



## **Agricultural Advisory Board**

### **Draft Minutes**

**October 25, 2018, Meeting Minutes**

#### **In Attendance—Members**

William Neilson, PA Farm Bureau  
Tim Schaeffer, DEP, Office of Water Programs,  
Gregory Hostetter, PA Dept. of Agriculture  
Christopher Uhland, Ornamental Horticulture  
Duane Hobbs, Chemical  
JV Lamb, PA State Grange  
Darwin Nissley, Livestock  
Kerry Golden, PA House  
Jennifer Reed Harry, PennAg  
Brenda Shambaugh, PACD  
Nelson Heagy, Fruit Producer  
Susan Marquart, NRCS  
Matt Parido, PA Senate (Conference Call)

#### **In Attendance—Agencies, Advisors, and Guests**

Kelly O’Neil, Chesapeake Bay Foundation  
Jay Braund, DEP, Bureau of Clean Water  
Jill Whitcomb, DEP, Bureau of Clean Water  
Tom Barron, DEP, Bureau of Clean Water  
Will Dardo, PA Coal Alliance  
John Brakeall, PA DEP, Env’l Justice Ofc.  
Rodney McAllister, DEP, Bureau of Clean Water  
Megan Porta, DEP, Bureau of Clean Water  
Kelly O’Donnell, PA Dept. of Agriculture  
Doug Goodlander, DEP, Bureau of Clean Water

The meeting of the Agricultural Advisory Board (Board) was called to order by Chris Uhland at 9:10 am.

Members of the Board introduced themselves, as did the other meeting attendees.

**Meeting Minutes** - There was an insufficient number of members to achieve a quorum, therefore the meeting minutes were not voted upon.

**Legislative Update** - Kerry Golden brought to the group’s attention the passage of Act 162 of 2018. Please note, do not confuse this bill with Act 162 of 2014 (buffer bill). This bill makes changes to Pennsylvania’s (PA) State Conservation Commission Nutrient Management Advisory Board and the Department of Environmental Protection’s (DEP) Agricultural (Ag) Advisory Board (Board). Act 162 adds two Concentrated Animal Feeding Operation (CAFO) members to the Board. Because of Act 162, it was the consensus of the board to review the bylaws.

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The Board discussed the difficulty in reaching a quorum and options to address the lack of participation from some members.

**Environmental Justice Public Participation Policy** – John Brakeall from the Environmental Justice Office discussed the history and intent of the DEP Environmental Justice Program. The program is currently in the process of updating their Public Participation Policy. The Environmental Justice geographic areas are based upon income and percent minority. The DEP Environmental Justice Policy was established in 2004 and was revised in 2018. The Individual CAFO permits may be subject to this policy. The CAFO permits' existing public participation requirements may be sufficient. PennAg Industries expressed concern about external opposition groups using the Environmental Justice process to hold up permits.

**Stream Redesignation Update** – Josh Lookenbill described the basics of Chapter 93, including protected uses and the process for changing those protected uses or updating a stream's designation. The Federal Clean Water Act requires states to adopt water quality standards, including designating uses, criteria to protect uses and an antidegradation policy. The PA Clean Streams law's policy is to prevent further pollution and reclaim and restore streams to an unpolluted condition. The process of stream redesignation can take over two years and has many levels of public involvement.

**Manganese** – Tom Barron provided the Board with a report on a law that requires DEP to develop Water Quality Standards for Manganese. Act 40 passed in 2017 requires DEP and the EQB to promulgate regulations that would require moving the discharge point for discharges of manganese from the point of discharge to the potable water supply (PWS) withdrawal.

DEP issued an advanced notice of proposed rulemaking and continues to seek input on any information relating to the effects of manganese on livestock and irrigation water supplies. DEP seeks input if higher levels of manganese in water will have an impact on agricultural uses, or agriculture-related businesses or operations. Estimates of the direct and indirect costs to these uses, businesses or operations.

The next meeting is set for December 20, 2018, at 9 a.m., in DEP's South-Central Regional Office. Any information regarding the impact of this regulatory change on agriculture would be accepted at this meeting.

**Ag E&S Technical Guidance Document Update** – Megan Porta provide the board an update on the status of the guidance. A subcommittee of the board met twice and provided numerous comments to DEP. The comments provided by the Board were very helpful to DEP.

**Manure Management Manual Update** – DEP is planning to revise the Manure Management Manual. To begin this process, DEP is developing an online survey to gain input on what to update and what improvements can be made to the Manure Management Manual. The results of this survey will be shared at the next AAB meeting.

The next meeting will be December 20, 2018, at the DEP South-Central Regional Office.