

**December 17, 2020  
9:00 AM – 12:00 PM**

**Department of Environmental Protection (DEP) Agricultural Advisory Board (AAB)**

**Virtual Meeting**

**<https://meet.lync.com/pagov/jbraund/8KVP7L8D>**

**Toll number: +1 267-332-8737**

**Conference ID: 334512525**

**9:00 AM Welcome & Introductions**

Nine Board members were present at the beginning of the meeting which constituted a quorum under the amended bylaws.

**9:05 AM Action on previous AAB minutes**

John Bell suggested that the Board solely focus on the minutes from the October 22 meeting in order to be mindful of time and maintain the quorum for agenda items that required votes. This was suggested with the intention of approving past meeting minutes that still require approval at a later date. Brenda Shambaugh motioned for approval and Jennifer Reed-Harry seconded that motion.

Mr. Bell offered an amendment to the October 22 meeting minutes. This proposal involved the inclusion of the technical language regarding the AAB Bylaws amendment that was proposed and adopted during that meeting. Mr. Bell's amendment to the October 22 meeting minutes also included additional dialogue offered during the Bylaws discussion as he did not believe the original meeting minutes adequately captured the essence of the proposed Bylaws amendment or the remarks that he had offered. Kerry Golden moved to offer Mr. Bell's changes to the minutes. Destiny Zeiders seconded Ms. Golden's motion. The amendment to the meeting minutes was unanimously approved. Mr. Bell then offered approval of the meeting minutes as amended. Brenda motioned to approve the minutes and Jennifer Reed-Harry seconded that motion. The October 22 meeting minutes as amended were unanimously approved.

**9:15 AM Legislative Update**

Bill Evans said that he had no specific legislative update as session ended November 30. Senate will be sworn-in on January 5, 2021 and the Governor will present his budget in February. Kerry Golden added that the first half of the budget for the coming fiscal year was completed on November 20, 2020, which takes them through to June 30, 2021. The Governor is actively putting together his proposed budget for fiscal year 2021-2022 which will be presented on the first Tuesday in February during a joint session of the House and Senate. Ms. Golden also added that for the House there will be an election for Speaker of the House on January 5, 2021. They anticipate Bryan Cutler to be elected as Speaker due to him serving as the Speaker since June 2020. After the Speaker of the House is elected, the Speaker will then appoint the Committee Chairman for all of the standing committees. Ms. Golden instructed Jay Braund to leave herself, Destiny, and Bill as designees for their associated legislative committee chairs for the purposes of this meeting. She added that Matt Parido is taking job in private sector and his last day in the

Senate with Senator Vogel is December 24, 2020, meaning he will no longer be Senator Vogel's designee.

### **9:30 AM Conowingo WIP AAB/NMAB Small Workgroup Update – Jennifer Reed-Harry**

Jennifer Reed-Harry reminded the Board about the Conowingo WIP (CWIP) discussion during the October AAB meeting that had prompted the proposal of forming a workgroup. Ms. Reed-Harry took that discussion a step further by mentioning the formation of a CWIP workgroup to the NMAB to find out if anyone on that Board would be interested in serving on a workgroup. Ms. Reed-Harry noted that the idea did not appeal to the NMAB as much as anticipated given only two members voiced interest in joining a workgroup. Because of this, Ms. Reed-Harry suggested all AAB members provide their own comments on the CWIP. Ms. Reed-Harry provided examples of the questions she intends to raise regarding the CWIP: (1) Are the agricultural goals realistic and achievable in relation to the nitrogen timing goals; (2) Where are the CWIP county programs going to find funding for these costly nitrogen reduction projects? Ms. Reed-Harry offered that she would be happy to work with anyone to discuss the CWIP and form additional questions or comments on the CWIP.

John Bell added that he is hopeful the Farm Bureau will be done drafting comments on the CWIP in the coming weeks. Mr. Bell's goal is to get a rough draft completed with the intent to share his draft with AAB and NMAB. Mr. Bell explained that while the coordination of trying to comment on the CWIP is difficult right now during the holidays, the deadline for submission of comments has been extended to January 20. This deadline extension will give those who are interested in presenting comments the opportunity to create a draft and circulate something that will prompt others to want to participate. Mr. Bell stated that it is difficult for most people to understand the comment process and draft things on their own. He is hopeful that circulating drafts may spur people to participate and offer their opinions which would be very helpful as a collective opportunity for Pennsylvania's comments to be considered. Mr. Bell shared his intent to circulate his draft and encouraged others to weigh in on the subject and ask questions. Mr. Bell stated that in light of a very positive effort that is being made in the counties to develop Countywide Action Plans, additional nutrient reduction demands on Pennsylvania will have a very chilling effect on the morale of Pennsylvanians in the future.

### **10:00 AM PAG-12 Update – Jay Patel**

Jay Patel stated that the PAG-12 permit was issued at the end of October and DEP sent a letter to all existing permittees with instructions that would allow each permittee to continue coverage under the amended permit. It was then brought to DEP's attention that clarification may need to be given regarding the timing of the submission of the NOI. In addition, there were also concerns voiced about whether DEP could clarify some of the submission dates. In response, DEP created an updated memo to make sure the deadlines for submission were clear. In the memo, DEP clarified that no filing fee was due with the NOI, all NOI submissions need to be submitted to SCRO, and that the NOI submission deadline is January 1, 2021. While there may not be flexibility with the NOI submission deadline, DEP did have the ability to provide some additional time for annual report submission. For this coming year, an annual report must be postmarked by February 15, 2021. Mr. Patel explained that to date DEP had received about 60 NOI submissions from existing permittees and that permittees are finding a way to get their NOIs submitted timely which is much appreciated by DEP. Overall, DEP is beginning to receive submissions and is making progress with the new permit.

John Bell mentioned that there is still some confusion amongst permittees as to who should file what and when. Mr. Bell mentioned he was aware that DEP had told CAFO operators who did not believe they would be able to file an NOI on or before the January 1, 2021 deadline that they should contact DEP immediately. Mr. Bell followed his statement by asking if there had been any contact made by CAFO operators that would indicate that they are being challenged in meeting the deadline.

Mr. Patel responded that he had not asked that question specifically to regional offices and had not heard of anything of that regard. Jill Whitcomb voiced that she also did not hear anything of that matter from the regional offices. The majority of phone calls received have involved questions on how to complete the NOI and where to send the form and fee, not necessarily any CAFO's inability to do so by the deadline.

Mr. Bell asked if there was a specific phone number that CAFO operators could call because he knows of several that have questions specifically about the form and related information. More specifically, Mr. Bell was interested in obtaining a single phone number that he can provide to CAFO operators as well as post on his organization's website. Ms. Whitcomb replied that there is a specific contact number noted in the member letter and memo that people can call if they have questions. The phone number would be for SCRO if the question is NOI related. Ms. Whitcomb said that she would provide Mr. Bell with that phone number.

#### **10:15 AM 5-year update to PAG-12 (due by 2023) – Discussion on Workgroup Formation – Jay Patel**

Jay Patel provided a quick update on PAG-12. Mr. Patel first reminded the Board that DEP has numerous general permits that are on their radar which are all in various stages of development for reissuance, some of which are currently demanding more immediate attention. The PAG-12 permit has a March 2023 expiration date. Due to obligations to develop other permits for reissuance, the next PAG-12 reissuance is not currently a permit that is on the forefront of DEP's attention. Mr. Patel suggested that it may be best to revisit discussions and the consultation process for the next PAG-12 general permit towards the end of 2021.

Jill Whitcomb interjected that the timeframe DEP is suggesting would be prior to the publication of the draft permit. DEP would be looking for input from the AAB prior to the publication of the draft. Ms. Whitcomb also mentioned that on the horizon, DEP has some revisions that they have considered making to the manure management technical guidance document. It has been quite some time since this particular technical guidance document has been examined so DEP anticipates coming to the Board with that within the next six months.

Mr. Patel stated that the Board can decide if they would like to put a PAG-12 reissuance workgroup together in which DEP is more than willing to participate. He confirmed that DEP is aiming to have a draft permit by 2022. If PAG-12 was revisited at the end of 2021, that would give DEP and the AAB 4-6 months to form a workgroup and have constructive discussions about the permit.

Jennifer Reed-Harry suggested that the Board gauge interest in forming a workgroup now because it is already difficult to get everyone together. Ms. Reed-Harry explained that the AAB has already gotten plenty of useful comments regarding PAG-12 from stakeholders who are not AAB members. She then asked if stakeholders who are not AAB members could be included in a workgroup.

John Bell suggested that the topic of PAG-12 be revisited in the summer of 2021 rather than the end of 2021, which doesn't line up with the timeline that Mr. Patel had outlined. Mr. Bell made the argument that starting on this next summer would give everyone the opportunity to try and surface ideas about PAG-12 reissuance. He proposed that the Board should form a workgroup sooner than later and voiced that summertime would likely be the best time for scheduling an initial workgroup meeting. Mr. Bell said that this would give the group the opportunity to allow everyone's thoughts to be collectively heard which could begin to help shape a reissued PAG-12 permit that makes both environmental and practical sense. Mr. Bell then mentioned that he would like to see an appointment of a workgroup today and asked for the Board to motion for the Chair to appoint a workgroup with a target of having a first meeting sometime in late spring or early summer of 2021. Ms. Reed-Harry motioned to approve an appointment of a workgroup. Matt Matter seconded that motion.

Prior to the appointment of a workgroup by the Board, Aneca Atkinson asked for clarification on the motion and noted that DEP staff would not be able to commit to participating in the proposed workgroup in the summer of 2021 given the other permits that are currently demanding the attention of DEP staff, as Mr. Patel previously noted. Ms. Atkinson reiterated that the timeline that Mr. Patel had presented on behalf of DEP was based on DEP's current workload. Ms. Atkinson stated that DEP participation in an AAB workgroup to discuss PAG-12 reissuance in the fall of 2021 may be a possibility, but confirmed that doing so in the summer would present issues for DEP due to other obligations and workloads.

Mr. Bell interjected that the initial workgroup meeting would not have to be formal and could be more of a qualitative discussion than a quantitative one. The Board is essentially hoping for DEP to be represented in the workgroup meeting so that the Board can be aware of DEP's thinking on PAG-12 during the workgroup's discussions. Mr. Bell stated that he hopes DEP would not be sitting around idly on this issue and that there would at least be some internal discussion as to what the Department is thinking and possibly proposing.

Ms. Atkinson reaffirmed that DEP can start having discussions regarding PAG-12 reissuance with an AAB workgroup in the fall of 2021 but that she cannot commit her staff to that any sooner due to other obligations.

Ms. Reed-Harry voiced that the Board is not seeking to relive any unfortunate past instances [in reference to previous PAG-12 permit cycles] and that both parties should be engaging in meaningful dialog sooner than next fall. She stressed that the more open communication DEP and AAB have, the better the process will be for everyone. Ms. Reed-Harry reassured that everyone needed to examine their schedules to figure out a way for DEP and AAB to meet regarding PAG-12 reissuance in the summer of 2021.

Ms. Atkinson agreed with Ms. Reed-Harry in that DEP did not want to repeat past issues with the PAG-12 permit. Coming to the Board and proposing the idea of forming a workgroup 1-2 years prior to the current PAG-12 permit expiration was DEP's way of seeking meaningful consultation with AAB on the next PAG-12 permit cycle. Ms. Atkinson stated that everyone has timeframes that need to be considered and is hopeful that the Board will be willing to meet halfway and discuss PAG-12 in fall of 2021 rather than in the summer. She also mentioned how Board members having conversations amongst themselves prior to meeting with DEP would help to keep the ball rolling for when they do have a joint discussion.

Kerry Golden called for question and expressed her disappointment in DEP's response to the timeline conflict. She stated that the Board should be able to appoint a workgroup whenever suits the Board best.

Mr. Bell acknowledged Ms. Golden's call for question regarding the motion to approve the formation of a PAG-12 workgroup which would give the Chair discretion to appoint the members of the workgroup with a target for initially meeting in the summer. The motion went unopposed and was carried.

Ms. Reed-Harry asked Mr. Patel if there was an update from the last AAB meeting regarding general permits that deal with biosolids in relation to animal manure. Mr. Patel responded that DEP is working on the development of those permit documents and hopes to have those discussions soon with various advisory boards.

### **10:30 AM Update on Reappointments and New Appointments – Brian Chalfant**

Brian Chalfant shared that he has been working with the Governor's Office and the Department of Agriculture to find individuals to fill the Governor-appointed seats on the Board that currently have vacancies or have appointments who are consistently not showing up for meetings. Mr. Chalfant noted that there are also specific organizations in the statutes that name members annually. One of those organizations is the Pennsylvania Farmers Union who has not sent anyone to be on the Board in quite some time. Mr. Chalfant has been trying to reach out to the PA Farmers Union to see if there is a member that can attend AAB meetings regularly.

Chris Uhland inquired about how realistic it is to get more people to be on the Board. Mr. Chalfant responded that he believes they have found at least one person to fill a seat but that he had to confirm with this person if he would be willing to attend Board meetings. Mr. Chalfant remained hopeful about finding individuals to fill seats despite the challenge.

John Bell asked if any names had been submitted for consideration yet. Mr. Chalfant confirmed that the Department of Agriculture had suggested one individual, Robert Mowrey, who runs Forever Hearts Farm out in the western part of the state and who is involved with an initiative to get more military veterans involved in farming.

Mr. Bell followed his question by asking if the contact attempts with the Farmers Union were in written capacity or direct contact. Mr. Chalfant said that so far contact has only been attempted in email format because he doesn't know who to contact at the Farmers Union by phone. He invited the Board to supply him with a phone number if they know of a good point of contact. Mr. Bell stated that he has attempted to send written communication to encourage the Farmers Union to identify a representative who will commit to participate. Mr. Bell believes that a large measure of future participation will depend on how informative and valuable the agenda items are at meetings as well as how much of an advanced notice of those agenda items is provided to Board members. As Chair, Mr. Bell reinstated his promise to try his best to have meetings that hold a lot of meaning to the agriculture community so as to make meetings and participation worthwhile to those who are appointed to the Board.

### **10:45 AM Election of Officers**

Walt Moore moved to nominate John Bell as AAB Chair. Darwin Nissley seconded Mr. Moore's nomination. No other nominations were voiced. Mr. Nissley motioned to close nominations and elect John Bell as Chair. Matt Royer seconded that motion. The election of John Bell as AAB Chair was unanimously approved.

Kerry Golden nominated Chris Uhland as AAB Vice Chair. Walt Moore seconded Ms. Golden's nomination. No other nominations were voiced. Mr. Nissley motioned to close nominations and elect Chris Uhland as Vice Chair. John Bell seconded that motion. The election of Chris Uhland as AAB Vice Chair was unanimously approved.

### **11:00 AM 2021 Meeting dates**

Jay Braund proposed the following AAB meeting dates for the 2021 calendar year:

March 18, 2021  
June 17, 2021  
August 26, 2021 (joint meeting with NMAB)  
October 21, 2021  
December 16, 2021

Mr. Braund anticipates that the March and June meetings may be virtual because he is unsure as to when face-to-face meetings can resume.

Kerry Golden pointed out a schedule conflict with the Farmland Preservation Board for all legislative designees and Mike Firestein for both the June 17 and December 16 meeting dates. As an alternative, Ms. Golden offered June 10 and December 9 meeting dates instead and stated that the AAB will never reach a quorum without the legislative designees.

Walt Moore made the Board aware that he also would experience schedule conflicts because he has meetings that require he be present in person every third Thursday of the month. With that in mind, Mr. Moore stated that March 18 and Oct 21 would not be workable for him. Ms. Golden reminded Mr. Moore that he is more than welcome to participate in the meetings virtually even if they are held in person. Mr. Moore agreed to participate virtually and call in for the meeting dates he had mentioned.

Mr. Moore motioned to approve the newly agreed upon meeting dates for 2021. Destiny Zeiders seconded that motion. Motion was carried and the following meeting dates were approved:

March 18, 2021  
June 10, 2021  
August 26, 2021  
October 21, 2021  
December 9, 2021

### **11:15 AM Public Comments**

No public comments were presented.

**11:30 AM Adjourn**

Matt Matter motioned to end the meeting. Jennifer Reed-Harry seconded that motion. The meeting was adjourned at 10:16 am.