

June 15, 2005 Meeting

MINUTES

AGRICULTURAL ADVISORY BOARD

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

June 15, 2005

Chairperson Carl Shaffer, Vegetable Producer, called the meeting to order.

Attendance

Members

Carl Shaffer, Vegetable Producer
Walt Peechatka, PennAg Industries Association
Doug Beegle, Penn State University
David McElhaney, Livestock Producer
Andrea Sharretts, PA Farm Bureau
John Flanagan, Ag Chemical Manufacturers Representative
Patricia Sueck, PA Association of Conservation Districts
Thomas B. Williams, Dairy Producer
Michael Brendle, Poultry Producer
Kristen Ebersole, Senate, Ag and Rural Affairs Committee (representing Sen. Waugh)
Gary Smith, USDA, Natural Resources Conservation Service
Bill Wehry, PA Department of Agriculture
Cathy Curran Myers, PA Department of Environmental Protection

Agencies, Advisors, and Guests

Chad Forcey, PA Landscape and Nursery Association
Emily Wade, Wenger's Feed Mill
Kelly O'Neill, Chesapeake Bay Foundation
Lynda Bowman, Capital Associates
Peter Hughes, Red Barn Consulting
David Martin, Farmer
Lindsey Harteis, PA Department of Agriculture
Kenn Pattison, DEP
John Hines, DEP
Julia Anastasio, DEP
David Jostenski, DEP
Susan Weaver, DEP
Doug Brennan, DEP
Cedric Karper, DEP
Steve Taglang, DEP-Bureau of Watershed Management

Action on the Minutes of the April 20, 2005 Meeting

The minutes of the April 20 meeting were approved as distributed.

Chesapeake Bay Tributary Strategy

Kenn Pattison, DEP, discussed the Chesapeake Bay Tributary Strategy. Mr. Pattison indicated that developing these new strategies were part of the Chesapeake 2000 agreement signed by Pennsylvania and designed to correct enough nutrient and sediment problems to remove the Bay from the 303(d) list of impaired waters by 2010. Pennsylvania's strategy represents nonpoint source BMPs and point source approaches that meet the Bay water quality goals. It identifies efforts by agriculture, wastewater treatment plants and urban management of stormwater and septic systems. It also identifies that 89% of PA's nutrient load is from nonpoint sources such as agriculture and stormwater runoff. This is the reverse of Maryland, Virginia and DC where point sources drive their strategies. Pennsylvania's current goals require additional reductions of 36.5 million pounds of Nitrogen, 1.12 million pounds of Phosphorus and 120,000 tons of sediment. To do this, Pennsylvania's strategy identifies multiple non-point source BMPs and additional regulatory controls on point sources.

Carl Shaffer noted that it isn't possible to reach zero load, as any land use contributes something. Mr. Pattison agreed, pointing out that if all farmland were converted to forest, there would still be some sediment and nutrient discharged to streams although it would be considerably less.

Dr. Doug Beegle noted the over supply of Nitrogen in the watershed. Mr. Tom Williams noted the same issue, as nutrients (in the form of feed) continue to arrive from the mid-west, but these nutrients stay in Pennsylvania.

Ms. Andrea Sharretts asked how DEP targets Growing Greener and other available funding to address these problems. Deputy Secretary Myers indicated that we do try to address the priority problems with the funds that we have available, and will try to do more of this in the future as we have this strategy and county plans.

Mr. Shaffer asked about a comment regarding why DEP believes that last year's EPA estimates of point source contributions are too high, because of the wet year, while DEP does not believe this for non-point sources? Mr. Pattison indicated that non-point source estimates are based on land area, predetermined rainfall and stream flow. The model then accounts for the reductions from reported management practices and calculates the loads from non-point sources. However, point sources are estimated by EPA and then entered directly into the model. The point source loads are based on the actual flow measured by point sources and the estimated concentrations based on sampling of point sources or concentrations based on the type of treatment plant. DEP does not agree with the method EPA used to calculate these point source loads which is why DEP believes EPA's point source estimates are too high.

Update on Act 220 - Water Withdrawal Registration and Reporting

Dave Jostenski, DEP, presented information regarding the State Water Plan and the status of water use registration established in Act 220. Act 220 establishes a registration program for all users of 10,000 gallons per day (gpd) or more. Mr. Jostenski indicated that DEP has worked with Conservation Districts, extension offices, and the Farm Bureau to get the information about registration out to the agriculture community. However, out of the 8,000 registrations received to date, only 980 of these are from agricultural operations. The total numbers and identities of farms withdrawing more than 10,000 gpd are unknown, but estimates by the Susquehanna River Basin Commission and others lead DEP to believe that there are likely more than 980 water sources on farm operations from which 10,000 gpd is withdrawn. DEP has made improvements to the registration process by eliminating tedious/unnecessary steps and will be increasing its outreach to the agriculture community by attending more events and working with conservation districts and extension offices.

Tom Williams asked if there were any ways for farmers to establish “credits” for land use practices that recharge the water table. Mr. Jostenski indicated that this is something to be considered in the State Water Plan. Those who register will be provided the opportunity to document water conservation practices under regulations that are being developed.

Update on Act 220 - Water Resources Planning Regulation Development

John Hines and Susan Weaver, DEP, presented draft regulations to the Agricultural Advisory Board prior to their presentation to the Environmental Quality Board, as required by Act 11 of 1993. The regulations codify the registration program that was discussed previously, as well as other components of Act 220. One item that is of interest is the regulatory requirements for measuring water usage for large water users. That metering is not required for agricultural operations and flow calculations are acceptable.

Tom Williams asked if there were any ways for farmers to establish “credits” for land use practices that recharge the water table. Ms. Weaver noted that there is a new Water Conservation Award and that one of the considerations for this award is water recharge.

Public Comment Period

Peter Hughes, Red Barn Consulting, commented on Pennsylvania’s process to permit a large swine operation on David Martin’s farm in Lancaster County. He indicated that this process began with submission of a Nutrient Management Plan in March 2004, which was approved in July 2004 and receiving a letter from DEP in November 2004 that his permit application was administratively complete. Mr. Hughes indicated that this has taken a long time and that there have been inconsistent decisions and multiple approvals from multiple agencies. Mr. Hughes contrasted this to a similar process in Texas, which took considerably less effort. Deputy Secretary Myers indicated that DEP decisions should be consistent. Pat Sueck indicated that conservation districts make many permitting decisions regarding farm operations and they need to make them carefully because of the large number of NIMBY groups.

Adjournment

Being no further business, the meeting was adjourned at about 12:15 p.m.

The next meeting is scheduled for August 24, 2005.