

MINUTES

AGRICULTURAL ADVISORY BOARD

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

December 15, 2004

Chairperson Walt Peechatka, PennAg Industries Association, called the meeting to order at 10:02 a.m.

Attendance

Members

Walt Peechatka, PennAg Industries Association
Mike Brownback, Sustainable Agriculture Representative
Davis McElhaney, Livestock Producer
Andrea Sharretts, PA Farm Bureau
John Flanagan, Agricultural Chemical Manufacturers Representative
Mike Brendle, Poultry Producer
Jay Howes, House, Agriculture and Rural Affairs Committee (Rep. Hershey)
Kristin Ebersole, Senate, Agriculture and Rural Affairs Committee (Sen. Waugh)
Brenda Shambaugh, PA State Grange
Susan Marquart, PA Association of Conservation Districts
Bill Wehry, PA Department of Agriculture
Gerald Seylor, Grain Producer
Neil McAuliffe, Senate, Agriculture and Rural Affairs Committee (Sen. O’Pake)
Dr. Herb Cole, Penn State University
Tim Murphy, USDA, Natural Resources Conservation Service
John Hines, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Chad Forcey, PA Landscape and Nurseryman Association
Kim Snell-Zarcone, Penn Future
Emily Wade, Wenger’s Feed Mill
Janis Dean, DEP, Citizens Advisory Council
Jay Africa, DEP, Bureau of Water Supply and Wastewater Management
Carl Rohr, DEP, Bureau of Watershed Management
Bill Adams, PA Department of Agriculture
Kristin Goshorn, PA Farm Bureau
Gary Swan, PA Farm Bureau
Gary Willier, Lancaster Chamber of Commerce
Steve Taglang, DEP, Bureau of Watershed Management
Mike Pechart, PA Department of Environmental Protection

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

Action on the Minutes of the October 20, 2004 Meeting

Chairperson Peechatka noted that PDA Deputy Secretary Redding's name was spelled incorrect on page 4 of the minutes. The minutes were then approved with the above noted correction.

Election of Chairperson and Vice-Chairperson for 2005

Dean Auchenbach opened the floor to nominations for the position of Chairperson for 2005. Brenda Shambaugh nominated Carl Shaffer, and John Flanagan seconded the nomination. Dr. Herb Cole then made a motion that the nominations be closed and Carl Shaffer elected as the Chairperson. Susan Marquart seconded the motion and the motion was passed unanimously. Auchenbach then opened the floor for nominations for the position of Vice-Chairperson. Jay Howes nominated Brenda Shambaugh and Susan Marquart seconded the nomination. John Flanagan then made a motion to close the nominations and elect Shambaugh as Vice-Chairperson. David McElhaney seconded the motion and the motion passed unanimously. Officers for 2005 will be Carl Shaffer, Chairperson, and Brenda Shambaugh, Vice-Chairperson.

Update on the Concentrated Animal Feeding Operation (CAFO) and Nutrient Management Regulations

Cedric Karper noted the deadline for public comments regarding both the CAFO and Nutrient Management regulations closed on November 5, 2004. Approximately 200 commenter's submitted comments regarding the CAFO regulations. The majority of comments concerned the definition of a CAFO, the Water Quality Part II permit requirements, and the setback and buffer provisions of the regulations. Karper noted the Department is reviewing the comments and would prepare a comment and response document to address the comments received. The Department will review its comment and response document at the February Board meeting. The CAFO regulations will go to the Environmental Quality Board in April with final approval anticipated for May 2005. Karper noted the State Conservation Commission staff is currently addressing the comments received regarding those regulations. It is anticipated the Nutrient Management regulations will be finalized in late spring 2005. Chairperson Peechatka noted the Board received a letter from the Environmental Quality Board dated 11-17-04, acknowledging their receipt of the Board's comments.

Update on the ACRE Initiative

Cedric Karper noted the ACRE legislation was pulled from the legislative agenda prior to the end of the session and did not come up for a vote. He stated the administration still supports the ACRE initiative and plans to reintroduce the initiative during the next

legislative session. The Governor's Office has also established a workgroup to look at issues of concern regarding the initiative. Karper noted the Air Quality Task Force would meet on December 17, 2004. The Agriculture Impaired Streams Workgroup was scheduled to meet for the second time on December 7, 2004 when the meeting was cancelled at the request of some Agricultural organizations. Karper noted the Department is ready and willing to meet with the agricultural community on this issue when they are ready to meet and look at ways to address the approximately 4,000 miles of agricultural impaired stream segments in the state. Chairperson Walt Peechatka noted they are many components to ACRE that require agriculture to buckle down and make improvements and the legislative portion of ACRE needs to proceed at the same pace as the other components of the initiative.

Update on the Department's Water Resources Planning Act Efforts

John Hines provided Board members with an update on the Department's efforts regarding the Water Resources Act. Hines noted the State Water Resources Committee has identified two state agencies, Penn DOT and Penn VEST, which are not represented on the Committee and will be added in an advisory role to the committee membership. The six regional water committees have met and have identified three key issues. They are: (1) Identification of Critical Water Planning Areas, (2) details for regional water plans as part of the State Water Plan, and (3) Water use registration for those who use 10,000 gallons per day over a 30 day average.

Hines noted that approximately 50% of the public water suppliers have registered their water use. The registration of agricultural based water users is going well and Hines credited the work of the agricultural community in getting the information out to the agricultural sector. The industrial use registration will require additional outreach efforts of the Department to ensure all appropriate users are registered. Hines stated that DEP will be developing regulations on the registration process but cautioned they will not contain restraints or allocation limits on use. Chairperson Peechatka asked if water quality factors would play a role in the identification of Critical Water Planning Areas. Hines responded that there is no rulemaking on that issue at this point but that identification of a Critical Water Planning Area will result in the creation of a localized plan.

Biosolids Program Initiative

Jay Africa, DEP, Bureau of Water Supply and Wastewater Management, update Board members on the Department's Biosolids Initiative. The initiative consists of five parts (1) local participation, (2) Odor nuisances, (3) health effects and complaint coordination, (4) scientific resource panel, and (5) funding. Under this initiative there would be increased local involvement in site selection and on site testing of applied biosolids. The municipality would enter into a contract with DEP and "local observers" would be trained and then be on site during the application of biosolids. The local observer will then report back to DEP on what they saw at the site. Under this initiative, generators will have to manage for odors and Penn State University has been provided a grant to conduct

a study on biosolids treatment for odor reduction. DEP will coordinate with the PA Department of Health on biosolids complaints with health issues. The first year of this effort will be a data gathering effort. The Department will appoint an independent scientific expert to review and evaluate scientific research as it relates to biosolids. The Department is also looking at fees to support the administration of the biosolids program. Africa noted that the lack of funding has resulted in the end of funding to conservation districts to administer the biosolids program on December 31, 2004. Most districts will end their participation in the biosolids program and the DEP regional offices will pick up the duties done by the districts.

John Flanagan questioned why the Biosolids initiative came about. Africa noted the reasons for the initiative are inadequate funding, local opposition, the need for more local government involvement, and the need to evaluate the good and bad science of biosolids. John Hines also added the initiative was needed to address the resolution of local ordinance control of biosolids and to provide tracking of septage haulers which is not currently done. Susan Marquart questioned why the Department would spend money to train local observers when the conservation districts could do that work and the funding could be extended to districts. It was noted that under the local observer role conservation districts would have the right of first refusal in a municipality to be the local observer. Walt Peechatka noted that manure haulers must now be certified and questioned why we would not require certification of septage haulers. Brenda Shambaugh questioned the health effects regarding biosolids land application. Africa responded that for 2004 for the 400 active sites they have received 28 complaints of which six mentioned health effects. Africa noted that health studies may take a long time and may prove inconclusive.

Nutrient Trading Update

Andy Zemba, DEP, Water Planning Office, updated the board on the Department's Nutrient Trading Efforts. The Department is looking at three types of trading. A cap and trade program for point sources, Baseline trading for non-point sources, and a hybrid program for trading between point and non-point sources. A pilot program is currently being conducted in the Conestoga Watershed in Lancaster County but to date no trading has occurred. Mike Brendle questioned if trading credits would be accruable and if so how long would the credits last. Zemba explained that there are no established time frames because we are still yet in the conceptual planning stages of this project.

Comments/Issues/Concerns of the Board

Brenda Shambaugh expressed concern over a message she received from DEP Deputy Secretary of Water Management Cathy Myers that CREP funding will be cut and some BMPs will no longer be funded. Cedric Karper noted the Department needed to channel its limited funding toward the BMPs that provided the best water quality returns such as wetland replacement, riparian buffers, and vegetative buffers. Susan Marquart echoed Shambaugh's concerns and stated that eliminating practices will limit farmer involvement, and may cause the loss of federal funds to Pennsylvania. She expressed

disappointment that this issue did not come before the CREP Workgroup and requested that DEP reconsider this action and consult the agricultural community in the future before such decisions are made.

Public Comment Period

Mike Pechart, PA Department of Agriculture reminded members of the PA Farm Show in Harrisburg from January 8-15, 2005. Board members were invited to sit in The Agriculture Secretary's section for the opening ceremonies on January 8, and to attend the public officials luncheon at 12:00 p.m. on January 13, 2005.

Adjournment

There being no further business the meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Dean M. Auchenbach
DEP Liaison to the Board