

AGRICULTURE PROGRAM

The Agriculture Program, located within the Bureau of Watershed Restoration and Nonpoint Source Management (BWRNSM), 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. The SCC and DEP may delegate their functions to CCDs 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 to ensure that proper BMPs are implemented to minimize nutrient runoff and accelerated erosion and sedimentation. Providing 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 launched in 2020 and continues to expand as all Phase 1 inspections are completed within participating counties. 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.

Table 1. Farms and agriculture acres inspected from July 1, 2021 – June 30, 2022 as compared with total farms and acres in agriculture land use within Pennsylvania’s portion of the Chesapeake Bay Watershed.

Description	Number of Farms	Number of Agricultural acres
inspected under the Act 38 Nutrient Management Program (CAFOs and Concentrated Animal Operations)	822	152,177
inspected under the Chesapeake Bay Agricultural Inspection Program	1,848	170,573
total inspected	2,670	322,750
total in Pennsylvania’s portion of the Chesapeake Bay watershed	30,193	3,067,629
% inspected out of the total in Pennsylvania’s portion of the Chesapeake Bay watershed	8.8%	10.5%

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 449 CAFOs are inspected at least once every 5 years by DEP to assure compliance with permit and planning requirements to protect water quality. 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 2021 – September 2022, DEP staff conducted 515 inspections of all types on CAFO operations across Pennsylvania resulting in 136 violations and 56 enforcement actions. Further, from July 1, 2021 – June 30, 2022, the SCC and CCD’s conducted 99 inspections on unique operations outside of the Pennsylvania portion of the Chesapeake Bay watershed under the Act 38 Nutrient Management Program. From July 1, 2021 – June 30, 2022, four enforcement actions were taken as part of the Act 38 Nutrient Management Program as a result of inspections conducted across Pennsylvania.