



Bureau of Clean Water

Expanded Agricultural Inspections in Pennsylvania's Chesapeake Bay Watershed: First Year Results

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Dial-in number for audio: 1-650-479-3208

Access code: 644 154 242

For Webex technical support: (866) 229-3239



Tom Wolf, Governor

Patrick McDonnell, Secretary

Russell Redding, Secretary

Introductions

Deb Klenotic, Deputy Communications Director (moderator)

Patrick McDonnell, Secretary, Pennsylvania Department of Environmental Protection

Russell Redding, Secretary, Pennsylvania Department of Agriculture

Doug Goodlander, Environmental Program Manager, Operations Division, Bureau of Clean Water, DEP

Jill Whitcomb, Chief, Non-Point Source Compliance Section, Bureau of Clean Water, DEP

Brief History of Agricultural Inspections

- 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

Expanded Agricultural Inspections: First-Year Success

1. We exceeded federal expectation 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.

Expanded Agricultural Inspections: First-Year Success

- Recognize farmers as the original conservationists
- Promote Agriculture in the Balance initiatives
- PSU survey re voluntary BMPs, on-site verification
- Lessons Learned / Next Steps
 - Celebrate successes
 - Coach for compliance
 - Enforce as needed

Expanded Agricultural Inspections

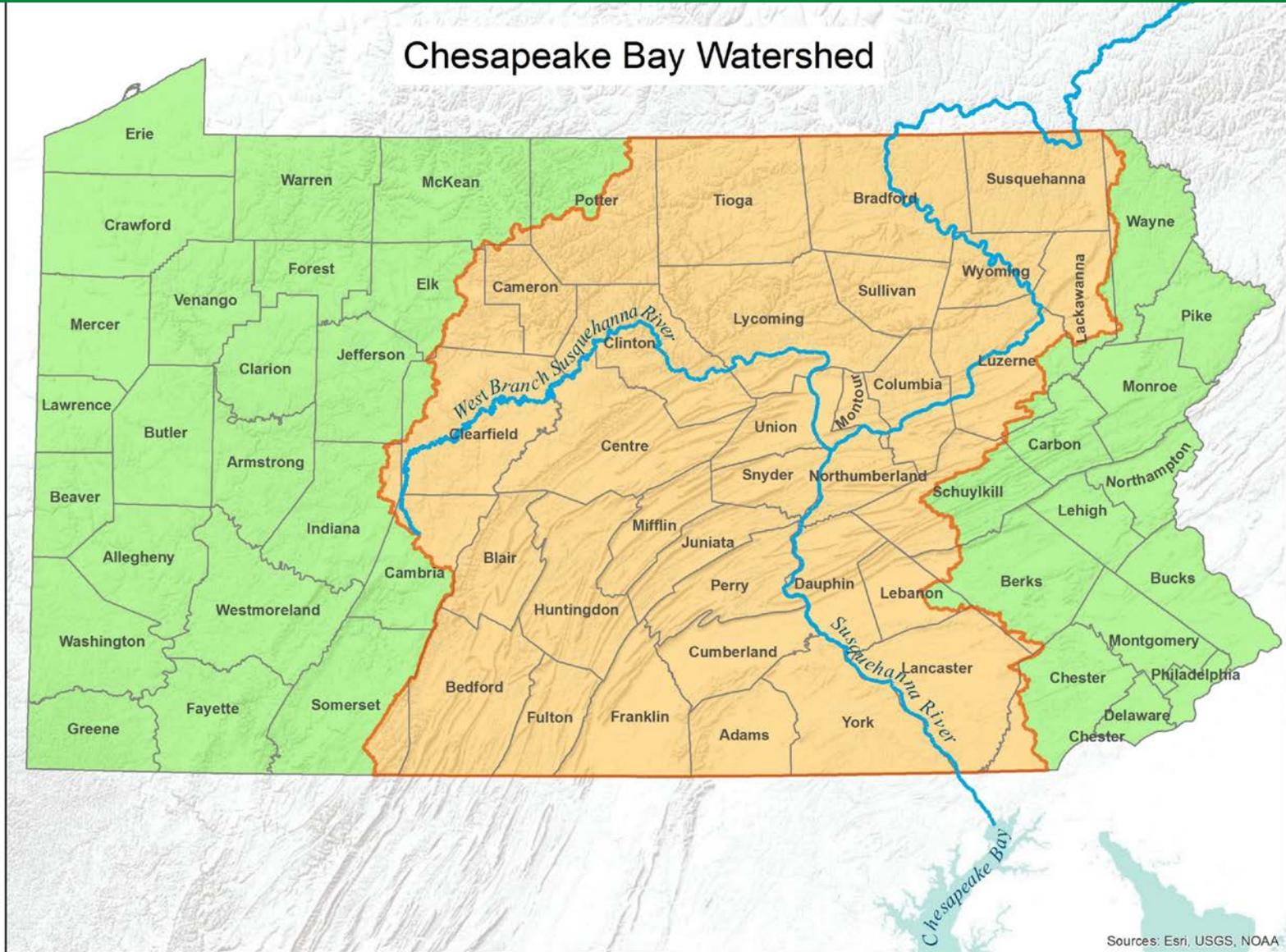
Existing: Pennsylvania Nutrient Management Program (most recently updated via Act 38):

- Began: 1997.
- Led by: State Conservation Commission and Conservation Districts.
- Focus: High animal density and larger scale livestock/poultry operations, such as federally permitted Concentrated Animal Feeding Operations (CAFOs).
- Required compliance: Environmental planning and implementation requirements under DEP Chap. 83 Nutrient Management (Act 38 NMP) regulations and DEP Chap. 92 CAFO regulations.
 - Includes requirements for agriculture erosion and sediment control.

New: Chesapeake Bay Agricultural Inspection Program (CBAIP):

- Began: 2016.
- Led by: Department of Environmental Protection and Conservation Districts.
- Focus: 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.

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.*

Expanded Agricultural Inspections: July 1, 2016 – June 30, 2017

What were 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)

Number of Agricultural Inspections Performed: July 1, 2016 – June 30, 2017

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
- 147,762 acres inspected

Chesapeake Bay Agricultural Inspections Program:

- 2,080 agricultural operations inspected
- 245,664 acres inspected

Expanded Agricultural Inspections: Compliance Rates on Initial Inspections

- **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 Inspections: Enforcement

- **Noncompliance referrals to DEP (October 1, 2016 – June 30, 2017):**
 - 20 operations were referred to DEP for follow-up enforcement action due to lack of required MMP, Ag E&S Plan, or both.
 - 3 operations were referred to DEP for water quality violations.
 - DEP has 30 days from referral date to send Notice of Violation.
- **Notices of Violation sent (October 2016 – June 2017):**
 - Total: 14 farm operations.
 - 5 resulted in submission of the required plans to DEP.
 - 2 operations are known to be making progress toward compliance.
 - 4 operations did not provide the plans by the required date outlined in the NOV (Field Orders provided).
 - 3 operations still within the provided time frame to submit the required plan(s).
- **Field Orders delivered (July – August 2017)**
 - Total: 4 farm operations
 - These operations did not submit administratively complete plans to DEP by the timeframe provided in the NOV.
 - 1 farm submitted the required plans and 2 others are making progress toward compliance
 - 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.

Agricultural Inspections: A Partner Process

The expanded agricultural inspection program has enabled us to reach and engage farmers in a new way, with the majority of them attaining, and still more willing to attain, compliance with Pennsylvania's environmental planning requirements.

Summary report:

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

- Questions?





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Contact Information:

Jill Whitcomb

Environmental Group Manager

NPS Compliance

jiwhitcomb@pa.gov

(717) 783-5205

Douglas Goodlander

Program Manager

Operations Division

dgoodlande@pa.gov

(717) 772-0141



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