Expanded Agricultural Inspections in Pennsylvania’s Chesapeake Bay Watershed

Water Resources Advisory Committee
March 14, 2018
• 1970s: Pennsylvania Clean Streams Law
• 1990s: Nutrient Management Act
• 2010: Chesapeake Bay Total Maximum Daily Load
• 2016: Launch of expanded agricultural inspections in Pennsylvania’s Chesapeake Bay Watershed
**Existing:** Pennsylvania Nutrient Management Program (most recently updated via Act 38):
- Focus:
  - **Concentrated Animal Operations (CAOs)** - high animal density and larger scale livestock/poultry operations
    - 2.0 Animal Equivalent Units per acre or greater.
  - **NPDES Concentrated Animal Feeding Operations (CAFOs)**
- Required compliance:
  - Environmental planning and implementation requirements under Chapter 83 Nutrient Management (Act 38 NMP) regulations and Chapter 92a CAFO regulations.
  - Includes requirements for agriculture erosion and sediment control.

**New:** Chesapeake Bay Agricultural Inspection Program (CBAIP):
- Led by: Department of Environmental Protection and Conservation Districts.
- Focus:
  - **Non-CAOs/non-CAFOs** - Remaining less intensive, smaller scale agricultural operations.
- Required compliance:
  - Environmental planning requirements for DEP Chap. 102 Agriculture Erosion and Sediment Control (Ag E&S) regulations and Chap. 91 Manure Management (MMP) Plans.
Pennsylvania agricultural operations regulated under Act 38 (compared with 2012 Ag Census data) – snapshot

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Percent covered by Act 38 NMPs (CAFO/CAO/VAO)</th>
<th>Percent covered by Manure Management Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Swine (hogs and pigs used for breeding and other)</td>
<td>98</td>
<td>2</td>
</tr>
<tr>
<td>All Chicken (layers, pullets, broilers)</td>
<td>99</td>
<td>1</td>
</tr>
<tr>
<td>Ducks*</td>
<td>100 +</td>
<td>0</td>
</tr>
<tr>
<td>Turkeys</td>
<td>70</td>
<td>30</td>
</tr>
<tr>
<td>Dairy Related Cattle</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>Remaining Cattle (Beef)</td>
<td>10</td>
<td>90</td>
</tr>
<tr>
<td>Sheep and Lambs</td>
<td>3</td>
<td>97</td>
</tr>
<tr>
<td>Goats</td>
<td>5</td>
<td>95</td>
</tr>
<tr>
<td>Equine</td>
<td>7</td>
<td>93</td>
</tr>
</tbody>
</table>

* There has been a significant increase in duck population in Pennsylvania, which is why there is a higher population covered by NMPs than what was identified in the 2012 Ag Census.
Chesapeake Bay Agricultural Inspections Program
Chesapeake Bay Agricultural Inspections: Process

1. Inspection strategies determined.
2. Pre-inspection notice sent to farm operator.
3. Inspection performed by Conservation District or DEP staff.
   • *Time frame given to achieve compliance.*
4. Follow-up activities and measures help initially noncompliant farms to ensure they come into compliance.
5. If noncompliance continues after specified time frame, the farm operation is referred to DEP.
   • *Referral is made when the inspection is completed by CD and the operation remains in noncompliance.*
What are inspections looking for?

- **Act 38 Nutrient Management Program**
  - Nutrient Management Plan (Pa. Code Chap. 83 and 91)
  - Ag E&S/Conservation Plan (Pa. Code Chap. 102)

- **Chesapeake Bay Agricultural Inspections Program**
  - Manure Management Plan (Pa. Code Chap. 91)
  - Ag E&S/Conservation Plan (Pa. Code Chap. 102)
Total:
  • Approximately 3,093,000 agricultural acres in Pennsylvania’s part of the Bay Watershed
  • 393,426 acres (12.7%) inspected—2,823 farm operations

Act 38 Nutrient Management Program:
  • 743 agricultural operations inspected – 100% inspection rate
  • 147,762 acres inspected

Chesapeake Bay Agricultural Inspections Program:
  • 2,080 agricultural operations inspected
  • 245,664 acres inspected
• Act 38 Nutrient Management Program:
  • 80% compliance rate for Act 38 Planning and Implementation Requirements.

• Chesapeake Bay Agricultural Inspections Program:
  • 65% compliance rate for Manure Management Planning requirements.
  • 63% compliance rate for Agricultural Erosion and Sediment Control/Conservation Planning requirements.
Chesapeake Bay Agricultural Inspection Numbers:
- 612+ agricultural operations inspected
- 57,659+ acres inspected

Chesapeake Bay Agricultural Inspection Compliance:
- 66% compliance rate for Manure Management Planning requirements.
- 67% compliance rate for Agricultural Erosion and Sediment Control/Conservation Planning requirements.
• Noncompliance referrals to DEP (October 1, 2016 – February 1, 2018):
  • 80 operations were referred to DEP for follow-up enforcement action due to lack of required MMP, Ag E&S Plan, or both.
  • DEP has 30 days from referral date to send Notice of Violation.

• Notices of Violation sent (October 2016 – February 1, 2018):
  • Total: 74 farm operations.
    • 25 resulted in submission of the required plans to DEP.
    • 3 operations submitted the required plans prior to receipt of NOV

• Field Orders delivered (July, 2017 – February 1, 2018):
  • Total: 9 farm operations
    • These operations did not submit administratively complete plans to DEP by the timeframe provided in the NOV.
    • Field order provides limited time to obtain and submit plans as a “last chance” opportunity prior to penalty assessment.
    • Field order is hand-delivered by DEP Bureau of Investigation staff.
1. We exceeded federal expectations for number of acres inspected.

2. We found that a majority of farms are complying with state erosion and sediment control and manure management planning requirements.

3. We’re engaging the agricultural community in a new way, as farmers not yet in compliance are working with us toward this goal.
2016-2017 Summary report:

http://www.dep.pa.gov/Business/Water/CleanWater/AgriculturalOperations/Pages/Agricultural-Compliance.aspx

Questions?
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