

PA Chesapeake Bay Watershed Implementation Plan
Agricultural Section – Strategy to Fill Gaps

August 2012

Non-Regulatory Efforts

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BMP Tracking

WIP Commitment: WIP indicates that Pennsylvania will increase the level of tracking of non-cost shared BMPS

Progress Update:

National Association of Conservation Districts (NACD) has announced the completion of their Protocol Project and placed the Final Report and Appendices A-V on the Howard Soil Conservation District (Maryland) website www.howardscd.org under “NACD Protocol Project.” From Pennsylvania’s perspective, this effort was unsuccessful and did not result in any useful product. This project was funded by the USDA Natural Resources Conservation Service to “... determine if there was a common protocol possible to collect information on voluntary practices and to assist states to develop state protocols to collect the additional non-cost shared practices that have been implemented in the six Bay states...”, as well as “...establish a reliable system to collect, verify and report implementation of agricultural conservation practices.” The project results show that there is no common protocol and each state, including Pennsylvania, will be approaching the collection and reporting of voluntary practices as dictated by individual state resources and statutory authority. The Water Planning Office is working with an internal group to identify the voluntary practices that will have the most significant positive impact in the Bay model, what is the appropriate collection method and negotiations with EPA regarding what data collection methods and verification is acceptable.

Pennsylvania is engaged in discussions with EPA and the Capital Resource Conservation and Development Area Council (Capital RC&D) for a cropland tillage transect survey for the Pennsylvania bay counties. This survey will use CTIC protocols and data collection standards with the goal of collecting data that can be authenticated and provide a statistically valid statement of tillage BMPs in the survey area. The data collection will be organized so that county route maps and way-points will allow replication of the survey in future years. The survey was implemented in late spring of 2012 within a five to eight week timeframe between planting and canopy closure of field crops.

Weather issues complicated the survey this year. Heavy flooding last fall and an early, wet spring modified tillage practices. All counties were surveyed and results are expected by September 2012.

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Chesapeake Bay Implementation Grant Special Projects Funding

WIP Commitment: WIP indicates that PA will take specific steps to implement changes to the Bay Implementation Grant.

Progress Update:

DEP will use targeted priority practices - stream bank restoration/riparian buffers, fencing, manure storages/barnyard practices, cover crops/no-till, nutrient management/E&S plans - and priority watersheds.

For 2011, DEP and the SCC awarded 46 projects to conservation districts for a total of \$800,492.95. Of the 46 projects, 41 were awarded for priority activities including 17 projects for nutrient management/conservation plans, six for fencing and four for cover crops/no-till planting. Of the other five - less than 10% of the funds were awarded - two supported on-going staffing commitments and three were for additional outreach activities. In addition, all but two of these 46 projects were in the targeted watersheds. These two supported (1) a county-wide outreach effort in Bradford and (2) on-going staffing commitment in Susquehanna County.

For 2012, DEP awarded \$751,265 in special project grants. Priority watersheds are based on EPA priority watersheds and priority practices will remain the same as previous year- stream bank restoration/riparian buffers; fencing; manure storages/barnyard practices; cover crops/no-till; nutrient management/E&S plans.

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Chesapeake Bay Implementation Grant Technician/Engineer Funding

WIP Commitment: WIP indicates that PA will take specific steps to implement changes to the Bay Implementation Grant.

Progress Update:

DEP revised the technician contracts for 2011-2012 to include specific tasks to expand the compliance assistance outreach for agriculture. The scope of work in these technician contracts required staff to spend a portion of their time contacting farms in their county to ensure all farm operators are aware of their responsibilities under PA erosion and sedimentation control regulations and the Manure Management Manual. For 2012-13, the technician contract continues to include specific tasks regarding compliance assistance outreach.

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PENNVEST Non-Point Source Funding

WIP Commitment: WIP indicates that PA will expand NPS funding under PENNVEST.

Progress Update:

On April 20, 2011, PENNVEST approved five projects to address agricultural non-point source pollution. Three of the projects (\$1.069 million) were in the Chesapeake Bay watershed in Lancaster, and Montour counties. The specific projects were:

- \$425,397 grant to construct various manure-control facilities at a dairy and poultry operation in West Lampeter Township that will reduce nutrient runoff into Pequea Creek in Lancaster County.
- \$148,802 grant to construct manure-control facilities at a poultry farm in Strasburg Township, where nutrient runoff during wet weather is contaminating Big Beaver Creek in Lancaster County.
- Montour County Conservation District received a \$495,000 grant to install manure and animal control facilities at two livestock farms where there is significant nutrient runoff into Mahoning Creek, Beaver Run and ultimately the Chesapeake Bay.

On July 20, 2011, PENNVEST approved over \$1.9 million for six projects to address agricultural non-point source pollution. All six are in Lancaster County and will reduce nutrient runoff into local streams and the Chesapeake Bay watershed. The specific projects were:

- A \$163,213 grant to construct a manure storage facility at a poultry operation in Paradise Township.
- A \$573,188 grant to construct a manure storage facility at a farm in Ephrata Township.
- A \$176,210 grant to construct a manure storage facility at a farm in Mount Joy Township.
- A \$157,534 grant to construct manure litter storage shed at a poultry operation in Strasburg Township.
- A \$657,050 grant to construct manure composting facility as well as an infiltration basin at a farm in Drumore Township.
- A \$212,056 grant to construct a manure storage facility and make other improvements at a second farm in Strasburg Township.

On October 26, 2011 PennVest approved 2 applications for Nonpoint Source (NPS) funding. The total funding for NPS was \$1,584,349.

A summary of the 2 projects includes:

- Berks County Conservation District received a \$764,980 loan to construct a manure solids separation system, a composting facility and a 1.7 million-gallon lagoon and cover at Kurtland Farms to reduce nutrient runoff into a nearby stream. It also received a \$300,514 loan to construct a manure storage tank and a steam buffer in order to reduce nutrient runoff into a nearby stream.
- Lancaster County Conservation District received a \$518,855 grant to construct manure storage tanks on three farms that will provide enough storage to eliminate the need to apply the manure to fields during the winter, thus reducing nutrient runoff into nearby streams.

On January 25, 2012 PennVest approved 5 applications for Nonpoint Source (NPS) funding. The total funding for NPS was \$9,138,025, with loans totaling 5,337,749 and grants totaling \$3,800,276.

A summary of the ag projects includes:

- Chester County Conservation District received a \$986,671 grant to construct facilities to reduce wastewater runoff from a mushroom farming operation that is contaminating Naaman's Creek with nutrients. They also received a \$1,274,595 grant to undertake ten separate projects at various sites in the county. These projects primarily involve the implementation of agricultural best management practices designed to reduce nutrient runoff into local streams and, ultimately, the Chesapeake Bay.
- Lancaster County Conservation District received a \$620,885 grant to construct a boiler that will burn chicken manure on a poultry farm whose land is saturated with nutrients that are contaminating the local stream and the Chesapeake Bay. They also received a \$214,600 grant to construct a riparian buffer on one farm and a manure storage facility and other storm water control facilities on another farm in order to reduce nutrient runoff into local streams and the Chesapeake Bay.

On April 25, 2012, PennVest approved 13 applications for Nonpoint Source (NPS) funding. The total funding for NPS was \$ 10,211,170, with grants being \$9,465,865 and loans being \$745,305. There were nine agricultural NPS projects funded for a total of \$6,097,088 in grants. The agricultural projects included:

- Berks County Conservation District received a \$1,985,032 grant to install manure management and related facilities to reduce nutrient run-off into local streams from four dairy farms, two of which are in the Chesapeake Bay watershed;
- Centre County Conservation District received grants totaling \$2,193,581 for construction of manure handling facilities; and
- Lancaster County Conservation District received grants totaling \$1,918,475 for construction of manure handling facilities.

Other NPS projects included:

- The City of Lebanon received a \$576,450 grant to construct a water pervious parking lot and walkways, infiltration basins and swales, and tree plantings; and
- York County Rail Trail Authority received a \$921,656 grant to construct a 2.5 mile water infiltration system along Codorus Creek and to install an infiltration system in a local parking lot.

On July 18, 2012 PennVest approved four applications for Nonpoint Source (NPS) funding. The total funding for NPS was \$1,103,765, with grants being \$475,596 and loans being \$628,169. All of the applications were for agricultural NPS projects. The projects include:

- Bucks County Conservation District and the Bucks County Equestrian Initiative received a \$157,627 loan and a \$122,078 grant to construct a manure storage facility, grassed waterways, animal trails and other improvements to alleviate nutrient runoff into nearby impaired streams and ultimately the Delaware River.
- Lancaster County Conservation District received three separate awards for agricultural projects:
 - A \$131,613 grant to construct manure-handling facilities on the Benuel King dairy farm to eliminate nutrient discharges into Calamus Run, a tributary of the Chesapeake Bay.
 - A \$470,542 loan to construct manure-handling facilities on the Sam Glick farm to eliminate nutrient discharges into the Octoraro watershed and ultimately the Chesapeake Bay.
 - A \$221,905 grant to construct manure-handling facilities on the Sam Miller farm to eliminate nutrient discharges into Little Beaver Creek, a tributary of the Chesapeake Bay.

PENNVEST Non-Point Source Funding

WIP Commitment: WIP indicates that PA expand outreach/assistance for PENNVEST and establish a “circuit rider” position.

Progress Update:

On April 1, 2011, the PA Association of Conservation Districts hired Paul Herzer as the Non-Point Source Application Developer (AKA “NPS Circuit Rider”) to assist county conservation districts, watershed groups, environmental groups, municipalities and DEP Regional Offices with the PENNVEST application process. Funding for this position was awarded by DEP to PACD from the EPA Section 319 grant funds. In January 2012, Terry Fisher took over as the NPS Circuit Rider.

PACD Website now provides guidance to access NPS funding. In an effort to provide greater access and awareness to vital funding opportunities to address Nonpoint Source Pollution (NPS) in our communities, the Pennsylvania Association of Conservation Districts has added a “PENNVEST” tab to its homepage that provides comprehensive guidance to access funding opportunities through the Pennsylvania Infrastructure and Investment Authority or PENNVEST. The new “PENNVEST” tab takes viewers through the PENNVEST NPS application process, serving as an online manual.

PENNVEST Non-Point Source Funding

WIP Commitment: WIP indicates that PA will support trading program through PENNVEST.

Progress Update:

PENNVEST held the second round of nutrient credit trading auctions in November 2011. Over 20,000 credits were sold. The price was \$3.10/pound N and \$4.73/pond P. Pennsylvania has engaged in trading about 82,000 pounds of N reduction since 2010.

The Pennsylvania Infrastructure Investment Authority (PENNVEST), working in conjunction with the Department of Environmental Protection (DEP), will be hosting auctions for the sale and purchase of nutrient credits in the Susquehanna and Potomac watersheds throughout 2012. Pennvest plans to hold three Forward Auctions and one “spot” auction of verified credits. These auctions will afford wastewater treatment plants in these two watersheds to purchase credits as a means of meeting their nitrogen and phosphorous discharge limits for the compliance year.

In June 2012, PENNVEST and DEP announced results of Forward Nutrient Credit Trading Auction. The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection, along with financial information services company Markit, reported the results of the second “forward” auction of 2012 for nutrient credits in Pennsylvania’s Chesapeake Bay watershed. The auction continues PENNVEST’s and DEP’s commitment to help Pennsylvania meet its goal to reduce nutrient discharge in the Chesapeake Bay watershed in a cost-effective way. Credits representing the annual removal of 20,000 pounds of nitrogen from the Susquehanna River watershed and the Chesapeake Bay during 2012 were sold for \$3.75 per credit. Credits representing the removal of 3,000 pounds of nitrogen in the Susquehanna River watershed during 2014 were sold for \$3.54 per credit. PENNVEST’s next forward auction is Sept. 12.

USDA Activities

WIP Commitment: WIP indicates that PA Chesapeake Bay efforts will be actively supported by NRCS.

Progress Update:

DEP coordinated completion of the Conservation Reserve Enhancement Program (CREP) annual report for submittal to United States Department of Agriculture (USDA). CREP is a federal Farm Bill program that targets highly erodible cropland, marginal pastureland and riparian areas for installation of conservation practices. It is an enhancement of the Conservation Reserve Program and represents a fiscal windfall for Pennsylvania. For every \$1 of state spending, PA receives \$5 in federal funding. PA’s CREP began enrollment in 2000 and leads the nation in the number of enrolled acres. Since 2000, PA’s CREP accomplishments include:

- 192,291 acres are under contract;
- 12,046 Conservation Plans have been completed;
- \$91,991,952 in cost-share payments have been provided to 12,830 landowners.

In 2010 – 2011, Pennsylvania CREP accomplishments include:

- 143 contracts were approved on 2,378 acres;
- 770 acres of forested riparian buffers were installed;
- 643 acres of native grasses were planted;
- \$1,402,847 in direct cost-share payments were obligated.

US Department of Agriculture Strategic Watershed Action Team. In June, 2011, DEP and National Resource Conservation Service (NRCS) entered into a 3-year cooperative agreement to accelerate and enhance implementation of conservation practices. These practices are funded under the NRCS Chesapeake Bay Watershed Initiative and PA's Clean Water Fund. Using Conservation District Fund Allocation Program (CDFAP) Special Project Agreement, seven county conservation districts agreed to participate in working with farmers/producers in the Chesapeake Bay watershed and assist the USDA's PA Strategic Watershed Action Team (SWAT). The overall objective of these SWAT agreements is to implement an additional 90 agricultural contracts and install an additional 450 conservation practices in the Chesapeake Bay watershed. For fiscal year 2011, this would mean a 27% increase in conservation practices - an additional 9,000 acres of BMPs. Seven county conservation districts that have agreed to participate - Adams, Chester, Cumberland, Dauphin, Lancaster, Lebanon, and Perry. This results in an additional agricultural staff positions for this effort to reduce nutrients and sediments to the Bay.

In the first six months of this effort, the participating conservation districts reported preparing designs or layouts for 90 conservation practices, conducting design review or approval on 48 conservation practices and conducting 108 construction inspections or certifications. The reimbursable cost reported for this work is: \$140,261 and the reported in-kind match is \$18,474.

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NRCS Training for Field Staff

WIP Commitment: WIP indicates that PA Chesapeake Bay efforts will be actively supported by NRCS.

Progress Update:

NRCS, working with Penn State, developed the **AG 101: Understanding PA Farm Operations** online sessions that explore the many facets of farm types, operations management, economics, social aspects, and environmental considerations. The "winter burst" and "summer burst" of the series were held in 2011 and looked at what Pennsylvania agricultural producers manage as they grow food, fiber, and fuel. **AG 101** was developed to enhance the work of conservation practitioners who are on the front lines supporting producers in choosing, planning, and implementing the best management practices that preserve soil, water, and air quality. **AG 101** was jointly developed and sponsored by Penn State Cooperative Extension and the Pennsylvania Natural Resources Conservation Service in collaboration with PennAG Industries and the Pennsylvania Farm Bureau.

Regulatory Efforts

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Continue Existing Regulatory Programs

WIP Commitment: WIP indicates that PA will expand training and outreach to increase Chapter 102 compliance.

Progress Update:

Pennsylvania expanded outreach to ag community to increase compliance with Chapter 102 and manure management requirements. Pennsylvania has prepared several easy to read materials on Pennsylvania's existing regulatory programs. This series of information includes the "Am I in Compliance" brochure which has a distribution of ~20,000 copies since January 2011; the "Ag E&S

Barn sheet” which was prepared in July 2011; and the “Manure Barn Sheet” which was prepared in November 2011. At least 8,000 of each barn sheet have been distributed. These materials were prepared for general distribution and for use in conservation district 100 site visits.

Three training sessions held in conjunction with NRCS and PACD on Feb 24, March 2 and March 10, 2011 for about 200 people. The training was aimed at staff from USDA Natural Resources Conservation Service (NRCS), PA Department of Environmental Protection (DEP), and Conservation Districts who are involved in agricultural erosion and sediment control plans and conservation planning. Speakers from NRCS and DEP answered the question: what is an Agricultural Erosion & Sedimentation Plan? A detailed review of the Chapter 102.4 (a) requirements will be explained. Examples of the requirements for Ag E&S plans are: maps, treatment of animal heavy use areas, near stream cover requirements, and tolerable soil loss conditions for crop fields.

Additional training for Conservation District staff occurred in October 27, 2011 as part of the Chapter 102/105/NPDES Program Annual Training. This one-day training specifically on ag issues will be an on-going annual opportunity to discuss Chapter 102 ag issues. The purpose of the session was to explain and provide information on the current agricultural erosion and sedimentation requirements to conservation district and DEP staff. The session was a joint effort of DEP, the National Resources and Conservation Service (NRCS), the State Conservation Commission (SCC) and Penn State University (PSU). The session was attended by over 100 people. Presentations included a brief overview of the ag components of the Chapter 102 regulations; the role of the federal NRCS standards and actions in the state regulations; and specific technical requirements regarding BMPS necessary to address Chapter 102(4)(a)(4) – relating to plowing and tilling; Animal Heavy Use Areas; and near stream crop best management practices. Penn State presented PA OneStop software, a useful tool for assisting Ag interests in developing both Ag E&S and manure management plans.

In addition to working with county conservation districts and partner agencies to reach out to the agricultural community to remind them of their regulatory obligations, the Bureau of Conservation and Restoration also is networking with agricultural trade organizations. Through contacts within the PennAg Industries Association, Country View Family Farms will be receiving copies of the “Am I in Compliance?” brochure, the Ag Erosion & Sediment and Manure Management barn sheets as well as the Manure Management Guidance for distribution to their swine growers. This effort alone will reach more than 80% of the contract swine growers in PA.

Outreach Sessions to ag community to describe new/revised regulatory requirements of Chapter 102 & Manure Management Manual revisions occurred at Perry County Ag Meeting (July 21, 2011), Ag Progress Days (August 16 & 18, 2011), Pork Producers Council (August 17, 2011), Keystone Crop Conference (October 25, 2011), and PA State Organization of Farm Organizations (November 21, 2011), Potter County Winter Crops meeting (January 20, 2012), Keystone Pork Expo/Poultry Progress Days (February 21, 2012), and Juniata County Winter Farmer's Meeting (March 1, 2012), Environmental Regulation of Agricultural Operations in Lancaster County (April 3, 2012)

Evaluate and Modify Regulatory Tools – Chapter 102 Regulations

WIP Commitment: WIP indicates that PA will improve administrative and regulatory tools to better address agricultural compliance.

Progress Update:

In July 2011, NRCS developed the “Conservation Planning and Regulatory Compliance Handbook” for NRCS staff. This guidance referenced Pennsylvania’s Chapter 102 regulations and provided tools and guidance for NRCS staff involved in conservation planning that addresses the requirements for Ag E&S. Guidance does not implement Pennsylvania’s regulatory program, but provides guidance as to what requirements are found in Pennsylvania and how this interfaces with NRCS conservation planning activities.

Pennsylvania continues to integrate the ag components of the Chapter 102.4(a) into the program guidance materials and delegation agreement. The program guidance and delegation agreements modifications have not yet been completed for all aspects of the revised Chapter 102 program.

PA OneStop development is on-going. This on-line planning tool will be very useful to Pennsylvania farmers as it combines a useful, site specific mapping tool with soils data and erosion calculations. This tool should allow for a farmer to develop an Ag E&S plan that meets Pennsylvania’s requirements.

Evaluate and Modify Regulatory Tools – Manure Management Manual

WIP Commitment: WIP indicates that PA will improve administrative and regulatory tools to better address agricultural compliance.

Progress Update:

In October 2011, DEP completed the revisions to the Manure Management Manual. These revisions were completed with full participation of DEP’s Agricultural Advisory Board and its members, including the PA Farm Bureau, PennAg Industries, PA Grange and others. Final revisions were presented to DEP’s Agricultural Advisory Board in June. The final Manual was published as a PA DEP Technical Guidance Document on October 29, 2011.

Since final approval of the Manure Management Manual in October 2011, the department has been training conservation districts, partner organizations and agencies and has distributed over 5,000 hard copies of the Manual. Six regional trainings were held throughout Pennsylvania on the DEP Manure Management Manual. About 280 staff attended the training sessions. Dr. Doug Beegle and Jerry Martin from Penn State Extension prepared the bulk of the presentation in a “train-the-trainer” format that allowed participants to both learn the manual AND prepare to deliver this information to farm operators and others in their local jurisdictions.

Utilizing CBRAP and PA Clean Water Funds, conservation districts are eligible for a mini-grant of up to \$1,000 to utilize the training provided to conduct their own training/workshops for farmers, consultants, and others to improve awareness of the revised Manure Management Manual and to assist farmers in completing manure management plans. Some of these sessions have been held by February 2012, with the bulk being scheduled for later this year. Through this grant, PACD supported 47 conservation districts and 152 manure management manual training programs.

(These funds were both “Bay” and PA Clean Water Fund and the extent of the effort was statewide.) This training included 2,966 farmers, 30 consultants and 246 “others” and followed the format developed by Penn State. Through this effort, 717 plans were completed at these training sessions.

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Evaluate and Modify Regulatory Tools – CAFO Program Review

WIP Commitment: WIP indicates that PA will work with EPA to review Pennsylvania’s existing CAFO regulatory program to ensure it meets current federal regulations.

Progress Update:

The existing GP is now scheduled to expire in March 2013 and DEP expects to have this revision completed well before this this March 2013 timeframe. DEP established a CAFO General Permit Renewal Workgroup of the Agricultural Advisory Board to assist the Department in updating and renewing the CAFO General Permit. It is made up of members of the Ag Advisory Board, including the PA Farm Bureau and PennAg Industries, and other interested parties, including the PA Office of the Chesapeake Bay Foundation. The workgroup focused on draft changes made to the General Permit. This workgroup met on July 25, 2011 and January 17, 2012. The CAFO GP is being revised.

In 2011, EPA Region 3 participated with DEP in five joint inspections of Concentrated Animal Feeding Operations (CAFO). EPA Region 3 staff indicated that the reason for these inspections is that EPA Headquarters required them to inspect 3 to 5 CAFO farms in PA. Discussions with SCRO, BWM and EPA staff resulted in agreement of some basic guidelines for these joint inspections. The five inspections occurred between June and September 2011. The inspections went well, with DEP staff leading the joint inspection and EPA staff participating as appropriate. EPA staff appear to be utilizing these joint inspections to gain a better insight into PA’s CAFO Program and EPA continues to note that they will review DEP’s CAFO Program for consistency with federal requirements.

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Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates that PA will propose revisions to delegation agreements with conservation districts under E&S and nutrient management programs.

Progress Update:

In 2011, DEP continued revise delegation agreements for county conservation districts regarding the Chapter 102 E&S regulations. This delegation agreement is not complete, as it involves significant considerations for the non-Ag related portions of Chapter 102.

In December 2011, DEP received approval from EPA for an additional \$2.66 million in Chesapeake Bay Regulatory and Accountability Program (CBRAP) funds February 2012 DEP met with the Conservation District Nutrient Management Delegation Workgroup to discuss revisions to the Conservation District Delegation Agreement which is scheduled for renewal in July 2012. The workgroup includes representatives from DEP, the State Conservation Commission and the conservation districts. DEP would like to include activities related to the manure management requirements in this delegation and include additional funding to address these efforts. Revisions to the delegation agreement are on schedule to meet the July 2012 deadline.

New Nutrient Management delegation agreement was approved by the State Conservation Commission in July 2012. The delegation agreements, along with additional CBRAP funds to support the expanded requirements for manure management have been distributed to all conservation districts in the nutrient management program and are being processed and implemented.

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Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates that PA will develop a model “Agricultural Compliance Policy” for conservation districts.

Progress Update:

In 2011, DEP continued development of “Model Agricultural Compliance Policy.” A preliminary draft was developed and reviewed by DEP’s Bay Ag Water Quality Initiative Workgroup. Revisions are ongoing with additional review by county conservation districts and others in presentation at the State Conservation Commission meeting and “All Bay Meeting” in January 2012. A draft of this document has been shared for review, with comments being accepted until April 1, 2012.

DEP received 84 comments from 38 commentators. The draft underwent a significant review and the final policy was developed after consideration of these comments. DEP prepared a formal comment/response document on the draft policy.

This effort, with the approval of EPA Region 3, was delayed until September 2012 to address the significant comments received from the public. This model policy will be presented to the State Conservation Commission at their September 2012 meeting.

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Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates that PA will require conservation district Chesapeake Bay Technicians contact all farms in their county to ensure all farm operators are aware of the regulatory responsibilities of Pennsylvania’s Erosion and Sedimentation Control regulations and the Manure Management Manual.

Progress Update:

In 2011, DEP revised the conservation district Bay technician contracts for 2011-2012 to include specific tasks to expand outreach for agriculture. The scope of work in these technician contracts required these 42 staff to undertake 100 site visits per staff person – or equivalent staff person – by June 2012. Over 1,127 were conducted by December 2011. Significant training of staff via webinar and supplies of outreach material were provided. DEP press release was made and significant positive press coverage was received. By July 2012, at least **5180 site visits** were conducted by the conservation districts in the Bay watershed. Nearly all conservation districts completed the assigned 100, with several districts exceeding this target. (Each CD that did not complete the required visits were contacted and additional justification was required prior to award of 2012-13 funding. Additional requirements were established for some districts in 2012-13.)

Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates that PA will require conservation district Chesapeake Bay Technicians contact all farms in their county to ensure all farm operators are aware of the regulatory responsibilities of Pennsylvania’s Erosion and Sedimentation Control regulations and the Manure Management Manual.

Progress Update:

In Fiscal Year 2011, DEP required that all districts that receive funds for Chesapeake Bay Technician positions submit an outreach plan that identifies how each district will engage all farms in this regulatory outreach. By November 15, 2011, DEP has received 5-year outreach plans from all of the Chesapeake Bay counties. Some interesting notes from the plans submitted include:

- 26 Counties plan to continue site visits past FY 2011;
- 20 Counties plan workshops on Manure Management, No-till, soil health, pasture management, etc. ;
- 11 Counties plan to develop/use GIS system for tracking purposes;
- 9 Counties plan to coordination this outreach with County Farm Bureau.

The submitted outreach plans vary in nature due to the different complexities and composition of the individual counties. DEP is in the process of analyzing these plans to see if they are effective in reaching out to all agricultural operations within Pennsylvania’s portion of the Chesapeake Bay watershed.

Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates that PA will use Chesapeake Bay Regulatory and Accountability Program (CBRAP) grant funds to increase field presence to generate increased compliance.

Progress Update:

In 2011, DEP received \$2.466 million from EPA via the Chesapeake Bay Regulatory and Accountability Program (CBRAP) grant. DEP used these funds to, among other things, support five new DEP staff positions. By March 2011, four of these staff were on-board. The 5th position was hired in December 2011. This delay was due to DEP difficulty in hiring this staff position. These five positions will be funded, using CBRAP, for a five year period. This “stretches out” the funding and allows positions to be hired on a term basis. It may also complicate reporting to EPA, as expenditures of these funds over the full five years of the grant may incur significant scrutiny and concerns that Pennsylvania is not spending funds.

Of these five new positions, one staff position is in the Bureau of Conservation and has been engaged in development of the Manure Management Manual and the CAFO General Permit. This position has been focused on completion of the Manure Management Manual and the training/outreach efforts required to implement this program. This position has also spent a large portion of their time addressing the General Permit revisions, EPA comments on the draft General Permit and, recently, responding to EPA correspondence regarding individual CAFO permits.

Four “field staff” were hired using the 2011 CBRAP funds. Two staff positions were hired for the Southcentral Regional Office and have been engaged in compliance inspections; one position was hired in each the Northeast Regional Office and the Northcentral Regional Office and have been engaged in compliance inspections and regulatory outreach activities. Since these positions began they completed 208 inspections and over 100 compliance activities, assessing over \$20,000 in

finances/penalties. Between January 1 and June 30, 2012, DEP regional offices have reported an additional 174 inspections and 99 compliance actions, assessing over \$22,000 in fines/penalties.

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Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates “Conservation District Chesapeake Bay staff can address 18,000 farm operations – about half of the farms in the watershed – and *inform* them about compliance with their regulatory requirements.”

Progress Update:

In 2011, DEP revised the conservation district Bay technician contracts for 2011-2012 to include specific tasks to expand outreach for agriculture. The scope of work in these technician contracts required these 42 staff to undertake 100 site visits per staff person – or equivalent staff person – and DEP expects over 4,000 site visits by June 2012. Over 1,127 were conducted by December 2011. Significant training of staff via webinar and supplies of outreach material were provided. DEP press release was made and significant positive press coverage was received.

Between July 2011 and June 2012, over 5,100 site visits were made by these staff. Outreach plans for these conservation districts are being evaluated to determine if they are adequate to believe that 40,000 farm operations will be addressed by 2015. DEP worked with NASS to mail out notice of current regulatory requirements to 82,000 names on the NASS mailing list. This effort resulted in a significant number of the 40,000 farm operations being contacted to inform Pennsylvania agriculture of the regulatory requirements for Ag E&S and manure management.

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Basin-wide Component to Achieve Agricultural Regulatory Compliance

WIP Commitment: WIP indicates a workgroup of key partners will meet on a periodic basis to discuss progress of the Chesapeake Bay Water Quality Initiative.

Progress Update:

The Pennsylvania Phase I Chesapeake Bay Watershed Implementation Plan included the formation of a workgroup to provide assistance to DEP in refining and rolling out the Chesapeake Bay Water Quality Initiative. The workgroup is made up of members from agricultural and other organizations, conservation districts, DEP, EPA, State Conservation Commission, PA Department of Agriculture, The Pennsylvania State University, PA Department of Conservation and Natural Resources, and the USDA-Natural Resources Conservation Service. Many of the members of the workgroup also are members of DEP’s Agricultural Advisory Board. The 5th meeting of the workgroup took place on February 29, 2012. Areas of discussion included:

- Status report on Phase I WIP Implementation
- Model Compliance Policy
- Chesapeake Bay Technician, Engineer or Engineer Assistants, and Special Project Funding
- Education / Outreach / Training
- Unreported / Underreported BMPs

The workgroup is scheduled to meet in August to discuss the draft Model Complaint Policy and the targeted watershed pilot.

Miscellaneous “[REAP's](#) investments have prevented an estimated nearly 11.5 million pounds of nitrogen, more than 850,000 pounds of phosphorus and 877,000 tons of sediment from entering PA's waterways, meaning cleaner streams, increased farm productivity, reduced costs and healthier natural resources.”

DRAFT