

NYS Soil & Water Conservation Committee
1 Winners Circle, Albany, NY 12235 – Telephone (518) 457-3738

STATE COMMITTEE MEETING

June 18, 2002 – Walton, NY

Present: D. Hill, Chair; C. Yunker, R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; E. Dodd, J. Schumacher, Staff; S. Collins, DAM; L. Miller, Dutchess SWCD; D. Lake, Cortland SWCD; B. Steinmuller, Schenectady SWCD; T. Brace, Wyoming SWCD; R. Weidenbach, Delaware SWCD; P. Black, SUNY-ESF; G. Chartier, DEC; J. DelVecchio, R. Lewis, USDA-NRCS; L. Travis, NYSCDEA; J. Herring, NYSDOS; R. Entringer, NYSDOH; P. DeGaetano, DEC-DOW.

Call To Order

Meeting convened at 10:12 a.m.

Review Minutes

C. Yunker moved to approve the May 2002 minutes; seconded by R. Aman. Motion passed; carried.

Introductions were made. R. Weidenbach welcomed everyone to the Delaware Co. SWCD. He thanked the Committee for its role in the development of the NYC Watershed Agricultural Program. R. Weidenbach explained the importance of the program by stating that it allows farmers to keep farming in a watershed that 9 million people depend on for their drinking water.

Correspondence – R. Kaplewicz

Reports and newsletters were made available for attendees to read and request copies:

R. Kaplewicz announced the appointment of M. Latham as the new Assistant Director of the Soil and Water Division and the New York State Soil and Water Conservation Committee (SWCC). The Committee congratulated Mr. Latham.

R. Kaplewicz read two letters selected from the correspondence list.

The first was from Michael A. Maggiotto, Dean, School of Letters and Sciences at SUNY Brockport. Maggiotto invited Kaplewicz to serve as a member of their External Advisory Board for their newly developed interdisciplinary Environmental Science program. R. Kaplewicz told the Committee that he is grateful for this opportunity and he plans to participate on behalf of the State Committee.

R. Kaplewicz also read a letter from K. Porter, Water Resources Institute (WRI), Cornell University, to R. Zimmerman, Department of Agriculture and Markets (DAM), informing him of his resignation as Dean Susan Henry's representative on the State Committee.

Letters & Memos

1. From Peter E. Black Representative of NYS SWCC to C.B. Murphy President of SUNY College of Environmental Science and Forestry, Memo regarding status of State Committee membership and issue topics.
2. From Charles Holmes, Chair of NACD Forest Resources Committee to State Association Presidents and Executives. "Conservation Districts' Role in Implementing the National Fire Plan" booklet which contains contracts and an array of information.

Reports & News Letters

1. Conservation Briefs- June 7, 2002, TMDLs Must Include Nonpoint Sources, Senate Passes '02 Supplemental, USDA Moves Out on Farm Bill.

2. Conservation Briefs-May 24, 2002, President Bush signs Farm Bill into Law, Smith appoints Implementation Committee, EPA and NACD Leaders meet.
3. CDEA News-May 2002, Four Way Partnership is forming a Training Committee, Fifth Anniversary Newsletter, Employee Profile.
4. AWRA- May 2002, NYS Meeting produces slate of officers for section elections, and the AWRA newsletter.
5. Report from NYS Hudson River Task Force, Task Force Purpose, Task Force Charge, Membership, Representatives, and Remedy.
6. NYSDEC, 2001 Remedial Plan, Governor Pataki's Legislative Proposal Highlights, Superfund Articles, Resources Available for Community Redevelopment, New York's Environmental Restoration Program (Brownsfields Program) is a \$200 Million fund for grants, the EQBA provided \$1.1 Million for state funded activities.
7. NRCS-May 31, 2002, Request for Proposals, FFP program description-fact sheet and Q & A, and Farm Bill 2002.
8. CTIC Partners- May/June 2002, EPA Revising TMDL rule, Building Better Texas Blacklands, Soil and Water Conservation Committee 2002 Conference-July 13-17 Westin Hotel, Indianapolis, IN.
9. Down To Earth...Briefs-May 23, 2002, Griffen Bids Farewell, Dennis Hill Takes the Reins.
10. Down To Earth...Briefs-June 13, 2002, Latham Appointed, Summer Interns Join Team.
11. NACD News & Views-May/June 2002, Farm Bill Passed-Major Victory for Conservation Districts, Bruce Knight appointed as New NRCS Chief, Annual Spring Legislative Conference: Translating Policy into Action,
12. National Urban & Community Forestry Advisory Council-May 2002, Annual Report for 2001, Urban Orchard Project, Eagle Eye Institute, brochure included.

Conferences & Seminars

1. "The Race for Clean Water", October 21-23. Dover Downs Hotel and Conference Facility, Dover Delaware. Delaware Erosion, Sediment and Stormwater Conference.
2. Soil and Water Conservation Society, 57th Annual Conference, July 13-17, 2002, Westin Hotel, Indianapolis, Indiana.

Stormwater Phase II Discussion-P. DeGaetano

P. DeGaetano presented to the Committee a status report on the Stormwater Phase II regulations.

Phase II Stormwater Regulations were promulgated in 1999. Phase II expanded the scope of regulated activities to include regulating Municipal Separate Storm Sewer Systems (MS4s), and Small Construction (disturbing >1 acre). It also ended the Phase I exemption for small municipalities. As of March 10, 2003 all MS4s within an urbanized area as well as MS4s designated by the DEC, and all construction activities disturbing at least one acre must seek appropriate permit coverage.

The permit will be covered by the State Pollutant Discharge Elimination System (SPDES). There will be one general permit for construction activities and one for MS4s.

The general permit for construction will cover Phase I and Phase II construction activities. All construction activities that fall under the Phase I or Phase II permits must file a Notice of Intent (NOI) for each project. For each project a Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented by a licensed professional with appropriate management practices. However, smaller sites may only be required to develop and implement an Erosion and Sediment Control Plan.

An MS4 is defined as "A conveyance or system of conveyances owned by a State, City, Town, Village, or other public entity that discharges to the Waters of the United States and is:

- designed or used to collect or convey stormwater (includes gutters, pipes, ditches)
- **not** a combined sewer

- **not** part of a Publicly Owned Treatment Works (i.e. sewage treatment plant)”

As of March 10, 2003 all MS4s within an urbanized area as well as MS4s designated by the DEC must seek appropriate permit coverage. The EPA has developed an automatic designation of urbanized areas. The nationwide designation is based on a population of >50,000 and a density of at least 1,000 per square mile. In New York State there are 14 urbanized areas that fall under the EPA’s distinction, including

- 44 cities
- 183 villages
- 141 towns

All MS4 operators must implement a stormwater management program that:

- Contains the six minimum control measures
- Lists the approved Best Management Practices (BMPs)
- Sets forth measurable goals
- Provides for annual reporting

The six minimum control measures are as follows:

1. Public education and outreach
2. Public participation and involvement
3. Illicit discharge detection and elimination
4. Construction site stormwater runoff control
5. Post-Construction stormwater management in new development and redevelopment
6. Pollution prevention and good housekeeping of municipal operations

Permit applications must be available to the regulated community by December 9, 2002. The DEC plans to help permittees by having permits available in October 2002. By releasing draft permits in June 2002, the DEC can accelerate awareness and increase preparedness for the fall. Notices of Intent must be filed by March 10, 2003.

P. DeGaetano asked the Committee to think about its role and that of the Soil and Water Conservation Districts (SWCDs) in the implementation of the Phase II regulations. He added that the SWCDs have a unique set of skills and responsibilities to address erosion and sediment control and stormwater management. He proposed four levels of involvement for SWCDs, which include:

- Information & education
- Technical Assistance
- Training
- Implementation Projects

SWCDs can also play an important role in conjunction with County Water Quality Coordinating Committees (CWQCCs) in working with municipalities to implement the six minimum control measures.

He added that the DOW will be developing a Request for Proposals (RFP) to offer financial assistance for municipalities to implement the six minimum control measures. The grant source for the RFP will be the Environmental Protection Fund (EPF). When asked if the State Committee will have the opportunity to assist in the development of the RFP, DeGaetano said that he will provide the Committee with a draft for comment as soon as it is complete.

R. Entringer asked if Districts would be a potential applicant for the RFP, and whether there will be a distinction drawn between planning activities and dollars allocated for technical assistance?

DeGaetano was unsure about the details of the RFP at this time, but he assured the Committee that it will be shared before the RFP is finalized.

He advised the Committee that the DOW's focus over the next 15 years will be more on stormwater and less on agricultural nonpoint source (NPS). He added that the money that the DEC has provided in the past for State Committee programs and staff will be shifted in focus toward stormwater pollution prevention.

Discussion continued regarding the role of the SWCDs in implementing Phase II. The potential need to survey the Districts asking them what they foresee as the major difficulties of compliance was raised. District involvement in a regulatory role was also raised as a potential concern.

Discussion ensued regarding ag. and nonag. EPF dollars to assure that adequate appropriations will be provided for both. It was recommended by DeGaetano that all NPS working groups continue working together to increase the potential for funding for all.

D. Hill thanked P. DeGaetano for his informative presentation and requested that the State Committee put together a group to define its role and the role of SWCDs in the Stormwater Phase II program. He asked G. Proios to head the subcommittee with L. Travis (NYSCDEA), D. Lake (SWCC Staff), G. Chartier (DEC), S. Collins (DAM), and L. Miller (SWCC Staff).

R. Kaplewicz suggested that the focus of the subcommittee be to define the potential roles, responsibilities and strategies for the State Committee, Districts, and CWQCCs.

Organizational Issues-D. Hill, R. Kaplewicz
Review of SWCC Strategic Plan

The Three-Year Strategic Plan for the Assistance to Soil and Water Conservation Districts and the Reduction of Nonpoint Sources of Water Pollution by the New York State Soil and Water Conservation Committee was distributed.

D. Hill requested that the Committee review the document. D. Hill convened a subcommittee to review and make recommendations to the Strategic Plan. The members of the Committee include:

- C. Yunker (Chair)
- L. Travis (NYSCDEA)
- A. Cartin (NYACD)
- M. Latham (SWCC staff)
- J. DeVecchio (who will delegate member from NRCS)

A September timeframe for a report by the subcommittee was suggested.

Committee Assignments/Structure

R. Kaplewicz distributed two documents detailing Committee assignments and structure. The purpose of the documents is to show the extent of State Committee membership on various administrative, oversight, internal and partnership committees. *Kaplewicz requested that the Committee initiate a brainstorm session for the September meeting regarding these Committee assignments and the structure of the committees, which now include the Strategic Plan and the Stormwater Phase II Subcommittees.*

Agricultural NPS Abatement & Control Grant Program-E. Dodd

Agricultural NPS Abatement & Control Grant Program

STATUS OF ROUNDS I-VIII Of 275 projects, 126 are active and 149 are complete. Of the 36 Round VIII projects, 25 are fully executed. Plans of work have not yet been submitted for 3 projects and are now past due. There is still one pending contract in Round VI and one in Round VII.

ROUND IX RFP- SWCDs whose projects ranked 1-50 were asked to submit information to address the potential contract concerns listed on the Round IX ranked list. This information should be submitted to the SWCC Albany office by June 30th.

ROUND X PREPARATION- The Technical Advisory Committee met on June 5 to discuss ideas for the Round X RFP. Recommendations are being developed which will be presented to the State Committee at future meetings. Ideas included separating planning and implementation, using state funds for demonstration projects, funding for farm expansion, amending the ranking process, increasing compatibility with federal programs, and making Tier V eligible for grant funds.

Dodd reported that the Office of the State Comptroller has clarified that any agency or organization that could have direct financial benefit from a grant cannot participate in ranking a round of proposals in which that proposal is included. This is a statewide policy. The TAC recommends that agencies that have participated in the ranking of Ag. NPS grants should decide whether they wish to remain as rankers or participate as grant applicants.

C. Yunker raised the concern that changing the ranking team could result in a loss of important expertise.

Discussion ensued regarding the potential conflict of interest in the ranking policy. It was suggested that an interpretation could be requested from the State Attorney General's office.

AMENDMENT REQUESTS

Change to Plan of Work

1. Schuyler Co. SWCD – Watershed Protection in 2 Subwatersheds of Seneca Lk. – Round VIII (45-1)

Request: Remove barnyard water management BMP, change temporary storage to long-term.

Reason: Landowner is moving barn.

C. Yunker moved to approve the change; seconded by R. Aman; Motion passed; carried.

Amendments

1. Columbia Co. SWCD – Mill Creek WS Liquid Manure Composting – Round VII (C700049)

Request: Shift grant funds from contractual services to engineering services.

Reason: Additional engineering funds needed.

Previous Requests: none

G. Proios moved to approve the amendment; seconded by C. Yunker; Motion passed; carried.

2. Westchester Co. SWCD – Ag NPS Pollution Assessment in Croton/Kenisco WS – Round VI (C700598)

Request: Shift grant funds from personnel services to contractual services.

Reason: District plans to contract for services.

Previous Requests: one time extension

C. Yunker moved to approve the amendment; seconded by R. Aman; Motion passed; carried.

Staff-Approved Amendments

1. Tompkins Co. SWCD – Management Intensive Grazing, Cayuga & Owasco WS – Round VII (C700051)

Request: Change 3 landowners.

Reason: Landowners voluntarily withdrew from program.

Approved by J. Schumacher 6/14/02.

2. Steuben Co. SWCD – Chemung River Basin Prescribed Grazing Phase II – Round VIII (C700695)

Request: Change 3 landowners.

Reason: Landowners voluntarily withdrew from program.

Approved by T. Brace/ E. Dodd 6/17/02.

District Reimbursement-R. Kaplewicz

R. Kaplewicz distributed two spreadsheets. One spreadsheet listed the 2001 county appropriations to their respective SWCDs. The second spreadsheet listed the 2001 SWCD reimbursable totals.

He also advised the Committee that the Department is now actively processing reimbursements.

Pesticide Amnesty Resolution-G. Proios

A copy of the resolution was attached to the meeting agenda. Some changes to the wording were suggested. A consensus regarding those changes was reached.

The resolution reads as follows:

Whereas, those counties within New York State that have instituted government sponsored pesticide collection programs which encourage the proper disposal of unwanted, outdated, unused, and banned pesticides no longer legal for application, in order to avoid or reduce the potential for surface and groundwater contamination, have experienced successful responses to these programs; and

Whereas recent studies performed by government agencies and private researchers have detected pesticides in ground and surface waters, and removing unwanted pesticides will reduce such threats; and

Whereas, the New York State Soil and Water Conservation Committee has been reviewing and discussing this issue; and

Whereas, a recent survey of pesticide collection programs throughout the United States determined that existence of a state-sponsored program is crucial to local county implementation of pesticide collection programs, and that New York State lacks such a state-sponsored program; and

Whereas, this survey also found that a key element to successful pesticide collection programs is on-going state financial support that allows county programs to be implemented on a regular, yearly or consistent basis; and

Whereas, New York State has dedicated funding sources, including the Environmental Protection Fund, which provide needed funding for a wide range of important and critical environmental protection programs at the local level,

Therefore, be it resolved that the State Soil and Water Conservation Committee recommend to the Governor and state legislature funding on an annual basis for counties to participate in and sponsor pesticide cleanup (amnesty) days within their counties.

A motion was made by G. Proios, seconded by C. Yunker, to approve the Pesticide Amnesty Resolution. Motion passed; carried.

CREP Update-L. Miller

L. Miller reported on the latest progress toward finalizing an agreement for the Statewide CREP. Miller attended the CREP Forum in Preoria, IL and was able to receive clarification on many issues. At the current time, the State is working toward building CREP into the AEM Program. A CREP worksheet will be developed, which will be used to evaluate eligibility and track environmental improvements.

Discussions on the federal requirement to monitor water quality improvements followed. The lack of funding to conduct monitoring programs is an issue for several State agencies. The Farm

Service Agency in NY will be applying to be a pilot program in order to receive evaluation and monitoring funds.

Other Reports and Comments-All

Approve SWCD Annual Work Plans

The following counties Annual Work Plans were approved:

- Cattaraugus
- Dutchess
- Franklin
- Fulton
- Herkimer
- Orange

Updated Annual Calendar

R. Kaplewicz distributed the updated SWCC calendar.

Other Reports

G. Chartier gave a report regarding the 2002 Mini-Grant applications. He told the Committee that all of the proposals for Level II, Pesticide Clean Sweep, look legitimate and all will be funded. Chartier also advised the Committee that a meeting will be held on June 25, 2002 to finalize the ranking for the Level III proposals, Strategies to Address Failing On-Site Septic Systems.

P. Black advised the State Committee that the Organizing Committee for the International Congress on "Watershed Management for Water Supply Systems" held its first official meeting a week ago in New York City. Black will be sending out the first of several informational Emails regarding the Congress to State Committee members.

J. DelVecchio thanked the Committee for its participation in the Farm Bill Rollout that was held in Syracuse on June 12. He also reminded the Committee that the Farmland Protection RFP comes out on July 15, 2002.

R. Aman told the Committee that the State Legislature will be voting on the net metering legislation relating to methane digesters. He said that the outlook is optimistic, and if it passes it could produce an average profit of \$400-\$500 a month for farms with digesters.

L. Miller thanked the Committee for its participation in the NYS Envirothon. She told the Committee that Cayuga County won first prize this year.

M. Latham advised the Committee that the new 2002-2003 SWCD Directory has been published and is available by contacting the SWCC office.

R. Kaplewicz told the Committee that the SWCC office has three interns for the summer. Marigrace Rodd is working on compiling past Mini-Grant information into a comprehensive report. Alicia Persaud is working on developing an Access Database tracking all Ag. NPS Abatement and Control grants. Katie Speanburg is working on visual communications for programs relating to AEM. He also told the Committee that the CAFO workgroup meeting will be held on July 9th, and the SWCC staff meeting will be June 27-28.

D. Hill thanked the Committee for coming to Delaware County.

Meeting adjourned at 2:40 p.m.