

MINUTES

AGRICULTURAL ADVISORY BOARD

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

June 18, 2003

Chairperson Brenda Shambaugh, PA State Grange, called the meeting to order at 10:00 a.m.

Attendance

Members

Chairperson Brenda Shambaugh, PA State Grange
Tom Andrews, House, Agricultural and Rural Affairs Committee (Rep. Daley)
Rebecca Spangler, Senate, Agricultural and Rural affairs Committee (Sen. O’Pake)
Larry Breech, PA Farmers Union
Dr. Herb Cole, Penn State University
Gerald Seylor, Grain Producer
Stacy Mitchell, USDA, Natural Resources Conservation Service
Patricia Sueck, PA Association of Conservation Districts
Carl Shaffer, Vegetable Producer
Bill Wehry, PA Department of Agriculture
Bill Adams, PA Farm Bureau
Walt Peechatka, PennAg Industries Association
Jay Howes, House, Agricultural and Rural Affairs Committee (Rep. Hershey)
Tom Williams, Dairy Producer
Bill Wells, Ornamental Horticultural Industry Representative
Mike Brendle, Poultry Producer
Mike Firestine, Agri-business Industry Representative
Cathy Myers, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Michael Delaney, Senator O’Pake’s Office
Lori Mohr, DEP, Office of Policy
Cedric Karper, DEP, Bureau of Watershed Management
Carl Rohr, DEP, Bureau of Watershed Management
Dave Laidacker, Organizations United for the Environment
Sue Laidacker, Organizations United for the Environment
Lisa Biddle, Montour citizens for a Cleaner Environment

Kelly O'Neil, Chesapeake Bay Foundation
Matt Porter, Wenger's Feed Mill, Inc.
Bill Achor, Wenger's Feed Mill, Inc.
Shelly DeHoff, Lancaster County Conservation District
Karl Brown, State Conservation Commission
John Quigley, Penn Future
Andy Zemba, DEP, Office of Water Management
Steve Socash, DEP, Bureau of Land Recycling and Waste Management
Habib Sharifi, DEP, Bureau of Land Recycling and Waste Management
Steve Taglang, DEP, Bureau of Watershed Management
Dan Desmond, DEP, Office of Pollution Prevention and Compliance Assistance
Karen Bassett, DEP, Office of Management and Technical Services
Bob Gibson, DEP, Bureau of Watershed Management
Dean Auchenbach, DEP, Bureau of Watershed Management

Public Comment Period

Dave Laidacker, Organizations United for the Environment, and Lisa Biddle, Montour Citizens for a Cleaner Environment, provided public comments regarding several concerns they have over Concentrated Animal Feeding Operations (CAFOs).

Action on the Minutes of the December 18, 2002 and February 19, 2003 Meetings

Larry Breech requested that a copy of Ken Kephart's February power point presentation on odors be sent to all Board members. He also requested that in the future power point presentations be included in the meeting minutes. The minutes were then approved as distributed.

Election of Chairperson for 2003

In accordance with the requirements of Act 220 of 2002, which amended the Agricultural Advisory Board Act, the Board held elections for the position of Chairperson for the remainder of 2003. Larry Breech nominated Brenda Shambaugh, and was seconded by Mike Firestine. Mike Firestine then moved to close the nominations for Chairperson, which was seconded by Larry Breech. Brenda Shambaugh will therefore serve as Board Chairperson for the remainder of 2003.

Election of Vice-Chairperson for 2003

Mike Brendle nominated Carl Shaffer for the position of Vice-Chairperson of the Board. Mike Firestine seconded the nomination. Walt Peechatka then moved to close the nominations and show unanimous vote for Carl Shaffer. Bill Adams seconded the nomination, and Carl Shaffer will serve as Vice-Chairperson for the remainder of 2003.

Approval of the Revised Bylaws

The Board members were mailed copies of the revised Bylaws, which incorporated the changes to the Board as amended by Act 220 of 2002. Bill Wells made a motion to approve the revised Bylaws. The motion was seconded by Mike Firestine and was passed unanimously by the Board.

Update on Act 220, Water Resources Planning and Water Use Registration Requirements

Stuart Gansell, DEP, Bureau of Watershed Management, noted that DEP is currently reviewing the nominations received for the six regional water committees and the statewide water resources committee. Appointments will be made in the future. He also noted that users of 10,000 gallons of water per day over a 30-day average must register their water use with DEP by March 17, 2004. Additional recording and record keeping requirements regarding water use will be developed by regulations in the future. Gansell requested the assistance of agricultural organizations and groups to spread the word to the agricultural community regarding the registration requirements. He noted it is vital for the state to obtain this information for state water records and data. A meeting, open to the public, regarding registration requirements will be held on June 30th at the PA Department of Agriculture Building.

Brenda Shambaugh asked how notification would be made for individuals selected for the regional water committees and statewide water committee. Gansell responded that letters would be sent to those selected to serve as well as notice to those that nominated them. The Department has not considered written notice to those not selected due to the large number of nominations received. Walt Peechatka questioned what the initial procedures of the committees would be. Gansell stated there would be an organizational meeting where guidelines would be established for the committees. Larry Breech questioned whether a dairy farm that uses less than 10,000 gallons per day over a 30-day average could still register to document their water use. Gansell stated farms might register if they so desire. Bill Wells questioned how agricultural operations determine water use. Gansell noted the operator should know the rate their pump can pump water and then time the running of the pump. Metering of pumps is not required. Tom Williams questioned if any consideration will be given for groundwater recharge for farms and open space. Gansell noted this issue would be addressed after the initial water use registration is completed. Brenda Shambaugh asked if the DEP had looked at the registration form used by the Susquehanna River Basin Commission (SRBC). Gansell stated the state has reviewed the form and will use the expertise of the SRBC to make the water registration an easy process.

Update on Revisions to the Food Processing Residual Waste Manual

Steve Socash, DEP, Bureau of Land recycling and Waste Management, noted the Food Processing Residual Waste Manual has been very successful and is used through out the world. The manual is currently being updated to provide name changes (such as DER to DEP) and to provide technical updates. A contract was signed with Penn State University to update the manual standards to be more consistent with other programs.

The draft manual revisions will be reviewed by DEP in about a month. A handout was provided to Board members outlining the changes to the manual. Cathy Myers noted the new administration will look at what extent our current processes curtail the beneficial reuse of waste products. Carl Shaffer questioned item # 7 on the handout. Socash responded that the Department must ensure that allowing an increase in metals concentrations will be consistent with the Biosolids Program. Carl Shaffer stated it is very important to recognize the difference in the materials and that municipal waste guidelines are very cost prohibitive.

Concentrated Animal Feeding Operation (CAFO) Stakeholders Workgroup Update

Bob Gibson, DEP, Bureau of Watershed Management, noted EPA's Concentrated Animal Feeding Operation (CAFO) Rule went into effect on April 13th, and the state must now comply with the new rule. A stakeholder's workgroup was formed to assist the state in reviewing its current CAFO strategy and ensure that it complies with the new CAFO rule. The stakeholder's workgroup has met on March 19, April 15, and May 23. The next meeting will be July 10. Program staff is currently working on draft regulations, which will be reviewed by the stakeholder workgroup. EPA Region III staff will also review the draft regulations. It is anticipated the Department will provide the draft regulations to the Board at its August meeting. The final regulations should be in place by fall 2004. Gibson noted EPA has dropped the mixed animal concentrations so that exceeding the limit of animals in a single category would now make you a CAFO. The stakeholder workgroup feels that EPA should use the AEU calculation rather than animal numbers. Other issues to be addressed are the 100 foot required setbacks from watercourses and phosphorus based nutrient management planning.

Nutrient Trading

Andy Zemba, DEP, Office of Water Management, updated the Board on the status of a Nutrient Trading Pilot Program in Pennsylvania. The project will consist of two related and parallel efforts to draft framework and guidelines and to conduct a pilot program in the Conestoga River Watershed, part of which is in Lancaster County. Nutrient Trading is the exchange of pollution reduction credits between sources to meet regulatory objectives or water quality goals. The goals of the Nutrient Trading Project are to reduce nutrient loadings, increase stakeholder involvement, conduct the pilot program, develop a statewide trading program framework and determine future trading opportunities.

Dr. Cole noted that nutrient trading must result in the trading of nutrients and not just a paper shuffle. DEP Deputy Secretary Myers stated that trading would be done within a watershed to ensure we have cleaner water downstream. Larry Breech questioned if this now means the DEP approves pollution, and Michael Brownback questioned whether industry could legitimize its sedimentation pollution by partnering with agriculture. Myers noted that trading may only be done between those who are in compliance, it may not be used as a tool to bring someone into compliance. Trading is an option the Department may use to get improvement in impaired areas where it can be done quickly and most economically. Some industries can do continuous improvements and if they

want to do this by paying for a manure storage system for a farmer then that is a trade the Department may accept to achieve nutrient and sediment savings within the watershed. Chairperson Shambaugh suggested a committee be formed to review the proposal of nutrient trading in greater detail and provide comments to the Department. Dr. Herb Cole was asked to chair this committee. Other committee members include Mike Brendle, Walt Peechatka, Tom Williams, Carl Shaffer, Brenda Shambaugh, Marel Raub, Pat Sueck, and a representative of the Natural Resources Conservation Service. A meeting of the committee will be scheduled with Andy Zemba to review the proposal.

DEP's Clean Energy Proposal

Dan Desmond, DEP, Office of Pollution Prevention and Compliance Assistance, noted his office is changing and expanding its role into energy, energy policies, and new innovative technologies. Desmond also noted the DEP recently announced the Pennsylvania Energy Harvest Grant Program which is a \$5 million initiative to fund projects that use clean and renewable energy, and address the concerns of air and water quality. The initiative is open to farmers, local governments, conservation districts, non-profit organizations, businesses, schools, and universities. Two items of particular concern to the Department are "Farming form the Future" and the reuse of coal waste. Three areas of interest for agriculture are (1) Electro farming, where products such as switch grass and byproducts (manure) are used for energy generation; (2) infrastructure for distributed power, where small energy producers could take advantage of demand cycles and maximize their returns, and the sequestration of carbon on agricultural lands. The deadline to apply for grants under the Energy Harvest Program is September 19, 2003. Carl Shaffer thanked the Department for its efforts regarding this initiative. He also suggested the Department look into economic incentives for farmers (such as tax credits, etc.) that would make this program even more attractive to farmers.

Comments/Issues/Concerns of the Board

Dean Auchenbach informed the Board that Bill Adams would be leaving the PA Farm Bureau to take a position with the PA Department of Agriculture. Marel Raub will replace Adams on the Board as the Farm Bureau member. The Board members thanked Bill Adams for his efforts and work with the Board.

A copy of the February 28, 2003 testimony of James Erb, Director of the DEP, Bureau of Oil and Gas Management, was distributed to Board members. This testimony was in reference to the extraction of coal bed methane in Western Pennsylvania. Brenda Shambaugh stated that due to the concerns the agricultural community has over water issues associated with methane extraction such as use and runoff, additional comments, are needed by the Department concerning these issues.

Brenda Shambaugh requested that in the future the public comments portion of the meeting be moved to the end of the meeting. DEP staff will check if this still meets the legal requirements of the Sunshine Law. Dr. Cole suggested the Board adopt a policy to limit the amount a time a person may speak for during the public comment period. Tom

Williams cautioned that if the Board members expect the Department to listen to the Board, then we must be willing to listen to the public.

Walt Peechatka noted that several comments were made regarding large-scale agriculture at today's meeting. He questioned what DEP's position was on this topic. Cedric Karper responded that DEP values agriculture as a partner and no permits for large-scale agricultural operations have been denied by the Department based on the type of comments made during the public comment period. Karper acknowledged that DEP's mission is to protect water quality not to defend or promote agriculture in Pennsylvania.

Dean Auchenbach noted that two producer vacancies currently exist on the Board, the Livestock Producer and The Agricultural Chemical Manufacturers Industry Representative. Board members and the organizations they represent were encouraged to submit nominations for these positions to Barbara Sexton, DEP Special Deputy Assistant. The nomination must include a resume of the nominees experience and background.

Brenda Shambaugh recognized the work and efforts of Shelly DeHoff the Agricultural Ombudsman for the state.

Adjournment

There being no further business, the meeting was adjourned at 2:09 p.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison to the Board