

# **MINUTES**

## **AGRICULTURAL ADVISORY BOARD MEETING**

**June 18, 2015**

DEP SouthCentral Regional Office  
Susquehanna Room A  
Harrisburg, PA

### **In Attendance – Members**

William Neilson, Pennsylvania Farm Bureau  
Jennifer Reed-Harry, PennAg Industries  
J.V. Lamb, Pennsylvania State Grange  
Lisa Jo Suhr, PA Association of Conservation Districts  
Matt Royer, Penn State University  
Ryan Smoker, House Agriculture and Rural Affairs Committee  
Walt Moore, Dairy Industry  
Christopher Uhland, Ornamental Horticulture  
Kelly Jean Heffner, Deputy Secretary, Office of Water Management, Department of Environmental Protection  
Gregory Hostetter, Deputy Secretary, Department of Agriculture  
Susan Marquart, PA USDA, Natural Resources Conservation Service

### **In Attendance - Agencies, Advisors, and Guests**

Susan Despot, DEP Bureau of Regulatory Counsel  
James Shortle, Professor, Penn State, Dept. of Rural Economics  
Kelly Shenk, EPA  
David McGuigan, EPA  
Suzanne Trevena, EPA  
Marel King, Chesapeake Bay Commission  
John Bell, PA Farm Bureau  
Grant Gulibon, PA Farm Bureau  
Betsy Huber, PA State Grange  
Gregg Robertson, PA Landscape & Nursery Association  
Kelly O'Neill, Chesapeake Bay Foundation  
Bill Angstadt, Angstadt Consulting  
Karl Brown, PA State Conservation Commission  
Michele Tate, DEP Citizens Advisory Council  
Hayley Jeffords, DEP Policy Office  
Steve Taglang, DEP Bureau of Conservation and Restoration  
Ryan Kostival, DEP Bureau of Conservation and Restoration  
Tom Juengst, DEP Bureau of Conservation and Restoration

The meeting of the Agricultural Advisory Board (AAB) was called to order by Board Chair William Neilson at 9:05 a.m.

Members of the AAB introduced themselves, as did the other meeting attendees.

There was no quorum, so voting on the previous minutes and election of a Vice-Chair did not take place.

**Resource Conservation & Recovery Act (RCRA) Manure Settlement** – Susan Despot, an attorney with the DEP Bureau of Regulatory Counsel, spoke about a decision issued by the U. S. District Court for the Eastern District of Washington involving the Cow Palace Dairy farm and RCRA. Relevant facts of this case include that Cow Palace Dairy had about 9,480 head, 500 acres of land for manure application, nine storage lagoons lacking liners, one leaking storage lagoon, pollution of drinking water wells off-site, and a failure to use the manure as a soil fertilizer. The court ruled against the dairy and found that the improper management of the manure was the disposal of a solid waste in violation of RCRA. The parties eliminated an appeal of the ruling by entering into a consent decree, which included a NPDES permit, a fine and remediation activities. RCRA has not been applied historically to agricultural operations.

**Improving the Efficiency and Effectiveness of Agri-environmental Policies** – Dr. James Shortle, Director of the Environment and Natural Resources Institute at Penn State University, presented a programmatic and economic analysis of BMP costs, pollution reduction efficiencies, and location and event variability. He said that BMP selection and location for pollution potential are critical factors in relative effectiveness, and that historical program efforts and the Chesapeake Bay Model have been at too large a scale to aid in focusing on efficiency. Susan Marquart said that recent NRCS program development efforts have been targeted and carried-out with the concept of pollution reduction efficiency.

**EPA AFO-CAFO Report Review** - Kelly Shenk, an Agricultural Advisor for the EPA Region III Water Protection Division, gave an overview of the EPA Animal Program Assessments that were released in March of 2015 to satisfy a Chesapeake Bay Foundation Settlement Agreement. Assessments were released for PA, NY and VA, and are planned for release for DE, MD, and WV. Ms. Shenk covered “Top Line Findings” that included that the CAFO and CAO programs were robust, but that more planning compliance was needed for many of the smaller animal farms in Pennsylvania. Chesapeake Bay Model TMDL indications are that farms account for about 71% of the needed nitrogen reductions. She mentioned that more inspections and field presence could help. Jennifer Harry noted that gaining more staff and technical assistance is not easy.

**Review of the Agricultural Advisory Board Bylaws** – Tom Juengst, DEP Program Specialist and board liaison, briefly reviewed the enabling legislation for the board, its membership, duties, and bylaws for the board. The board can change the bylaws to improve operations, as long as they are consistent with the law and also Roberts Rules of Order.

**Transparency in the Policy Process and eComment** – Hayley Jeffords, Executive Policy Specialist with the DEP Policy Office, gave a brief review of the new interactive abilities to help advisory groups and the public in providing comments and supporting attachments using the new DEP eComment system. The comment deadline for this new system is set as July 14.

**Board/Public Comments/Concerns** - Bill Angstadt initiated discussion on Pennsylvania groups applying for funds under the NRCS Regional Conservation Partnership Program (RCP). There was discussion on the rules and amounts related to the applications and potential rewarding of these grants. Kelly Heffner and others covered the efforts that were underway for developing and submitting a preproposal application that had a submission deadline set of July 8.

There being no additional discussions, the meeting was adjourned at 11:55 a.m.

The next meeting is set for August 19, 2015.