

DRAFT

MINUTES

AGRICULTURAL ADVISORY BOARD MEETING

October 20, 2010

DEP South Central Regional Office

Susquehanna Room A

Harrisburg, PA

In Attendance – Members

Larry Breech, PA Farmers Union

Roy Brubaker, Sustainable Agriculture Producer

Barry Frantz, Natural Resources Conservation Service

Michael Firestine, Agri-business

Diane Hain, PA House - Agriculture and Rural Affairs Committee

Jennifer Harry, PennAg Industries

John Hines, Department of Environmental Protection

Richard Hissong, Dairy Producer

Duane Hobbs, Agricultural Chemical Manufactures

Jay Howes, PA House - Agriculture and Rural Affairs Committee

Betsy Huber, PA State Grange

Larry Kehl, PA Farm Service Agency

Douglas Kilgore, PA Department of Agriculture

Keith Masser, Vegetable Producer

David McElhaney, Livestock Producer

William Neilson, PA Farm Bureau

Marel Raub, PA Senate - Agriculture and Rural Affairs Committee

Gerald Seyler, Grain Producer

Brenda Shambaugh, PACD

William Wells, Ornamental Horticulture

In Attendance - Agencies, Advisors, and Guests

Karl Brown, State Conservation Commission

Douglas Goodlander, State Conservation Commission

Kelly O'Neil, Chesapeake Bay Foundation

Matt Royer, the Pennsylvania State University

Marge Hughes, Frank Schneider, Steve Taglang, Department of Environmental Protection

The October 20, 2010 meeting of the Agricultural Advisory Board (AAB) was called to order by Chairperson Jennifer Harry at 10:02 a.m.

Chairperson Harry announced that the following members had asked to be excused:

- Dr. Doug Beegle, The Pennsylvania State University
- Carl Musser, Poultry Producer

Chairperson Harry welcomed Larry Kehl whom will now be the Pennsylvania Farm Services Agency representative.

Chairperson Harry welcomed Marel Raub whom will now be the representative for Senator Michael Brubaker, Pennsylvania Senate Agriculture and Rural Affairs Committee

Chairperson Harry announced that the Outdoor Wood-Fired Boilers final regulation was published in the *Pennsylvania Bulletin* on 10/2/2010.

Chairperson Harry announced that the Chapter 96.8 (Water Quality Standards Implementation) New Subchapter (Use of Offsets and Tradable Credits from Pollution Reduction Activities in the Chesapeake Bay Watershed) final regulation was published in the *Pennsylvania Bulletin* on 10/9/2010

Members of the AAB introduced themselves, as did the various guests.

Minutes from the June 16, 2010 meeting were approved as written.

The proposed meeting dates for 2011 were presented and approved.

Chesapeake Bay Program Watershed Implementation Plan (WIP) and Total Maximum Daily Load (TMDL) Update – Deputy Secretary John Hines gave a history and overview of the Chesapeake Bay TMDL and the Pennsylvania WIP.

Deputy Secretary Hines reported that the Chesapeake Bay is on the 303D list of impaired waters and that the Chesapeake Bay Foundation (CBF) and EPA came to a settlement agreement, thus a TMDL must be developed. The Pennsylvania WIP is driven by the TMDL.

Deputy Secretary Hines reported the draft TMDL requires PA to reduce Nitrogen by an additional 29 million pounds, Phosphorous by an additional 1.2 million pounds, and sediment by an additional 472 tons. The TMDL states that 60% of this reduction must be done by 2017, with 1005 of the reduction by 2025. The Chesapeake Bay Model serves as the analysis for the water quality numbers within the TMDL. The TMDL additionally calls for the reductions per sector (urban, agriculture, forest, etc.) to be met.

Deputy Secretary Hines reported the draft PA WIP was developed as a guide for how PA will meet the additional reductions that are needed to meet the TMDL. The WIP has three major themes that include Milestones (2 year), Technology / Tracking / Trading, and Compliance.

Deputy Secretary Hines reported that in EPA's first analysis of the PA WIP they informed PA that there were serious deficiencies. In the deficiency letter it was noted that PA meet its Nitrogen reduction goal but was 11% short of our Phosphorous reduction goal and 1% short of our sediment goal. EPA additionally published a backstop TMDL, which will be put in place if they do not agree with the updated PA WIP. The backstop TMDL includes items such as taking treatments plants to the limit of technology, expanding the Municipal Separate Storm Sewer System (MS4) program, and expanding Concentrated Animal Feeding Operation (CAFO) requirements to Animal Feeding Operation (AFO).

Deputy Secretary Hines commented that one of the reasons the PA WIP was found to be serious deficient was the PA did not articulate our current regulations, rules, policies and programs to the extent that EPA was looking for and that PA did not provide enough "reasonable assurance" (proof that the WIP will be implemented).

Deputy Secretary Hines questioned the margin of error on the Chesapeake Bay Model, seeing that PA numbers were so close to our targeted goals, and wondered if they fell with that margin of error.

Deputy Secretary Hines reported that PA must deliver an updated WIP to EPA on November 29, 2010. Clarification on the updated WIP will include:

- Existing program quantification as the Chapter 102 and Manure Management Manual changes were not in the first draft.
- Additional information on Voluntary Best Management Practice (BMP) tracking
- Additional information on the proposed Water Quality Initiative

Deputy Secretary Hines reported that PA will additionally be seeking that PA be measured where water leaves the state and not be the individual sectors as is in the TMDL. PA believes that it is ok to use sector loads and reductions as targets, but that we should only be measured on the water quality that leaves the state.

Deputy Secretary Hines asked for comments on the draft PA WIP by November 8, 2010 and encouraged comments on the draft TMDL be sent to EPA.

Mr. William Neilson commented that unreported BMPs are a key issue and wondered what EPA will accept. Deputy Secretary Hines and Mr. Karl Brown answered that there is a group of people discussing this with EPA. Deputy Secretary Hines also announced that DEP has entered into a contract with The Pennsylvania State University (PSU) in developing some strategies. Mr. Brown also reported that the Natural resources Conservation Service (NRCS) has entered into a venture with the National Association of Conservation District (NACD) to look at the issue of reporting unreported voluntary BMO implementation.

Mr. Larry Breech asked what can be done to assist. Deputy Secretary Hines asked that all get involved (accomplishments in press, go to meetings, let the DEP know what is happening) and stay positive.

Chairperson Harry asked that each individual member think about what might be missing from the PA WIP that their industry may be doing. Ms. Harry gave the example of swine phytase feeding being missed.

Manure Management Manual (Appendix 1) Field Application Supplement Revision Update

– Steve Taglang, Bureau of Watershed Management, gave an update on the Manure Management Manual (Appendix 1) Field Application Supplement Revision.

Mr. Taglang reported at the June AAB meeting, the AAB approved for the Field Application Supplement to be published for comments. The document was published in the *Pennsylvania Bulletin* on August 12, 2010, for a 90 day comment period. Comments should be submitted to Mr. Taglang prior to November 12, 2010.

Mr. Taglang reported that after the comment period ends, the AAB subcommittee will reconvene again to discuss the comments and rewrite / redraft the field application supplement. Additionally, Mr. Taglang reported that the majority of comments received to date have included the following:

- Stacking requirements
- 150 foot mechanical application setback
- Increase outreach
- Need for technical assistance

Chairperson Harry asked the AAB if the subcommittee would like to meet before November 12 to formulate official comments. The board thought it was best to not submit official AAB comments but for the members to submit individual comments if they so wished.

Pennsylvania Proposed Chesapeake Bay Agricultural Water Quality Initiative – Steve Taglang, Bureau of Watershed Management, provided an update on the proposed Pennsylvania Chesapeake Bay Water Quality Initiative (WQI).

Mr. Taglang stated that the goals of the WQI were clean water within the Chesapeake Bay Watershed and economically viable farms. The key components of the WQI include: Implementation of existing regulatory requirements; Modification of regulatory requirements and administrative tools (as necessary); Strengthening education and outreach to agriculture community; and Utilize a Targeted watershed approach to focus limited resources in high priority watersheds.

Mr. Taglang reported the draft WQI is being developed with considerable public review / input and the proposed timeline for the WQI includes: Revised draft for the WIP in November 2010; Meet with the AAB and subcommittee's in December 2010; Publish in the *PA Bulletin* for a 30 day public comment period in early 2011; Meet with the AAB, State Conservation Commission and others in Mid-2011; and finalize the WQI in the summer of 2011

Mr. Larry Kehl and Ms. Kelly O'Neil asked how PA can be confident that the farm specific plans developed for current regulatory requirements will be sufficient to meet EPA's expectations.

Deputy Secretary Hines answered that DEP is having difficulty getting TMDL compliance language from EPA but that EPA will not take compliance down to the specific farm level and at this point all we can do, and should do, is worry about PA farms meeting PA regulatory requirements.

Chairperson Harry asked if any members of the AAB or public had any comments. There were no comments from the public.

There being no additional discussions, the meeting was adjourned at 11:58 a.m.