

**Agricultural Advisory Board**  
**Draft Minutes**  
**August 16, 2018 Meeting**

State Conservation Commission (SCC) Nutrient Management Advisory Board (NMAB or Board) and the Department of Environmental Protection (DEP) Agriculture Advisory Board (AAB) hosted a joint meeting. Chairperson Kelly O'Neill (NMAB) and Chris Uhland (AAB) called the meeting to order at 9:03 AM in the Samuel E. Hayes Jr. Livestock Evaluation Center; Pine Grove Road, Pennsylvania Furnace, PA.

Everyone was invited to introduce themselves.

It was determined a quorum was present for the NMAB, but no quorum was present for the AAB.

The following Board Members and Advisors participated for the AAB and NMAB:

**AAB Members**

JV Lamb – PA State Grange  
William Neilson – PA Farm Bureau  
Jennifer Harry – PennAg Industries Association  
Timothy Schaeffer – PA DEP  
Darwin Nissley – Livestock Producer  
Chris Uhland – Ornamental Horticulture  
Duane Hobbs – Ag Chemical Manufactures Rep.

**NMAB Members:**

Ed Livingston – Livestock Beef Producer Representative  
Leslie Bowman – Egg Poultry Producer Representative  
Sarah Dohle – Academia Faculty Member either in Agronomy or Plant Science, Delaware Valley University (DVU)  
Gaby Gilbeau – Non-Farmer Citizen Representative  
Scott Hauseman – Commercial Ag Lender Representative  
Mike Brubaker – Livestock Meat Poultry Producer Representative  
Eileen Fabian – Academia Faculty Member in Animal Science Odor, the Pennsylvania State University (PSU)  
Kelly O'Neill – Environmental Representative  
James Harbach – Livestock (Dairy) Producer Representative  
Chris Young – Fertilizer Industry Representative  
Andrew Flinchbaugh – Livestock Swine Producer Representative

**Approval of April 19, 2018 NMAB Minutes:** Minutes were approved after correction. The correction was that Mike Brubaker – Livestock Meat Poultry Producer Representative was present at the April 19 meeting.

**Pennsylvania Phosphorous Index Update. – Jennifer Weld (PSU)**

Jennifer Weld presented a Pennsylvania Phosphorous Index (P-Index) Update. The goal is to better identify the Critical Source Areas and develop specific BMPs to address those areas. Several tests are going on to test the relationship with the P-Index to water quality. A draft for public comment and testing should be available in the fall of 2018.

**Agricultural Erosion and Sedimentation (E&S) Manual Update (AAB Workgroup)**

The AAB Workgroup members provided an update on the status of developing a new Ag E&S Manual. The Manual is very old and was first developed in the 1970's and has not be updated in that time.

**Expanded Agricultural Inspections Pennsylvania's Chesapeake Bay Watershed: 2017-2018 Update - Jill Whitcomb, DEP**

Jill Whitcomb presented an update for the agricultural inspections under the Chesapeake Bay Program.

**History:** There are 60,000 total farming operations in Pa with 33,000 farming operation in the Chesapeake Bay Watershed of which 400 are Concentrated Animal Feeding Operations (CAFOs) and 1,000 farming operations are regulated under Act 38 Nutrient Management Program (CAOs).

**Focus:** Compliance with DEP Chapter 102 Agriculture Erosion and Sediment Control Programs (Ag E&S) regulations and Chapter 91 Manure Management Plans (MMP) for those non-CAFO and non-CAO operations.

Approximately 3,093,000 agricultural acres in Pennsylvania's are part of the Bay Watershed. From July 1, 2017 thru June 30, 2018 roughly 325, 318 acres were inspected (10.6%) on 2,893 farm operations. Of those inspected, 814 were Act-38 operations with 145,680 acres.

**Results:** There was an 80% compliance rate for Act 38 Program participants while there was a 66% compliance rate for Manure Management Planning and 68.5% compliance rate for Agricultural Erosion and Sediment Control/Conservation Planning Requirements.

**Center for Nutrient Solutions Findings on Strategies to Reduce Nutrient Pollution (Agriculture and Environmental Center, Center for Nutrient Solutions Jim Shortle)**

Jim Shortle presented a report on the findings on the research project. There are challenges to the current Bay Model regarding problems outside the agriculture community: Lessons from the watershed study:

- There should be a wider discussion on how to proceed not only by us but a worldwide discussion.
- Scenario C – What is the cost effectiveness of individual practices? No-till is the most cost effective other BMPs have effects on losses.
- Nutrient reduction models do not necessarily reflect water quality. Temperature – shade cover influences water quality. Shade and filtering comes from riparian buffers.

**Nutrient Balance Sheet (NBS) Manure Plan Basis Issues / Options (Frank Schneider (SCC) and Jerry Martin (PSU))**

Nutrient Balance Sheets (NBS) are developed for manure exported from CAOs (or CAFOs) for agricultural land application to known agricultural operations or through manure brokers. Various updated options where discussed.

**Discuss Roles and Responsibilities – NMAB and the AAB (Jay Braund (DEP) and Frank Schneider (SCC))**

**Introduction and Purpose:**

- Two distinct Boards.
- Two different legal mandates.
- Similar duties and functions.

## Draft Minutes August 16, 2018 Meeting

- Areas of overlap and interaction.

### **DEP AAB:**

- DEP AAB initially formed with Act 11 of 1993 and reaffirmed with Act 220 of 2002 (Water Resource Planning).
- 20 voting members and 4 ex-officio members:
  - PA Farm Bureau, PA State Grange, PennAg Industries Association, PA Farmers Union.
  - Dairy producer, livestock producer, Poultry producer, Grain producer, Vegetable producer, (Governor Appointments).
  - PA Association of Conservation Districts and Pennsylvania State University.
  - Farm Service Agency and the Federal Natural Resources Conservation Service, ex-officio.
  - Representative of the Department of Agriculture and the Department of Environmental Protection. Each department shall name a deputy secretary to represent it, ex-officio.
  - The chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the Senate or their designees and the chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the House of Representatives or their designees to represent the General Assembly.
- Represents all aspects of Agricultural Industry.
- Provide advice and expertise to the DEP secretary regarding the nature of agriculture in this Commonwealth.
- Assist DEP secretary provide written comments on new departmental policy that will impact agriculture.
- Assist the DEP secretary and provide comment on regulatory proposals pursuant to section 704 (relating to review of regulations).
- Provide comment to the secretary regarding existing departmental policy and regulations affecting agriculture in this Commonwealth.
- Board has 120 days to provide comments.
- AAB looks at DEP regulations that affect agriculture.
- Other agencies use the AAB as a “sounding board” for several related topics that may not be specific to DEP regulations or authority.

### **SCC NMAB:**

- SCC NMAB was initially formed with Act 6 of 1993 and reaffirmed with Act 38 of 2005 (ACRE).
- 16 voting members appointed by SCC Chairperson and Ex-officio advisors as the commission sees fit:
  - Five active commercial farm owners or operators representing the livestock, swine, meat poultry, egg poultry and dairy industry nominated by statewide general farm organizations.
  - Veterinary nutrition specialist, Feed industry, Fertilizer industry, Commercial agricultural lenders, Local government, Hydrologist, two citizens representatives who are not farmers, Environmental representative.
  - Representative of academia who shall be an agronomist or plant scientist faculty member of the school of agriculture of a Pennsylvania college or university.
  - Representative of academia who shall be an animal science faculty member with an expertise in odor management from a school of agriculture of a Pennsylvania college or university.

- **Duties:**
  - “The board shall review and comment on all commission proposed regulations, the interim guidelines under section 504(2) (relating to powers and duties of commission) and the interim criteria under section 504(5) developed to implement the provisions of this chapter. The commission shall have no power to promulgate regulations, interim guidelines or interim criteria under this chapter until receipt of written comments on the proposed regulations, guidelines or criteria from the board or until 60 days have expired from the date when the regulations, guidelines or criteria were submitted by the commission to the board for its comments. Existing regulations, guidelines and criteria shall continue until modified, superseded or repealed by the commission.”
- **Functions:** Similar to the charge of the DEP AAB, the SCC uses the NMAB as a “sounding board” for several agricultural related topics that may or may not be specific to Nutrient Management or regulations that are under the SCC’s authority.
- 

**DEP AAB and SCC NMAB Overlap:**

- SCC’s Nutrient Management Regulations are codified under the DEP Code.
- SCC presents major program changes, such as animal weights, to both the DEP AAB and SCC NMAB.
- SCC presents program changes, such as technical manuals, only to the SCC NMAB.
- DEP presents program information to the SCC NMAB, on programs and initiatives that affects NM or other animal related agricultural initiatives, so the SCC NMAB can provide sound advice.

**Updates to CAFO Individual Permits PAG 12 (Bureau of Clean Water) (Steve Tagland (DEP))**

All permit activity will be processed out of the Southcentral Office Harrisburg while individual regional offices will still handle compliance issues. Fees are scheduled to increase for both the General CAFO Permit and the Individual CAFO permit.

**Class A Stream Package (Bureau of Clean Water)**

DEP brought to the attention of the AAB that a proposed Class-A Stream Package is working its way through the process. The package includes 42 stream sections that have been classified as Class-A Wild Trout Waters by the Pennsylvania Fish and Boat Commission after public notice and comment. The package proposes to change the designated use of these 42 stream sections to High Quality-Cold Water Fishes (HQ-CWF). DEP will have an agenda item at a future meeting on the Stream Redesignation Process.

**PA Grange Letter**

The PA Grange brought to the AAB’s attention a new DEP Environmental Justice Policy. The Board expressed reservations on how this may impact permitting for CAFOs. The new Environmental Justice Policy may allow for additional public comment on DEP permit actions in low income rural areas

**Adjournment**

Motion was made and seconded to adjourn. Motion passed

Meeting was adjourned at 12:32 PM.

Next scheduled meeting of the AAB is October 25, 2018 9 am to 12 pm – DEP Southcentral Regional Office.