

MEETING MINUTES

MEETING AGENDA AGRICULTURAL ADVISORY BOARD

Skype Meeting (Online)

Thursday, May 21, 2020

9:00 a.m. to 12:00 p.m.

To join the meeting and view the presentations.

Click on this link <https://meet.lync.com/pagov/jbraund/Z5QP9NCR>

Or call this number and enter the conference ID: +1 (267) 332-8737

ID 373926809

In Attendance - AAB Members

JV Lamb – PA State Grange

John Bell – PA Farm Bureau

Jennifer Reed-Harry – PennAg Industries

Brenda Shambaugh – PACD

Matt Royer – PSU

Kerry Golden – PA House Agriculture and Rural Affairs Committee

Destiney Zeiders – PA House Agriculture and Rural Affairs Committee

Matt Parido – PA Senate

Aneca Atkinson - PA DEP Office of Water Programs

Chris Uhland – Ornamental Horticulture

Matthew Matter – Grain Producer

9:00 Convene Meeting – Chairperson

Member and Guest Introductions

Call to Order, Introductions and Attendance- The meeting of the Agricultural Advisory Board was called to order by JV Lamb at 9:10 AM, via Skype due to the social distancing orders enforced during the covid-19 pandemic. The members of the Board introduced themselves, as did the other meeting attendees. A quorum of Board members was not present at the meeting, so the Board could not conduct any official business.

9:15 Action on the Meeting Minutes

Action could not be taken on the previous meeting's minutes due to a quorum not being present. No additions or edits were suggested.

9:25 Legislative Update – Legislative Staff

Kerry Golden opened by confirming that they have not and do not plan to consider the pesticide legislation that was discussed during the previous meeting. Ms. Golden noted that the House Agriculture and Rural Affairs Committee (HARAC) has met a few times during quarantine to discuss legislation, most of which has had to do with safely reopening sectors of the agricultural business world that are not currently deemed as life-sustaining services in Pennsylvania. Specifically, Ms. Golden indicated that the focus of these discussions was on lawn/garden and equipment supply

stores, and that a bill was created to provide a blanket waiver for these types of entities. Ms. Golden noted that the bill, HB 2388, passed the House and the Senate, but was then vetoed by Governor Wolf. Ms. Golden noted that the House then attempted a veto override, but did not get enough votes to override Governor Wolf's veto. Ms. Golden noted that the House has been trying to convey to the Governor's Office that green products are perishable like food and that the majority of green products being sold in Pennsylvania are locally sourced, so the shut down is causing a negative effect on the supply chain for those items.

Ms. Golden indicated that food processing and slaughtering facilities are of increased concern right now as well. Ms. Golden noted that supply is abundant, meanwhile these facilities are experiencing delays due to sick employees or employees who are not showing up to work because of covid-19. Ms. Golden noted that the availability of appropriate packaging sizes is also a concern. Ms. Golden stated that (HARAC) is trying to come up with procedures and resources that will help these facilities operate more safely in order to get their employees back to work and help the supply chain function more efficiently.

Ms. Golden summarized that the focus of the legislature has mainly been on how to navigate the pandemic as well as creating a budget for the next fiscal year. Ms. Golden noted that, more than likely, a partial-year budget will be created to start the fiscal year, and that later on, the budget will be revisited once the impact on revenues as a result of the pandemic is realized and understood.

Destiney Zeiders did not have anything to add following Ms. Golden's discussion.

9:45 CAFO Update – Jay Patel – Bureau of Clean Water

Jay Patel brought to the Board's attention proposed revisions to the PAG-12, which is the general NPDES permit for Concentrated Animal Feeding Operations (CAFO). Mr. Patel stated that there are currently about 350 CAFOs operating under PAG-12.

Mr. Patel noted that the proposed revisions are a result of changes in the PAG-12 in 2018. Mr. Patel stated that, as of 2018, CAFOs could renew their PAG-12 coverage using their annual report submission on a yearly renewal basis. Mr. Patel noted that revisions are being proposed because the intended benefits of this process have not been realized over the past two years.

Following Mr. Patel's presentation, conversation among Board members commenced in reference to the timeline of these events. Jennifer Reed-Harry voiced support for the Board and DEP working together on some refinements to PAG-12, and mentioned that she believes there may be more nuances to address in the permit than were presented by Mr. Patel. Aneca Atkinson requested that these nuances be shared with DEP to expedite the drafting process.

Ms. Reed-Harry requested either a workgroup be formed or for the full Board to work with DEP on the permit revision. JV Lamb agreed with the request. The Board was in agreement that discussions need to happen sooner rather than later in order to make progress with the revisions. Multiple Board members voiced concerns regarding the timeline presented because there may not be enough time to review the proposed changes prior to a June meeting. John Bell said that once the Board has a draft of the proposed revisions in-hand, they can start working through this and that he supports the idea of meeting multiple times to get the revisions made before the end of the year so as to avoid these same issues next year. Mr. Bell questioned if the proposed changes would be retroactive for those that have lost their permits in recent years due to the current language in PAG-12. Mr. Patel said he would

have to consult with DEP attorneys on the issue. With the understanding that a draft of the proposed revisions should be submitted to the Board as soon as possible, the overall consensus of the Board was to support DEP's efforts to revise the PAG-12.

10:15 Manure and Nutrient Planning Technical Team (MNPTT) – Frank Schneider – State Conservation Commission

Frank Schneider noted that there was no support or action by the Board being requested and that his main topic of discussion was to make the Board aware of a newly formed work group. The work group is called the Manure and Nutrient Planning Technical Team (MNPTT). Mr. Schneider noted that the purpose of this group will be to discuss Manure Management, Nutrient Management, and CAFO planning standard revisions. Mr. Schneider stated that this group is set to meet once a month for a full calendar year to discuss issues pertaining to planning and implementation and to create proposed policy/procedures, regulatory, and/or legislative changes and present the ideas to the appropriate boards. Mr. Schneider noted that several smaller workgroups derived from the MNTTP will dig deeper into the ideas that are to be presented.

10:30 Draft Guidance on Alternatives Analysis and Draft Guidance on Trenchless Technology – Andrew Foley and Rebecca Dunlap – Regional Permit Coordination Office

Rebecca Dunlap presented a summary of the draft final version of the Chapter 105 Alternatives Analysis technical guidance document. Alternatives Analysis is currently required as part of existing regulation (25 Pa. Code §105.13(e)(viii)). Ms. Dunlap noted that this technical guidance document does not include any new regulations – it simply is presented as guidance for existing regulatory requirements. Ms. Dunlap noted that the final draft does not include much new information; rather, that the information from the previous draft has just been reorganized. John Bell asked about how this guidance will be applied in terms of general permits. Ms. Dunlap reiterated that if an entity is applying for a general permit, then DEP has already evaluated alternatives and it is not necessary for the applicant to conduct an alternatives analysis. Ms. Dunlap noted that an alternatives analysis is only required for Chapter 105 joint permit applications and would be required for a new build that required this type of permit.

Drew Foley presented a summary of the final draft version of the Trenchless Technology technical guidance document. Mr. Foley indicated that the anticipated public comment period for both technical guidance documents is Fall or Winter of 2020 with a final publication release to occur at the same time as the release of the Chapter 105 Regulation Annex. Mr. Foley noted that, once the publication is finalized, DEP plans to create tutorial videos for both technical guidance documents and proposed that the videos be posted to the DEP's Clean Water Academy webpage.

Ms. Dunlap confirmed to Brenda Shambaugh that these final drafts were not shared with the 105-delegated conservation districts yet and that DEP expects to share the documents with those conservation districts when the documents get to the official public comment period. Ms. Shambaugh suggested that DEP present these guidance documents to 105-delegated conservation districts now because the conservation districts are the ones on the ground working.

11:15 Conowingo WIP – Jill Whitcomb – Chesapeake Bay Office

Jill Whitcomb presented an update on the Conowingo Watershed Implementation Plan (CWIP). Ms. Whitcomb noted that the CWIP was developed alongside other jurisdictions in the Chesapeake Bay

watershed, not by Pennsylvania alone, to address additional nutrient loads entering the Chesapeake Bay that were not previously addressed by the 2010 Chesapeake Bay TMDL as a result of the Conowingo Reservoir reaching dynamic equilibrium.

Matt Royer asked how we would ever get to a point where there would be additional agriculture practices that could be credited toward the CWIP reduction goal. Ms. Whitcomb explained that the easiest way to relate practices to the CWIP is by identifying the funding source. Ms. Whitcomb also stressed that the CWIP should be viewed as complimentary to the state Phase 3 WIP rather than as a competing WIP.

Matthew Matter asked if the CWIP would bring about new regulations to which Ms. Whitcomb responded that this will not necessarily be the case. Ms. Whitcomb also reaffirmed that the Phase 3 WIP does not address the additional nutrient loads associated with the Conowingo Reservoir reaching dynamic equilibrium, which is why the CWIP is necessary.

John Bell asked if there was a reason as to why they are not trying to align CWIP to Tier 1 and Tier 2 counties. Ms. Whitcomb noted that the initial CWIP draft focused on Tier 3 and 4 counties, mainly because of uncertainty about how the CWIP would come to fruition. Ms. Whitcomb indicated that, since that time, the geographic range of the CWIP has expanded, and that Tier 1 and Tier 2 counties are being presented with the CWIP information. Mr. Bell also asked if the excess nutrient measurements are pertaining to the point of the dam or from the point of origin of the conservation practice. Ms. Whitcomb indicated that she was unsure about this and will seeking an answer to Mr. Bell's question. Mr. Bell indicated that one of his biggest concerns is that those who have done a good job thus far at achieving progress with their efforts will then be asked to do more, which he said is not a positive message to be sending. Mr. Bell stated that he would like the message to be conveyed that there is indeed an end result and that there will not be a huge expectation to do more than is already being done to convey better confidence in restoring the Bay.

11:45 Comments/Concerns of the Board

No comments, questions, or concerns were voiced.

11:50 Public Comment

No comments, questions, or concerns were voiced.

11:55 Future Meeting Dates – Jay Patel – Bureau of Clean Water

The group decided that a July meeting date would be most feasible to discuss the PAG-12 proposed revisions; July 2 and July 16 were briefly mentioned as possible dates. Mr. Patel indicated that DEP would create a Doodle poll to send to all Board members to establish the best date for a future meeting.

12:00 Adjourn