



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

Expanded Agricultural Inspections in Pennsylvania's Chesapeake Bay Watershed

Water Resources Advisory Committee

March 14, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Brief History of Agricultural Inspections

- 1970s: Pennsylvania Clean Streams Law
- 1990s: Nutrient Management Act
- 2010: Chesapeake Bay Total Maximum Daily Load
- 2016: Launch of expanded agricultural inspections in Pennsylvania's Chesapeake Bay Watershed

Expanded Agricultural Inspections

Existing: Pennsylvania Nutrient Management Program (most recently updated via Act 38):

- Began: 1997.
- Led by: State Conservation Commission and Conservation Districts.
- Focus:
 - **Concentrated Animal Operations (CAOs)** - high animal density and larger scale livestock/poultry operations
 - 2.0 Animal Equivalent Units per acre or greater.
 - **NPDES Concentrated Animal Feeding Operations (CAFOs)**
- Required compliance:
 - Environmental planning and implementation requirements under Chapter 83 Nutrient Management (Act 38 NMP) regulations and Chapter 92a CAFO regulations.
 - Includes requirements for agriculture erosion and sediment control.

New: Chesapeake Bay Agricultural Inspection Program (CBAIP):

- Began: 2016.
- Led by: Department of Environmental Protection and Conservation Districts.
- Focus:
 - **Non-CAOs/non-CAFOs** - Remaining less intensive, smaller scale agricultural operations.
- Required compliance:
 - Environmental planning requirements for DEP Chap. 102 Agriculture Erosion and Sediment Control (Ag E&S) regulations and Chap. 91 Manure Management (MMP) Plans.

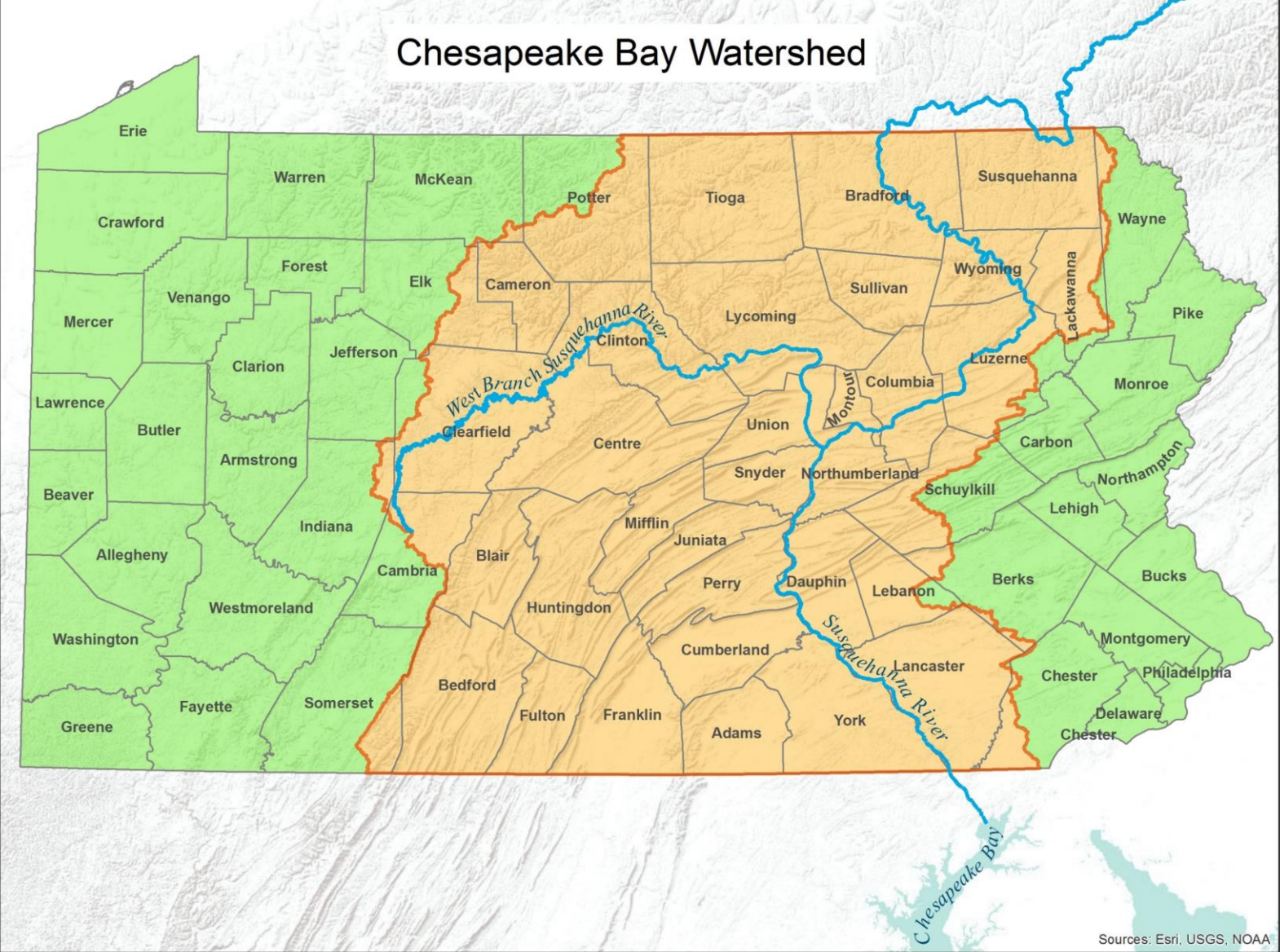
Nutrient Management Program

Pennsylvania agricultural operations regulated under Act 38 (compared with 2012 Ag Census data) – snapshot

Animal Type	Percent covered by Act 38 NMPs (CAFO/CAO/VAO)	Percent covered by Manure Management Plans
All Swine (hogs and pigs used for breeding and other)	98	2
All Chicken (layers, pullets, broilers)	99	1
Ducks*	100 +	0
Turkeys	70	30
Dairy Related Cattle	20	80
Remaining Cattle (Beef)	10	90
Sheep and Lambs	3	97
Goats	5	95
Equine	7	93

* There has been a significant increase in duck population in Pennsylvania, which is why there is a higher population covered by NMPs than what was identified in the 2012 Ag Census.

Chesapeake Bay Agricultural Inspections Program



Sources: Esri, USGS, NOAA

Chesapeake Bay Agricultural Inspections: Process

1. Inspection strategies determined.
2. Pre-inspection notice sent to farm operator.
3. Inspection performed by Conservation District or DEP staff.
 - *Time frame given to achieve compliance.*
4. Follow-up activities and measures help initially noncompliant farms to ensure they come into compliance.
5. If noncompliance continues after specified time frame, the farm operation is referred to DEP.
 - *Referral is made when the inspection is completed by CD and the operation remains in noncompliance.*

Expanded Agricultural Inspections

What are inspections looking for?

- **Act 38 Nutrient Management Program**
 - Nutrient Management Plan (Pa. Code Chap. 83 and 91)
 - Ag E&S/Conservation Plan (Pa. Code Chap. 102)
- **Chesapeake Bay Agricultural Inspections Program**
 - Manure Management Plan (Pa. Code Chap. 91)
 - Ag E&S/Conservation Plan (Pa. Code Chap. 102)

Number of Agricultural Inspections Performed: July 1, 2016 – June 30, 2017

Total:

- Approximately 3,093,000 agricultural acres in Pennsylvania's part of the Bay Watershed
- 393,426 acres (12.7%) inspected—2,823 farm operations

Act 38 Nutrient Management Program:

- 743 agricultural operations inspected – 100% inspection rate
- 147,762 acres inspected

Chesapeake Bay Agricultural Inspections Program:

- 2,080 agricultural operations inspected
- 245,664 acres inspected

Expanded Agricultural Inspections: Compliance Rates on Initial Inspections

- **Act 38 Nutrient Management Program:**
 - 80% compliance rate for Act 38 Planning and Implementation Requirements.
- **Chesapeake Bay Agricultural Inspections Program:**
 - 65% compliance rate for Manure Management Planning requirements.
 - 63% compliance rate for Agricultural Erosion and Sediment Control/Conservation Planning requirements.

Chesapeake Bay Ag Inspections

July 1, 2017 – December 31, 2017

- **Chesapeake Bay Agricultural Inspection Numbers:**
 - 612+ agricultural operations inspected
 - 57,659+ acres inspected
- **Chesapeake Bay Agricultural Inspection Compliance:**
 - 66% compliance rate for Manure Management Planning requirements.
 - 67% compliance rate for Agricultural Erosion and Sediment Control/Conservation Planning requirements.

Chesapeake Bay Agricultural Inspections: Enforcement

- **Noncompliance referrals to DEP (October 1, 2016 – February 1, 2018):**
 - 80 operations were referred to DEP for follow-up enforcement action due to lack of required MMP, Ag E&S Plan, or both.
 - DEP has 30 days from referral date to send Notice of Violation.
- **Notices of Violation sent (October 2016 – February 1, 2018):**
 - Total: 74 farm operations.
 - 25 resulted in submission of the required plans to DEP.
 - 3 operations submitted the required plans prior to receipt of NOV
- **Field Orders delivered (July, 2017 – February 1, 2018):**
 - Total: 9 farm operations
 - These operations did not submit administratively complete plans to DEP by the timeframe provided in the NOV.
 - Field order provides limited time to obtain and submit plans as a “last chance” opportunity prior to penalty assessment.
 - Field order is hand-delivered by DEP Bureau of Investigation staff.

Expanded Agricultural Inspections: First-Year Success

1. We exceeded federal expectations for number of acres inspected.
2. We found that a majority of farms are complying with state erosion and sediment control and manure management planning requirements.
3. We're engaging the agricultural community in a new way, as farmers not yet in compliance are working with us toward this goal.

Agricultural Inspections: A Partner Process

2016-2017 Summary report:

<http://www.dep.pa.gov/Business/Water/CleanWater/AgriculturalOperations/Pages/Agricultural-Compliance.aspx>

Questions?



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

Contact Information:

Doug Goodlander

Environmental Program Manager

Operations Division

dgoodlande@pa.gov

(717) 772-0141



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION