

Agriculture Program

The Agriculture Program, located within the Chesapeake Bay Office, is responsible for developing regulations, policies, guidance, outreach, and inspection strategies for compliance assessment, compliance assistance, and enforcement of regulatory programs relating to agriculture. This section conducts activities relating to the compliance with regulatory requirements for agriculture-related erosion and sediment control; manure and nutrient management; and National Pollutant Discharge Elimination System (NPDES) permitted Concentrated Animal Feeding Operations (CAFOs).

The Agriculture Program works closely with the State Conservation Commission (SCC) and the County Conservation Districts (CCDs) to implement the Nutrient and Manure Management Program as well as erosion and sediment control requirements. CCDs are delegated authorities to implement nutrient and manure management, erosion and sediment control, and water obstructions and encroachments regulations. CCDs also provide technical, planning, and compliance assistance for agriculture. These are key elements to achieving water quality improvements statewide.

Beginning in 2016, the Agricultural Inspection Program, which included the inspection of plan development and implementation of best management practices (BMPs) on larger and higher density CAFO and Nutrient Management regulated farms was expanded in Pennsylvania's portion of the Chesapeake Bay Watershed to focus on smaller farms. Through a cooperative effort of CCDs and DEP staff, Phase 1 of the Chesapeake Bay Agricultural Inspection Program (CBAIP) was initiated to inspect all farms to ensure compliance with the manure and erosion and sediment control planning requirements within the Chesapeake Bay Watershed in ten years. The plans are required in order to ensure that proper best management practices are implemented to minimize nutrient runoff and accelerated erosion and sedimentation. Providing the compliance assistance for over 30,000 farms covering 3,067,629 agricultural acres within the Chesapeake Bay watershed is no small task (Table 1).

Phase 2 of the CBAIP was piloted in Adams, Chester, Lancaster CCDs and the DEP Southcentral and Southeast Regional Office in July 2020. The purpose of Phase 2 of the CBAIP is to ensure that the manure and agriculture erosion and sediment control plans that were verified during Phase 1 of the inspection program are implemented and on schedule. In support of this effort, the Phase 2 inspection contains an assessment to assure the BMPs are implemented according to the schedule outlined in the plans, the BMPs are functioning, and the plans address all nutrient runoff and accelerated erosion and sedimentation on the operation. In July 2021, Phase 2 of the CBAIP was expanded to any participating CCD that completed or will be completing Phase 1 inspections on every farm in the county by the June of 2022.

Table 1. Farms and agriculture acres inspected from July 1, 2019 – June 30, 2021 as compared with total farms and acres in agriculture land use within Pennsylvania’s portion of the Chesapeake Bay Watershed.

Description	Total
2017 USDA Ag Census Farms in PA CB watershed	30,193
2018 Ag Land Use Acres in PA CB watershed	3,067,629
Farms Inspected under the Act 38 Nutrient Management Program (CAFO and Concentrated Animal Operations)	1,372
Total Farm Acres Inspected under the Act 38 Nutrient Management Program (CAFO and Concentrated Animal Operations)	244,667
Farms Inspected under the CB Ag Inspection Program	3,816
Total Ag acres inspected under the CB Ag Inspection Program	289,712
Total Farms Inspected	5,188
Total Acres Inspected (17.4% over two years)	534,379

The work conducted by the Agriculture Program is not isolated to the Chesapeake Bay Watershed. Regardless of the location of the operation, each of the 457 CAFOs are inspected at least once every 5 years by DEP to assure compliance with permit and planning requirements to ensure that water quality is protected. Additionally, farms outside of the Pennsylvania portion of the Chesapeake Bay watershed are inspected annually by participating CCDs and SCC under the Act 38 Nutrient Management Program (CAFOs and Concentrated Animal Operations).

In addition to the inspections referenced in Table 1, from October 2019 - September 2021, DEP staff conducted 595 inspections of all types on CAFO operations across Pennsylvania resulting in 201 violations and 85 enforcement actions. Further, the SSC and CCD’s conducted 265 inspections during the same time period on unique operations outside of the Pennsylvania portion of the Chesapeake Bay watershed under the Act 38 Nutrient Management Program. Nineteen enforcement actions were taken as part of the Act 38 Nutrient Management Program as a result of inspections conducted across Pennsylvania.