

# **Nutrient Management Advisory Board**

## **Minutes of the January 5, 2006 meeting**

Board Chair John Fidler called the January 5, 2006 meeting of the Nutrient Management Advisory Board to order at 1:00 PM in room 202 at the Pa Department of Agriculture Building in Harrisburg. Besides several staff and interested parties, the following Board members and Advisors were present:

### Members:

Dr. John Fidler, Feed Industry Representative  
Dr. Linda Baker, Veterinary Nutrition Specialist  
Mark Bricker, Swine Producer  
James Brubaker, Meat Poultry Producer  
Erick Coolidge, Local Government Representative  
Dr. Steve DeBroux, Academia Member  
Gary Heim, Public Representative  
Bernard Nissley, livestock Producer  
Joeseph Middour, Dairy Producer  
Kelly O'Neil, Environmental Representative  
Jon Stutzman, Fertilizer Industry Representative

### Advisors:

Dr. Doug Beegle, Penn State University Agronomy Department  
Dave Bingaman, PDA / BPI  
Mike Lovegreen, Conservation District Representative, Bradford County  
Tim Murphy, USDA / NRCS  
Joel Myers, USDA / NRCS

## **1.) Welcome and Introduction of New Members and Employees:**

## **2.) Update on Nutrient Management Planning Regulations: – Doug Goodlander (SCC)**

Doug addressed comments that the NMAB had previously given on the new nutrient management regs (Act-38).

- Northern Counties might have a problem meeting the cover crop requirement for winter application of manure on corn silage stubble. The concern is that northern farmers will not be able to get a cover crop planted in time to actually have enough cover.
- Is requirement for an E & S plan the same as a conservation plan?
  - What is required?
  - What is the responsibility of the CD's reviewing NMP's
- Is in field stacking of manure an available option for all

- Only if it can be stacked and meet the criteria in the regs.
- No more than 120 days stacked in field, OR
- Cover the pile.
- Timing. What are the timelines for the new regs?

### **3.) Update on Nutrient Management Plan Writing and Reviewing Certification Regulations – Mike Aucoin (PDA)**

Mike Aucoin spoke on the changes to the NM certification requirements. Mike pointed out that a few of the changes included the elimination of the “C / P” category. These individuals that are certified for both Public and Commercial will now be classified as “Dual Certified”. Mike pointed out that the requirements and fees have changed, as well as the number of continuing credits each person will need in order to maintain their certification. The exception is those farmers that get “individually” certified to write their own NMP. Those folks will not have an increased amount of credits to achieve. Mike also pointed out that there is now a process in place for pulling someone’s certification, or carry out a disciplinary action.

Mike asked the certified commercial plan writers that were present, if they thought the changes would be burdensome, and are they do-able.

### **4.) CAFO Regulations Update – Bob Gibson (DEP)**

Bob Gibson updated the Board on the new CAFO regs. Bob used a power point presentation to show a new decision tree hand out that is in the making. This new resource helps clarify who is (and is not) a CAFO, as well as what (if any) permit would be needed. Bob took suggestions, asked for proofing, and asked that the decision tree not be given out until it was final proofed and in its finished form.

Bob pointed out that the new CAFO regs are only 3 pages long, but that those who fall under the CAFO regs must also comply with all of the Chapter 83 regulations. Bob explained that most of the folks that will be new CAFOs will be poultry operations. Public comment period for these federal regs will be coming “very soon”.

Bob was asked the question what animal weight (or when in the animal’s growth cycle) is to be used in doing the CAO calculation, and if (when in final form) that his decision tree be sent out for the CD’s to be used. Bob was commended for a good start at clarifying this set of regulations.

### **5.) Discussion on Passage of Act 38 of 2005 – Doug Goodlander**

- **What this means to the future of PA’s Nutrient Mgt. Program**
- **Odor Management Provisions of the Act**

Doug explained to the Board that Act-6 is no longer, and Chapter 83 has become Chapter 38. All revisions to Act-6 (the old Nutrient Management law) have been incorporated into Act-38. A significant change that comes about with this move is that with the inclusion now of ACRE, local agricultural ordinances can now be repealed. Another change is that manure application setbacks have been simplified. Application setbacks are now at 100 feet back from wells, streams, lakes, ponds, and open sink holes. The setback distance can be reduced to 35 feet if

there is an established vegetative buffer along the environmentally sensitive area. Setbacks from wells are the exception in that their setback is always at 100 feet.

Doug also talked about the odor management part of Act 38. Doug explained that new CAOs and CAFOs will need odor management plans for their facilities'. Doug clarified that this only applies to new operations, and not existing ones. Odor management plans will be for the facility, but not be required for any permit application. The State Conservation Commission has until July 2007 to write the regulations for this new law.

#### **6.) Update on Manure Hauler and Broker Certification Regulations – Johan Berger**

Johan briefed the Board on Act-49, the Commercial Manure Hauler and Broker Certification Program. Johan shared that the public comment period for this regulation is only open until January 17, 2006 [*this date was later pushed back by 30 days*]. Johan pointed out that these regs apply to all farms who use a commercial manure hauler or broker, (not just CAOs and CAFOs). There was a lot of discussion on this topic, along with several questions. A few of the questions and comments are as follows:

- Comment: Exam certification might make getting manure hauled this spring very difficult to achieve.
  - Especially with non-English speaking folks,
  - Some haulers have threatened to quit hauling.
- Question: How were exam and certification fees established?
- Question: Why the need to take an exam for re-certification?
- Question: Why are the certification and regulation requirements of Act-49 more stringent than pesticides with the Pesticide Applicators Program?

Chairman Fidler asked for volunteers to form a workgroup to draw up comments on the proposed Act-49 regs on behalf of the Board. Said comments would then be acted on by the board at the next Board meeting. The following Board members agreed to serve on the Chairman's requested workgroup: Chairman Fidler, James Brubaker, Joe Middour, Erick Coolidge, Rob Meinen (on behalf of Dr. Ken Kephart) and Kelly O'neil.

A motion was made by Kelly O'Neil to form the workgroup and discuss preliminary comments, and to request an extension to the comment period, at which time the NMAB would once again meet to further discuss and refine the workgroup's comments. An additional meeting date for the entire board was requested in order to act on the workgroup's comments. Motion was seconded by Bernard Nissley. Motion was approved by the Board.

#### **7.) Discussion on Alternative Manure Technology Opportunities - Doug Goodlander**

Doug used a handout to talk about some alternative manure use technology. Doug commented that the time is overdue to look at alternative to traditional uses for manure. Doug stated that a committee needs to be formed to provide ideas and programs to make other manure use options available and viable.

A motion was made by Joe Middour, (and seconded by Jim Brubaker) to create this committee to look into alternatives uses of manure. Motion carried by the Board.

### **8.) Meeting Dates for 2006**

The last matter of business was discussion and approval of the 2006 meeting dates. The following dates (*which are all the second Thursday of the month*) were presented:

- April 13, 2006
- July 13, 2006
- November 9, 2006
- An additional meeting (to act on the newly formed workgroup's comments to Act-49) was set for February 23, 2006. This particular meeting was later changed to February 10, 2006 in order to for the board to meet before the published ending date for public comment.

Meetings dates were formally approved as listed above.

The January 5, 2006 NMAB meeting was formally adjourned at 4:20 PM.