

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

**STATE COMMITTEE MEETING**

**September 16-17, 2002 – Utica, NY**

**Present, September 16, 2002:** D. Hill, C. Yunker, R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; B. Steinmuller, B. Silvestri, Schenectady SWCD; T. Brace, Wyoming SWCD; J. Curatola, Tioga SWCD (USC), N. Rudgers, J. Rusnica, R. Zimmerman, DAM; L. Hurtgen, Farm Bureau; G. Chartier, L. New, DEC; P. Smith, D. Beckstrand, Monroe SWCD; D. Lake, Cortland SWCD; J. DeVecchio, USDA-NRCS; P. Kaczmarcyk, DOH.

**Call To Order**

Meeting convened at 7:00 p.m.

Introductions were made.

**Review Minutes**

**C. Yunker moved to approve the July 2002 minutes with corrections submitted by J. Rusnica, and G. Proios; seconded by G. Proios. Motion passed; carried.**

**Correspondence** – R. Kaplewicz

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

**Memos and Letters**

1. From Joseph R. DeVecchio, to State Technical Committee Members, regarding the scheduling of the State Committee meeting based on the passage of the 2002 Farm Bill. The memo advises the Committee of the re-authorizing and newly authorized Conservation Programs, 08/29/02.
2. From Joseph R. DeVecchio, to Ronald T. Kaplewicz, regarding the proposal for funding to digitize the remaining areas of New York over the next five years. Funding amounting to \$249,900.00 annually during the project period is requested. The NRCS will provide matching funding, plus other-in-kind services, 07/26/02.
3. From Dawn C. Howard, letter of thanks on behalf of St. Lawrence Co. SWCD for the reimbursement of \$30,000 to the SWCDs, 07/16/02.
4. From Kimberly J. Farrell, Co-Director of the Maxwell School of Citizenship and Public Affairs Environmental Finance Center, Syracuse University, to Ronald T. Kaplewicz, regarding an invitation to a focus group meeting to discuss agricultural hazardous waste collection systems in New York State to be held at the Albany Marriott on Thursday, September 26 at 10:00a.m.

**Reports & News Letters**

1. Conservation Technology Information Center (CTIC) Partners-July/August 2002, 2002 Farm Bill Passes, Strip Tilling the Panhandle, Monsanto Co. Centers of Excellence, Conservation Rewards in Canada.
2. What's Cropping Up, A Newsletter for NY Field Crops and Soils-Volume 12, Number 4, July/August 2002, Phosphorus Soil Testing and Nutrient Management Planning in New York.
3. Rural Futures-July/August 2002, High Tech. Telecommunications Meet Rural Areas.
4. Jefferson Co. SWCD and the Jefferson Co. WQCC, Jefferson County Water Quality Strategy-September 9, 2002.
5. Farm Bill 2002, NRCS New York Fact Sheet-May 2002.

### 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. "A Vision for Wildlife Viewing", October 16-19. Saint Paul, Minnesota 2002 Watchable Wildlife Conference.
3. Oneida Lake Watershed Task Force Conference and Bus Tours, October 9. Arrowhead Lodge, Oneida Shores Park, Brewerton, NY.
4. "Where Water Quality and Soil Management Progress Together", September 18, Cayuga SWCD, Bus tour of Owasco Watershed and other Priority watersheds. Natural Resource Center, 7413 County House Rd., Auburn, NY, Bus will be departing at 9 a.m.
5. "Turn on to Agriculture", October 16, The 2002 Jefferson County Agriculture Tour. Departing from the Salmon Run Mall, 9:30 a.m.-3:30 p.m.
6. FL-LOWPA's 11<sup>th</sup> Watershed Workshop, September 27, Camp Stella Maris on the shore of Conesus Lake, Livonia, NY.
7. Great Lakes Commission, "Building Partnership for Restoration", October 14-15, Cleveland Ohio

### Overview of Budget Request-R. Kaplewicz

N. Rudgers greeted the Committee and commended the work that it has done. He added that R. Kaplewicz and the State Committee staff has done an outstanding job developing a comprehensive budget for the Division of Soil and Water and the State Committee. R. Zimmerman stated that the State Committee was creative in developing a long-term strategy, which included short-term goals. R. Kaplewicz described the proposed budget as a culmination of State Committee member and staff discussions, looking carefully at State Committee and Soil and Water Conservation District priorities.

R. Kaplewicz presented the budget overview. The overview offered both a long-term vision and short-term goals. In summary, the budget reflects the State Committee's priorities including funding for AEM program development, EPF funds for District reimbursement, continued support for the Agricultural NPS Abatement and Control Grant program, and support for nonag. NPS program development.

D. Hill commended R. Kaplewicz and staff for a well-developed budget presentation.

C. Yunker also complemented the effort and raised a question for consideration. Regarding a point in the presentation about the community and agriculture, Yunker asked what the State Committee's role should be in the issue of odor control. He commented that the State Committee's primary function is water quality protection and soil conservation. He is unsure where odor control fits into the equation. He regards odor as an unquantifiable cost of agriculture. D. Hill responded that many projects, funded through the Ag. NPS Abatement and Control program were proposed out of a concern for neighbor relations where odor plays an immense role. Discussion continued regarding odor control. The point was raised that Districts are receiving a great number of agricultural/odor complaints and the State Committee needs to address this growing concern. C. Yunker, speaking as the chair of the Strategic Plan Subcommittee, stated that this issue is of a broader view than the State Committee's current vision and mission and it will be a challenge to develop a concise position on this matter. *D. Hill concluded that this issue will be a matter for further discussion.*

The meeting adjourned for the evening at 8:30 p.m.

**Present, September 17, 2002:** D. Hill, Chair; C. Yunker, R. Aman, G. Proios, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director, E. Dodd, J. Ten Eyck, Staff; J. Rusnica, S. Collins, R. Zimmerman, R. Christensen, B. Jordan, NYSDAM; L. Miller, Dutchess SWCD; B. Silvestri, B. Steinmuller, Schenectady SWCD; K Czymmek, Cornell-CCE; G. Chartier, L. New, DEC; J. DelVecchio, USDA-NRCS; A. Cartin, NYACD; L. Travis, K. Lewis, NYSCDEA; L. Hurtgen, Farm Bureau; P. Kasmarcek, DOH.

### **Call to Order**

Meeting reconvened at 8:37 a.m.

Introductions were made. B. Jordan was introduced and welcomed by the Committee as the new Special Assistant to the Commissioner of DAM

D. Hill opened the meeting by commending R. Kaplewicz and staff for the budget presentation and the good discussion at last night's session.

### **Budget Overview Continued**

R. Kaplewicz briefed the Committee relative to opportunities for funding the 40 local AEM coordinators. The idea is to have AEM coordinators positioned in Districts statewide to assist with AEM efforts at the local level. How to pay for these positions poses a definite challenge. He stated that the EPF may not be able to provide all of the additional resources. One opportunity for funding could be through a cooperative venture with USDA.

J. DelVecchio advised the Committee that the Farm Bill may provide opportunities for NYS to request funding from Washington D.C. for outreach coordinators. As a partnership conservation program, these positions could have an AEM focus. He reminded the Committee that there is no actual allocation at this point and this and other requests are not finalized to date.

R. Aman asked DelVecchio if there are any restrictions on how federal resources can support state efforts, such as AEM. DelVecchio stated that there aren't any restrictions.

C. Yunker asked Kaplewicz how much money would be needed to fund the 40 local AEM coordinators. Kaplewicz advised the Committee that it would require approximately \$2 million.

Discussion ensued regarding the need to establish base level funding for AEM local planning efforts. Currently the State has expended \$2-3 million on planning efforts through a competitive grant process. By reassigning funding for AEM planning efforts from a competitive process to a baseline budget, vital EPF resources could be freed up for other ag. implementation NPS efforts.

L. Travis, on behalf of NYCDEA, supports transferring AEM planning to baseline funding, but stated that some Tier IIIb (CNMP) and IIIc (whole farm planning) may need to remain funded through the grant process. The Committee was in agreement that Tier I (survey) and II (assessment) should be funded through the baseline budget and farm specific planning should continue to be funded through competitive grants.

R. Zimmerman noted the importance of this discussion and added that the changing focus to nonagricultural NPS could be taken to mean that the State Committee is doing a good job addressing water quality in the agricultural arena. He followed by stating that the issue of midsize CAFO compliance is a huge demand on available resources. It has the potential to trump all other issues at the current time. He concluded by stating that for future opportunities and program development, the EPF can not be viewed as a sole resource.

R. Christensen agreed with Zimmerman and noted that at some point the State Committee has to commit resources to establishing benchmarks for water quality improvement as they relate to BMP operation and maintenance. He added that improvements to water quality are currently not quantified statewide.

K. Czymmek added that there should be a definite link to scientific data and conclusions should not be reached only by coefficients.

R. Christensen agreed and told the Committee that one size does not fit all. Monitoring efforts have got to be flexible to the specific watershed.

G. Proios stressed the importance of outreach to key legislators. A local connection must be made linking money spent to actual water quality improvement so further allocations can be secured. R. Kaplewicz noted that Legislative Days is a good opportunity for SWCDs to communicate with the legislature. Proios responded by expressing the need to reach legislators on a one-on-one basis to establish a connection to their home district.

#### CREP Update-L. Miller

L. Miller distributed a series of handouts regarding the Conservation Reserve Enhancement Program (CREP). The focus of the handouts and discussion was in regards to the expected environmental benefits of CREP. She commended the work that has been done by so many involved with the evolution of this program and specifically mentioned Paul Ray and Tibor Horvath of NRCS for their assistance in developing the goals of the NYS CREP. The goals of the NYS CREP will focus on sediment, nutrient and pathogen reductions in the designated watersheds. L. Miller noted that the expected benefits of the CREP are based upon estimates derived from the best available research at this time. Allien LaPierre, Farm Service Agency (FSA), will apply on behalf of NYS for funding under the new Farm Bill to become a pilot state for developing additional monitoring and evaluation methods.

L. Miller explained to the Committee that it will be important to include the upland contributing area in the NYS CREP goals. To simplify the tracking of these benefits, a ratio of two upland acres for every one-acre of CREP buffer will be used. The contributing areas are important to include because it is the polluted runoff from these areas that the buffers will be capturing.

R. Aman raised the point that many farmers have been enrolled in the existing continuous Conservation Reserve Program (CRP). Aman asked if those acres can be counted in the environmental benefit associated with CREP? L. Miller stated that for the purpose of quantifying the environmental benefit of CREP, only buffers installed under CREP can be counted. Continuous CRP acres are under a separate FSA program, and cannot be counted as part of CREP, although the programs are similar. Miller explained to the Committee that due to limited resources we have to concentrate on what we can quantify to the FSA, and at this time that means only focusing on designated CREP areas.

Miller went on to explain how eligibility in the program will depend on information obtained using the new Tier II CREP worksheet. The worksheet is designed to help districts identify environmental conditions that meet the requirements for enrollment. The worksheets will be a major part of the outreach effort related to CREP.

Miller proceeded to review the revised estimated ten-year budget. The total federal and state allocations are as follows:

- Federal=\$51,927,514
- State=\$10,400,000
- Grand Total=\$62,327,514

Miller concluded her update and opened the floor for questions.

G. Proios expressed the importance of engaging the SUNY institutions in the effort to conduct laboratory water quality analysis and assessment. R. Kaplewicz agreed that engaging more research universities and colleges is a great long-term project.

R. Kaplewicz offered praise for L. Miller's dedication to CREP. Miller again offered special thanks to P. Ray (NRCS), T. Horvath (NRCS), and A. Lapierre (FSA).

**C. Yunker moved to offer a continued endorsement for the development of a CREP Agreement; seconded by G. Proios. Motion passed; carried.**

**Proclamation for Water Week**-R. Kaplewicz, B. Silvestri

Proclamation expressing the sentiments of the State Committee regarding the 30<sup>th</sup> anniversary of the enactment of the Federal Water Pollution Control Act.

*Whereas*, clean water is a natural resource of paramount value and importance to the State of New York, and there is resounding public support for protecting and enhancing the quality of the rivers, streams, lakes, wetlands, and marine waters;

*Whereas*, the State Committee is committed to preserving our state's treasured and vast soil and water resources through maintaining a strong partnership with State, Federal and local agencies, agricultural and environmental groups, private sector businesses and the public;

*Whereas*, the State Committee oversees New York's fifty-eight Soil and Water Conservation Districts' policies and programs to protect and enhance water quality at the local level;

*Whereas*, the State Committee provides the statewide Agricultural Environmental Management (AEM) program to all sizes and types of agricultural operations to prevent potential pollution of waters from agricultural land use;

*Whereas*, the State Committee administers the state Agricultural Nonpoint Source Abatement and Control Program grant funds to develop plans and implement Best Management Practices that address agricultural sources of pollution;

*Whereas*, the State Committee administers grant funds through County Water Quality Coordinating Committees to plan and implement projects that protect and enhance watersheds locally;

*Whereas*, further development and innovation of new technology and increased education are fundamental elements of a progressive water quality program;

*Whereas*, October 2002 is the 30th anniversary of the enactment of the Federal Water Pollution Control Act, the first comprehensive national clean water legislation, commonly known as the Clean Water Act;

Whereas this Act has served as the foundation for the formation of County Water Quality Coordinating Committees and the State's Nonpoint Source Coordinating Committee, as well as a catalyst to enhance partnership at the local state and federal level, which are critical to the delivery of water quality programs;

*Whereas*, this Act has paved the way for new programs such as AEM, which has enabled New York's agricultural community to set a benchmark for addressing non-agricultural sources of pollution from urban and developing areas;

*Whereas*, significant challenges lie ahead in the effort to protect water resources from nonpoint sources of pollution from agricultural and non-agricultural land uses;

*Whereas*, this federal law has been instrumental in protecting our water resources, with state and local efforts building upon the foundation established by the Clean Water Act; in light of this milestone, the State Soil and Water Conservation Committee joins in this meaningful observance and recognizes the value of this historic environmental measure that benefits the lives of New Yorkers and all Americans;

*Now therefore be it proclaimed*, by the New York State Soil and Water Conservation Committee, that the 30<sup>th</sup> Anniversary in October 2002 of the enactment of the Federal Water Pollution Control Act shall serve to encourage all levels of government to recognize and celebrate the accomplishments of New York State, and to recommit to continued efforts toward achieving the goals of that Act.

**G. Proios moved to approve the Clean Water Act Proclamation; seconded by R. Aman. Motion passed; carried.**

**Staff Update-Activities in the Upper Susquehanna River Basin**-J. Curatolo

J. Curatolo gave a presentation on the Upper Susquehanna Coalition (USC) and its activities.

The USC, established in 1992, is a network of county natural resource professionals who develop strategies, partnerships, programs, and projects to protect the headwaters of the Susquehanna River and Chesapeake Bay watersheds. The USC is comprised of representatives from 11 counties in New York and three in Pennsylvania. The New York representatives are members of each county's Water Quality Coordinating Committee. Funding for the USC operations and projects is obtained from federal, state, and local sources. The USC uses a Multiple Barrier Approach (MBA) to watershed planning and implementation. The MBA addresses the issue (such as flooding, streambank erosion or degraded fish habitat) at the source (e.g., headwaters), across the landscape, and in the stream corridor, as well as programmatically (e.g., regulations, training).

The USC is involved in a number of watershed activities. The USC has developed and is developing a series of data layers that were used in WRAPS and will be used for Chesapeake Bay Program modeling efforts to determine nutrient and sediment reduction allocations for New York. Other areas of concern for USC initiatives include agricultural sustainability. Comprehensive nutrient management planning, precision feeding, intensive rotational grazing, and other BMPs are supported by USC efforts to enhance the environment and farm economics in the basin. The USC is also concentrating efforts on stream corridor and floodplain restoration, stormwater management, and training/outreach through higher educational institutions and other watershed organizations (e.g., Ducks Unlimited). For more information on the USC contact James Curatolo @ 607-546-2528 or [jac3@htva.net](mailto:jac3@htva.net).

D. Hill commended J. Curatolo for all of the outstanding work that the USC has done for water quality and thanked him for his informative report.

**Ag. Nonpoint Source Abatement and Control Program**-E. Dodd

Status of Round I-VIII

Of 275 projects, 124 are active and 151 are complete. Of the 36 Round VIII projects, all plans of work have been submitted, and 31 contracts are fully executed. There is still one pending contract in Round VI and one in Round VII.

E. Dodd updated the Committee on the status of the pending Round VII, Nutrient Management System project in Cayuga County. The contractor would like to present the project plan to the group rather than submit the design for approval by NRCS and DEC as the State Committee previously requested. NRCS State Engineer, Walt Grajko, has indicated NRCS does not have a standard for digesters and that they do not necessarily need to review this design. There was consensus among the Committee that the project plan could be presented to a group of people qualified to evaluate it.

Round IX

SWCDs whose projects ranked 1-50 were asked to submit information to address the potential contract concerns listed on the Round IX ranked list. All identified SWCDs responded, and where concerns remained SWCDs were notified.

Round X RFP-Expansion-Related BMPs

In response to the discussion at the July State Committee meeting regarding funding BMPs made necessary by farm expansion, the following clause is recommended for the Round X RFP:

"Priority will be given to proposals which...

For BMP implementation projects intended to prevent pollution from upcoming farm expansion, provide a contribution from the owner or operator significantly greater than that required by the program."

C. Yunker expressed uncertainty regarding the motion to approve the clause recommended for the Round X RFP. Yunker expressed his concern that the cost/benefit criteria when prioritizing proposals should not be related to expansion. Yunker feels that discouraging funding of expanding by requiring them to provide a higher match could be a detriment in the future. It was pointed out that this proposal is consistent with current program policy for the implementation of BMPs on farms, i.e. greater landowner contributions is one factor in strengthening a project proposal.

Discussion continued.

**G. Proios moved to accept the clause to be included in the Round X RFP; seconded by R. Aman. Motion passed; carried. C. Yunker dissented.**

Amendment Requests

Orange Co. SWCD – Ag Waste & Nutrient Mgmt in the Walkkill Watershed – Round VIII (C700688)

1. *Request:* move unneeded BMP funds from one farm to add a BMP on another farm already participating in the project  
*Reason:* additional need identified

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

2. *Request:* move unneeded BMP funds from one farm to add a new farm to the project  
*Reason:* farm identified in Round IX proposal  
*Previous amendments:* none

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

Erie Co. SWCD – Upper Buffalo River WS Phase II – Round VI (C700604)

*Request:* remove one landowner, reassign funds to add a BMP on another farm already participating in the project

*Reason:* additional need identified

*Previous amendments:* one change in scope

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

#### *Staff Approved Amendment*

Tompkins Co. SWCD – E. Susquehanna River Basin Mgmt. Intensive Grazing – Round VII (C700658)

1. *Request:* no-cost time extension from 3/31/03 to 3/31/04

*Reason:* lack of contractors

2. *Request:* replace one landowner with two new landowners

*Reason:* landowner has voluntarily withdrawn

*Both requests approved by J. Schumacher, 9/9/02.*

#### Amendment Process Proposal

This new procedure streamlines the process of reviewing requests to amend Agricultural Nonpoint Source Abatement and Control Program contracts. State Committee staff will have the authority to approve site-specific or project-specific amendments in consultation with local agency personnel. Policy-oriented amendments will be forwarded to the State Committee for consideration.

Discussion ensued regarding time extensions. G. Proios expressed concern over allowing a maximum of 24 months for amendment extensions. R. Kaplewicz responded that based on previous experience, 24-month extensions may need to be granted in some cases.

E. Dodd advised the Committee that a list of staff approved amendments will still be made available at each meeting.

**G. Proios moved to adopt the Ag. NPS Amendment Request Procedure and accompanying form; seconded by C. Yunker. Motion passed; carried.**

#### Demonstration of New Database

E. Dodd demonstrated the new Access database that tracks contract information for all projects in the grant program. This relational database can be used to extract a number of data fields to answer a variety of queries. Reports have been developed to present the data in a concise manner. This database will be a valuable tool to respond to future reporting needs.

#### AEM Update-J. Ten Eyck

##### Incorporating AEM into the Cooperative Working Agreement and NRCS Planning Process

J. Ten Eyck distributed a document of formal recognition of AEM by NRCS (409.0 General).

The document states that NRCS in New York will utilize, as a minimum, Tier 1 and Tier 2 of the Agricultural Environmental Management process to collect and document information about the farm and farm practices and assess the farms impact and potential impact on the environment.

In those cases where Tiers 1 and 2 have not been conducted by the local Soil and Water Conservation District or the information is more than two years old, NRCS will complete Tiers 1 and 2 as the first steps in the planning process to document present conditions.

G. Chartier noted that the last sentence should be changed to read, "In those cases where Tiers 1 and 2 have not been conducted by the local Soil and Water Conservation District or the information is more than two years old, NRCS or **SWCDs** will complete Tiers 1 and 2 as the first steps in the planning process to document present conditions.

#### AEM Outreach Report-B. Silvestri

##### AEM Materials:

10,000 AEM Annual Reports and AEM Brochures have been produced, Ag. Nonpoint Source (NPS) Grant Program Brochures and State Committee Fact Sheets have also been developed. These materials will be distributed to various groups including SWCDs, private sector partners, state library archives, educational institutions, state legislators and legislative committees.

AEM canvas bags and wooden rulers were also produced and distributed at Empire Farm Days in August. The remaining promotional items will be distributed at the upcoming DOS Quality Communities (QC2) Conference in Albany on October 22-23, 2002.

The AEM Display is in the process of revision and is expected to be unveiled at the QC2 Conference.

The State Committee has sponsored a page of the 2003 NY Farm Bureau Calander, which is distributed to schools statewide.

The AEM PowerPoint and Soil and Water Conservation District Law Presentations were provided on CD to regional staff for distribution to all Districts at their upcoming manager's meetings.

##### AEM Website:

A new design and page layout is underway as a part of the revision of the State Committee website.

##### AEM Stewardship Curriculum:

The AEM Outreach Committee has developed a draft outline for modifying and expanding the national Livestock and Poultry Environmental Stewardship (LPES) Curriculum to be more comprehensive and NYS specific. Materials on additional agricultural commodities, and new subject areas such as Emergency Action Planning and Agriculture & the Community, are being developed for inclusion. An introductory component for informing and educating local officials and the public on the comprehensive approach utilized in NYS has also been identified as a priority. Materials are expected to be utilized for training at the Water Quality Symposium. Newly developed modules may also be incorporated into the curriculum, which is targeted to farm advisors and top-end farmers.

##### Environmental Stewardship Award:

The Pollack family, owner of the Clearview Dairy in Lansing won the 2002 NYS Environmental Stewardship Award for their wide-ranging efforts with the Tompkins County SWCD. The family was awarded a plaque at a luncheon held at the Empire Farm Days in Seneca Falls this past August. The Pollacks were also the featured cover story in the August issue of the American Agriculturist magazine. The Tompkins SWCD also received a plaque and \$1,000 for nominating the award winner.

**Stormwater, Phase II Initiative**-G. Proios, L. New

G. Proios gave a summary on the discussion from the Stormwater Subcommittee meeting. Proios suggested that a survey to all Districts should be conducted to determine how to coordinate and prioritize State Committee efforts. Proios raised the question on how to develop a program on a regional basis. He suggested that a matrix be developed to help explain the different partnerships and their specific roles in the implementation of Phase II. Proios suggested that the PowerPoint presentation that was given at the June meeting be sent out to all Districts and County Water Quality Coordinating Committees (CWQCC). L. New told the Committee that the PowerPoint is available on the DEC's Division of Water (DOW) website.

New advised the Committee that draft permits will be available on September 18<sup>th</sup>. November 12 marks the closing of the comment period. On November 9<sup>th</sup> permits will be complete and available to file Notice of Intent (NOI). By March 10, 2003 all that filed an NOI will need to be covered under the permit.

R. Christensen asked if an exemption still exists under the new regulations for small towns and hamlets. New responded that anyone who owns and operates an MS4 will be required to seek coverage.

New advised the Committee that the EPA recommended that the DEC select from population and environmental factors in designating additional MS4 areas.

DEC proposes to designate:

- MS4s discharging to waters for which an EPA-approved TMDL requires reduction of a pollutant associated with stormwater beyond what can be achieved with existing programs (and the area is not already covered under automatic designation).
- MS4s contiguous to automatically designated urbanized areas (town lines) that discharge to sensitive waters classified as "AA-Special fresh surface waters", "AA fresh surface waters" with filtration avoidance determination or "SA saline surface waters".

Christensen raised the concern that unincorporated hamlets and villages may not have to seek coverage unless they fall under an incorporated town or form a district approved by voters within that geographical region.

New advised the Committee that outreach efforts are focusing first on cities, towns, villages, and primary municipalities that will be considered MS4s. She also stated that Districts may be able to help facilitate how municipalities can work cooperatively together to implement the program.

New advised the Committee that under the State's Environmental Protection Fund (EPF), \$3.4 million will be provided this year to assist communities in implementing the regulations. In addition, \$380,000 from New York's federal nonpoint source grant and \$800,000 in partnership funding has been committed to its implementation. T. Brace asked if Districts will be eligible applicants. New told the Committee that Districts will be able to apply.

New told the Committee that a series of local government workshops will be held around the state starting on October 1<sup>st</sup> in Rockland County. In addition to the workshops a massive mailing will be conducted through the DOW in October. There will be a statewide videoconference targeted to Regional Planning Boards and Districts. There will be regional workshops with construction agencies, contractors and Districts.

D. Hill thanked L. New and others for the comprehensive report.

### NACD Northeast Meeting/NASCA Meeting/NACD Executive Committee Meeting Reports

R. Kaplewicz, J. Schumacher, C. Yunker, M. Latham, and G. Proios attended the annual meeting held in Dover, Delaware. R. Kaplewicz told the Committee that the New York State Delegation had been missed in past years and were looking forward to NYS' continued participation. Information obtained at this meeting was distributed for review. G. Proios advised the Committee on a number of other initiatives taking place around the country.

### CAFO Status-J. Ten Eyck The Numbers

There are currently 643 Notice of Intents (NOIs) filed, 148 large facilities and 495 medium. Currently, 240 of 643 of the permitted CAFOs have completed their CNMPs and filed their "Appendix B" with DEC, 128 of the large and 112 of the mediums. Of the 20 large CAFOs that do not have completed CNMPs, 14 are near completion with several plans in the review process and these farms are in touch with DEC. Consent Orders have been issued by DEC to 6 large CAFOs who did not complete their CNMPs on time (note that the orders were not issued until 6 full months after the extended deadline). In each case the farm had a history of environmental problems and did not respond to two DEC inquiries about their status. The Order fines the farm \$1,000 with additional \$1,000 fines each month after August that the plan is not complete.

### Proposed Extension for Medium CAFO CNMPs

The current deadline for medium CAFOs to complete their CNMP is January 1, 2003. A survey conducted by the State Committee indicated that almost every medium CAFO has a planner, but planners will need 12 to 18 more months to complete the CNMPs. Based on the survey results, DEC has proposed an 18-month extension to June 30, 2004 for medium CAFOs to complete their CNMPs and file "Appendix B". The proposed extension must go through a 30-day comment period beginning September 4. Notices have been sent to all medium CAFOs, planners, SWCD, CCE, and NRCS. Under the current proposal, in order to get an extension, the CAFO owner will need to complete a form called "Appendix F" which will ask for the current status of the plan and when it is estimated to be completed. Both the farmer and their planner must sign the form. All extensions will be granted for the full 18 months, but we should encourage farmers to complete the plan as soon as possible. We are urging farmers, planners, and the ag service agencies to comment. No implementation extensions have been proposed at this time, although DEC is well aware it will be needed.

### No Penalties for Medium CAFOs Submitting a Late NOI

A farm that believes it meets the criteria to be a medium CAFO may still submit an NOI to DEC without penalty. DEC believes several medium CAFOs have not filed due to confusion about what constitutes a medium CAFO. A workgroup has been created to better define a medium CAFO and develop a simple process to help a farmer determine if they are a CAFO. We hope Districts, CCE, and NRCS will be willing to help farmers with this procedure; the decision as to whether or not to file if eligible is, of course, left up to the farmer. Release of improved Medium CAFO information will be held until after the issuance of revised CAFO guidelines from US EPA, which are expected on December 15, in order to be consistent.

### CAFO Inspector Training

DEC Division of Water staff involved with the CAFO Permit will receive CNMP training on October 15-17, in Auburn. The training will hopefully sensitize them to agricultural operations/situations and provide some basic understanding of the variability of the CNMP. They will be encouraged to seek assistance from the CAFO's planner, SWCD, CCE, and NRCS in interpreting a CNMP.

**Establishment of a Working Committee on Farm Bill Implementation/Ag Nonpoint Source Implementation**-R. Kaplewicz, J. DelVecchio

R. Kaplewicz advised the Committee that a decision on this matter does not have to be finalized today. The intent is to initiate the discussion based on the importance of the state and federal partnership.

J. DelVecchio noted that we are all working toward the betterment of agriculture in New York State. This is an opportunity to get a few key people together to determine how to best deliver state and federal programs without duplicating efforts.

**Other Reports and Comments-All**

**Approval of SWCD Annual Work Plans**

The following counties' Annual Work Plans were approved:

- Delaware (D. Hill abstained)
- Lewis
- Schoharie
- Schuyler

A. Cartin distributed an agenda for the NYACD Annual Meeting 2002, "New Challenges, New Opportunities" to be held at the Holiday Inn, Auburn, NY on October 27-29, 2002.

M. Latham distributed the updated State Committee calendar of meetings, events, and important days.

G. Proios raised the concern of how to obtain pertinent information from NYACD.

S. Collins advised the Committee that Farmland Viability grants have been expanded to include CNMP development.

T. Brace commended the Committee for a good discussion on stormwater. Brace also advised the Committee that Monroe Co. SWCD and Niagara Co. SWCD have been cut completely out of their respective county budgets. These cuts are not a reflection on the Districts themselves. He said that the Niagara SWCD may be taken into the county Highway Department's budget. By the October meeting he will have a better idea of where these Districts stand and may be seeking support from the State Committee at that time.

J. DelVecchio advised the Committee that September 30, 2002 is the last day of the federal fiscal year. NRCS will be devoting time to wrapping up existing projects and also trying to determine how best to deliver Farm Bill programs. He also advised the Committee that Adolfo Perez, Assistant State Conservationist, will be transferring to Washington D.C. effective October 7<sup>th</sup>.

L. Hurtgen told the Committee that there are a number of policy discussions that will be held at the Farm Bureau's annual meeting.

L. Miller advised the Committee that next years Envirothon will be held at SUNY Morrisville.

K. Lewis told the Committee that the Conservation Skills Workshop will be October 7-11 in Cortland.

L. Travis reminded the Committee of the NYSCDEA and NYACD Administrative Conference in Utica on October 2-3.

R. Zimmerman reminded the Committee that it is important to comment positively regarding the proposed extension for medium CAFO compliance. He also told the Committee that Commissioner Rudgers will be in Washington D.C. to focus on technical and political issues regarding allocations for New York from the Farm Bill.

P. Kaczmarcek told the Committee that the Long Island SWAP Steering Committee will be holding a meeting on October 22<sup>nd</sup>.

Meeting adjourned at 2:57 p.m.