

MINUTES

AGRICULTURAL ADVISORY BOARD

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

December 18, 2002

Chairperson Larry Breech, PA Farmers Union, called the meeting to order at 10:07 a.m. It was noted the Board meeting dates for 2003 were mailed to members with the December meeting agenda.

Attendance

Members

Chairperson Larry Breech, PA Farmers Union
Gerald Seyler, Grain Producer
Dr. Herb Cole, Penn State University
Lyle Forer, PA Department of Agriculture
Carl Shaffer, Vegetable Producer
Frank Long, PA Association of Conservation Districts
Bill Adams, PA Farm Bureau
Kristin Ebersole, Senate, Agricultural and Rural Affairs Committee (Sen. Waugh)
Jay Howes, House, Agricultural and Rural Affairs Committee (Rep. Bunt)
Tom Andrews, House, Agricultural and Rural Affairs Committee (Rep. Daley)
Brenda Shambaugh, PA State Grange
Michael Brownback, Sustainable Agriculture Representative
Dave Irvin, Fruit Producer
Thomas Williams, Dairy Producer
Gary Smith, USDA, Natural Resources Conservation Service
Bruce Holbrook, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Syed Alchten, Guest of Tom Williams from Karachi, Pakistan
Doug Brennan, DEP, Bureau of Regulatory Counsel
Kelly O'Neil, Chesapeake Bay Foundation
Doug Goodlander, State Conservation Commission
Dan Snowden, DEP, Citizens Advisory Council
Shelly Dehoff, Lancaster Conservation District
Amy Bradford, PennAg Industries Association
Lori Mohr, DEP, Policy Office
Habib Sharifi, DEP, Bureau of Land Recycling and Waste Management

Bill Brown, DEP, Bureau of Water Supply and Wastewater Management
Peter Trufahnestock, Penn Future
Jay Africa, DEP, Bureau of Water Supply and Wastewater Management
John Hines, DEP, Acting Deputy Secretary for Water Management
Stuart Gansell, Director, DEP, Bureau of Watershed Management
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 August 28, 2002 Meeting

The minutes were approved as distributed.

Water Resources Legislation Update

John Hines, Acting Deputy Secretary for Water Management, noted the water resources legislation (House Bill 2302, linked to amendments of the Agricultural Advisory Board Act) was passed by the Legislature as Act 220 of 2002. The Governor signed the Act into law on December 16, 2002. The water resources legislation requires the Department to:

1. Update the state water plan in five years.
2. Establish six regional water committees (21 members each) with an agricultural representative.
3. Establish a statewide water resources committee (members must be regional water resource committee members.)
4. Establish a program for water withdrawal registration (users of 10,000 gallons per day over a 30-day average must register with DEP. There are no registration fees.)
5. After one year DEP may develop regulations through the Environmental Quality Board for registration. Outreach efforts will be critical at this time.
6. Identify critical water planning areas where use exceeds the yields.
7. Develop plans for critical water planning areas.
8. Establish a voluntary water resource conservation center in DEP.

Hines requested that the Board assist the Department in these efforts by submitting nominations of people to serve on the six regional water resource committees and by identifying outreach efforts needed for registration. Hines noted that nominations will come from organizations and the Governor will appoint the committee members. Individuals serving on regional committees can be selected by the Governor to serve on the statewide water resources committee. Carl Shaffer questioned whether critical planning areas would be identified by water use or water quality problems. Stuart Gansell responded that the Department would identify these areas by water use only. Carl Shaffer also questioned if the Act addressed the issue of water recharge credits for agriculture as recommended by the Board. Hines noted that the Act is a procedural document only and that the regional water committees would address issues such as that. Mike Brownback expressed concern that the critical water planning areas may be handled generically. Hines stated critical water area water plans would be developed by a group representing local interests so this should not be a concern.

Food Processing Residual Waste Manual Revisions

Paul Robillard, Penn State University, reviewed the history of the Food Processing Residual Waste Manual. In 1987, a case study was conducted to see how to best divert food processing residual waste from the waste stream and reuse it. In 1992, a draft manual was developed to manage and utilize residuals in a beneficial way. The manual was released through DER in 1994 and has become the most widely distributed manual within the Department, and is used as a model for other states. In 2000, it was felt that the manual was outdated and should be updated to provide time related changes such as the new governors name, the name change of the Department, and such related matters. The sprayer application section of the manual will have technical appendixes added. It is anticipated the updated manual will be developed by late spring 2003. Robillard stated there would be very little substantive changes to the manual. Penn State University has now given the manual to the Department for review.

Carl Shaffer suggested that the Board be given the opportunity to review and comment on the updated manual. Frank Long questioned if the manual contained a section on composting. Robillard stated that the manual did contain a section on composting and that they would probably look at adding a technical appendix in the future. Mike Brownback noted that food is biodegradable but not the packaging, so there is no option but to landfill the waste. He noted the challenge is to develop biodegradable packaging. Jay Howes noted that retail returns and restaurant waste brings a whole new opportunity to this issue but also new challenges. Robillard mentioned that processed foods might have a high salt content so when land applied you may have a high salt infiltration into the soil.

Presentation of the Agricultural Ombudsman Program

Shelly Dehoff, Agricultural Ombudsman, introduced herself and provided information about the Agricultural Ombudsman Program. The program is annually funded by the PA Department of Agriculture as a line item in the PDA budget. The PDA grant covers

Berks, Chester, and Lancaster counties but the ombudsman position is a statewide position. Dehoff is an employee of the Lancaster Conservation District but she works out of her home in southern York County. The agricultural ombudsman is an advocate for agriculture who provides the following services:

- An advocate for the governmental process to ensure fair and equitable reviews and public reviews of agricultural operations
- To address controversial issues
- Review municipal ordinances that address agriculture (offers professional opinion not a legal opinion)
- Assist municipal governments and conservation district boards
- Provide educational efforts related to agriculture
- Promote the Pennsylvania Environmental Agricultural Conservation Certification for Excellence (PEACCE) Program

Dehoff noted that municipalities must balance encouraging agriculture while protecting citizen's health and welfare. She noted that certain municipalities have labeled some operations as intensive and subject them to stricter township regulations. She stated that 45 townships from 19 counties now have ordinances that are unfavorable to agriculture. Agricultural preservation boards are watching these restrictive ordinances and may not want to preserve farms in municipalities with restrictive ordinances.

Frank Long made a motion that the Board supports the Agricultural Ombudsman Program and recommended that the DEP Secretary urge the Secretary of the PA Department of Agriculture to continue to fund this program. Gerald Seylor seconded the motion. Brenda Shambaugh amended the motion to send a letter regarding the above recommendation to the new DEP Secretary once they are appointed. The Board then unanimously passed the amended motion.

Nutrient Criteria Development Plan

Bill Brown, Sanitary Program Specialist, DEP, Bureau of Water Supply and Wastewater Management, provided information to Board members on the nutrient criteria development plan. In February 1998, the federal Clean Water Action Plan required the development of regional numeric criteria for nutrients. The Environmental Protection Agency (EPA) released the national strategy for the development of regional nutrient criteria in June 1998. In January 2001, the Federal Register called for each state to submit a plan to EPA outlining a process for adopting nutrient criteria by the end of 2001. A November 2001 memo from EPA extended the deadline to October 2002. The plan is to detail a strategy or criteria development process and a schedule ending in the adoption of numeric criteria for nutrients into state water quality standards. Pennsylvania

submitted its plan to EPA in October 2002 and received comments back from EPA in November. The plan's tentative schedule for data compilation, analysis, and criteria development calls for final regulations to be completed by September 2007 for rivers and streams and March 2009 for lakes.

Update on the Revisions to the Nutrient Management Regulations

Doug Goodlander, State Conservation Commission, updated Board members on the proposed revisions to the Nutrient Management Regulations. The Nutrient Management Act called for the concentrated animal operation (CAO) criteria to be reevaluated in five years (October 2002), and additional program areas were identified as needing revisions to address program concerns. The State Conservation Commission is currently evaluating those issues and developing concepts through an interagency workgroup and under the guidance of the Nutrient Management Advisory Board. Future program areas currently under consideration are:

- Retaining nitrogen based plans but including a phosphorus index component
- Increased scrutiny of importing farms
- Inclusion of horses in the program
- Requirement for a conservation plan prior to nutrient management plan approval
- Increased scrutiny for manure applications on bare ground (fields with less than 25% coverage)
- Protection from manure storage facilities in 100-year flood events
- Increased funding support for plan development and provide funds for plan revisions
- Evaluate existing storage facilities in relation to the state requirements in effect at that time
- Address animal access related to streams within animal concentration areas (ACA) such as barnyards, feedlots, and exercise areas

Goodlander noted the Commission is now in the early stages of discussion regarding program revisions and there will be opportunities for public comments. The Commission would like to complete the regulation revisions in late 2003. Tom Williams suggested we may need to look more closely at the amount of phosphorus that comes out of an animal, and look at controlling that amount by changing feed rations. Goodlander noted the Commission is working with the NRCS to support a nutrient balance program.

Update on House Bill 2302, Amendments to the Agricultural Advisory Board Act, and Proposed Revisions to the Board's Bylaws

Dean Auchenbach reviewed the amendments to the Agricultural Advisory Board Act contained in House Bill 2302 (Act 220 of 2002.) Under this Act the following changes are necessary:

- PennAg Industries Association is added as a member of the Board
- A representative of the Agricultural Chemical Manufacturers Industry is added as a member of the Board
- The representatives from the PA Department of Agriculture and the PA Department of Environmental Protection must be a Deputy Secretary or the Secretary of that Department
- The Board shall annually elect a Board Chairman from among the voting designated or appointed members of the Board
- No member shall serve as Chairman for more than two consecutive years

Auchenbach will revise the Board's Bylaws to incorporate the amendments from House Bill 2302 and will send a draft copy of the revised Bylaws to the four legislative members of the Board for review and comment.

Proposed Odor Control Plan Requirements in the Biosolids General Permit Program

Jay Africa, DEP, Bureau of Water Supply and Wastewater Management, stated that because of odor complaints due to the land application of biosolids, Department staff have been directed to develop an odor control proposal for the Biosolids Program. Under the Department's proposal, generators who operate under a general permit must develop and implement a Biosolids Odor Control Plan (BOCP.) All persons who apply for coverage after the affected date of the amended general permit shall develop and be prepared to implement a BOCP prior to regulatory coverage. Persons who applied for coverage prior to the effective date of the amended general permit, and either received coverage or have a pending application, shall develop and be prepared to implement a BOCP within 90 days of the effective date of the amended general permit. The BOCP should contain a description of the process used to prepare biosolids for land application, short-term product handling and disposition strategies, long-term odor source evaluation/reduction strategies, and a public outreach program and complaint section. Africa noted the public comment period on the amended general permit ends on December 23, 2002.

Several Board members expressed concern that this action was not based on sound science, and that if the Department is supportive of the land application of biosolids, they should take a more proactive approach. Larry Breech questioned if the public comment period could be extended to February 19, 2003, the Board's next meeting date, which would allow the Board time to comment on this proposal. Brenda Shambaugh questioned if other industries have odor restrictions. Africa noted that industrial operations are regulated by Air Quality Regulations, and that DEP also regulates odor from waste treatment facilities. Carl Shaffer expressed concern that if odor control standards are used in the Biosolids Program they will show up in other programs such as Act 6 and the food residual waste programs. It was suggested as a future meeting agenda topic that a speaker from Penn State University address the issue of odors from agricultural operations.

Comments/Issues/Concerns of the Board

There were no further comments made by Board members.

Adjournment

There being no further business the meeting was adjourned at 2:12 p.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison to the
Agricultural Advisory Board