criteria requirements. Representative Belfanti stated that he feels the permit process should limit the number of tons of biosolids that can be spread

and the number of acres it can be spread on. He stated we need finite limits to be set in the permitting process and the regulations need to be amended. Mike Brendle stated his opinion that he does not think it's a problem to expand the number of acres for biosolids land application as long as the same standard (crop agronomic rates) are used to determine application rates.

Brenda Shambaugh noted that odor from biosolids land application is not a permit issue but is the biggest complaint regarding land application, and questioned how DEP staff handle those complaints. Africa stated that agriculture is exempt from odor regulations and biosolids land application is considered a normal farming operation. He also noted the agricultural community is looking into new products and technologies to reduce odors. Carl Shaffer noted that research into biosolids by Penn State University found that the build up of metal materials was not as high as suspected and questioned whether the allowable rate for metals in land application would be raised to reflect this new science. Africa responded that the state would like to retain a conservative cushion for metal loading and was not planning on raising the allowable rates.

After considerable discussion regarding this issue Chairperson Larry Breech thanked Jay Africa and Denise Uzupis for their presentation. Chairperson Breech also requested the Board receive updates on the Biosolids Program from DEP staff.

Legislative Update Report

Greg Mahon, DEP Legislative Liaison, noted the current Legislative session ended in June and reviewed several items of interest to the Board. The Legislature established a new tipping fee for municipal waste at \$4.00 per ton until the year 2012. This fund will be used to supplement the Growing Greener Program. The automatic transfer of the Capitol Stock and Franchise Tax was ceased at the current rate of a quarter mil. There was a \$100,000,000 loan taken from the Storage Tank Indemnification Fund, to be paid back in 10 years. The Waste Transportation Legislation was passed which requires authorization of vehicles that transport municipal residual waste and the operator's compliance record can be taken into account when reviewing for authorization. Act 190 (the Waste Tire Act) Amendment was passed which requires registration of those who transport waste tires and to develop a catalog of abandoned waste tire sites. It is anticipated the Fall Legislative session will look at the Water Resources Legislation, the Alternative Fuels Incentive Grants Program (to expand and raise the incentive from 20% to 50%), and to reauthorize the \$2.00 Recycling Fee. Mahon also noted a special session of the Legislature may be called to address the issue of property taxes.

Summary of Water Resources Legislation Bills

At the request of the Board members Greg Mahon distributed a handout that summarized the high profile water resource legislation bills currently before the Legislature. These bills included House Bill 2230 and Senate Bill 1230 (the DEP sponsored versions), Senate Bills 293 and 294 introduced by Senator Gerlach, Senate Bill 149 introduced by Senator Musto, and Senate Bill 998 introduced by Senator Madigan. All bills require an

update of the State Water Plan, registration requirements for water use and withdrawal, and the identification of critical water areas. The major difference between the DEP sponsored bills and the others are that the DEP version of the bill uses a Statewide Water Resources Advisory Committee while the other bills call for the creation of Regional Water Boards. Brenda Shambaugh questioned what the Department's position was on a Statewide Water Advisory Board versus Regional Water Boards. Mahon stated the Department received numerous comments that regional entities must be represented, and the Department agrees with this. Discussions will be held with stakeholder groups to discuss how much power and authority the regional entities should have. Mahon also stated that he predicts none of these water resource bills will move in the Legislative fall session due to the limited number of days.

Farm Bill Update Report

Dean Auchenbach noted that Robin heard was unavailable to attend the meeting. Her office faxed the August 16, 2002 memo regarding Farm Bill implementation that was distributed to Board members. The memo requests patience and support during the time when existing programs require changes to previous rules and guidelines and new programs must develop written rules and guidelines in order to implement the 2002 Farm Bill.

Carl Shaffer mentioned that the Conservation Security Program is to be implemented as a pilot program in Iowa. Shaffer suggested that Pennsylvania be added to the pilot program for the Conservation Security Program since the diverse nature of topography in the state would provide a true measure of the benefits of the program to producers. Carl Shaffer then made a motion that the Board supports the implementation of the Conservation Security Program of the Farm Security and Rural Investment Act of 2002, in Pennsylvania. The motion was seconded by William Wells and passed unanimously by the Board. It was suggested the Board send letters regarding this issue to DEP Secretary Hess and the Pennsylvania Congressional Representatives and Senators.

Adjournment

There being no further business the meeting was adjourned at 1:15 p.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison