

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

STATE COMMITTEE MEETING

October 28, 2002-Auburn, NY

Present: D. Hill, Chair; R. Aman, G. Proios, C. Yunker, Voting Members; R. Kaplewicz, Director; E. Dodd, J. Ten Eyck, Staff; B. Silvestri, B. Steinmuller, Schenectady SWCD; L. Miller, Dutchess SWCD; T. Brace, Wyoming SWCD; D. Lake, Cortland SWCD; K. Lewis, NYSCDEA; S. Machovec, S. Fitcher, P. Sullivan, K. Nash, D. Pinkney, M. Stephenson, G. Lamont, K. Carpenter, A. Connell, D. Dostie, R. Vanacore, USDA-NRCS; L. Hurtgen, Farm Bureau; J. Gergela, A. Tibbetts, L. Coffin, NYACD; F. Ciasact, CWSW; V. Lagane, Jefferson SWCD; K. Czymmek, CCE;, NYACD; M. Fettes, Dutchess SWCD; D. Sturges, Chautauqua SWCD; C. Colby, Monroe SWCD; R. Alpern NYCDEP; W. Chamberlain, Allegany SWCD; B. Rodgers, Genesee SWCD; NYACD; M. Lanighan, Niagara SWCD;

Call To Order

Meeting convened at 1:10 p.m.

Review Minutes

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

Introductions were made.

Correspondence – R. Kaplewicz read the letter from Leonard Tantillo, Ulster County SWCD Chairman in regards to events that took place between the Watershed Agricultural Council and the Ulster County SWCD. R. Kaplewicz advised the Committee that M. Latham and he sat down with the East of Hudson Districts to discuss the issue. L. Miller advised the Committee that she is drafting a Memorandum of Understanding that will establish a protocol for watershed projects that extend across county lines. R. Kaplewicz expressed the need for improved communication and the establishment of a protocol between the SWCDs and WAC.

R. Kaplewicz read the letter from Sandy Huey, Chair of the State Envirothon Committee, to Dennis Hill, Chair of the State Committee, that requested a commitment from the State Committee to provide resources for hosting the National Envirothon in 2007. Discussion ensued. C. Yunker asked about the size of the request. R. Kaplewicz advised the Committee that in the past the State Committee has provided \$1,000-\$1,500 in direct financial assistance, but he is confident that the Envirothon Committee will be needing a greater amount for this effort. Yunker noted that the State Committee should do what it can to support this pursuit, as it is important for NYS.

C. Yunker moved to lend encouragement and support to the NYS Envirothon Committee in their pursuit of hosting the National Envirothon in 2007; seconded by G. Proios. Motion passed; carried.

R. Kaplewicz continued to highlight specific articles of correspondence. G. Proios added a document from Ray Beck, NASCA that included updates on conferences, information on NRCS 3rd party vendor policy and grant information. Proios also requested that the website for EPA 319 grant information be included in the minutes. It is www.epa.gov/owow/nps/section319/fy2000.html.

Letters & Memos

1. From Steven L. Machovec, NRCS Resource Planning Staff Leader, to Joseph DiMura, P.E., DEC-DOW, regarding a list of NRCS employees that have successfully completed the Conservation Planner Certification and are able to sign Appendix B, consistent with NYSDEC CAFO General Permit. October 11, 2002.
2. From Donald Lake, NYSSWCC Engineering Specialist, to Thomas Engel, DEC-Division of Environmental Permits, regarding Mr. Lake's comments in regards to the Phase II Stormwater General Permit. October 13, 2002.
3. From Leonard Tantillo, Ulster County SWCD Chairman, to Ronald Kaplewicz, NYSSWCC Executive Director, regarding the recent events that have taken place between the Watershed Agricultural Council and the Ulster County SWCD. September 26, 2002.
4. From Sandy Huey, NYS Envirothon Committee Chair, to Dennis Hill, NYSSWCC Chair, regarding a proposal for NYS to host the Canon National Envirothon competition in 2007. Ms. Huey also asked for personnel and financial resources from the State Committee. October 9, 2002.
5. Postcard from Peter Black, International Congress Organizing Committee Chair, to State Committee members, Istanbul, Turkey, P. Black reminded members that the web site for the "Watershed Management for Water Supply Systems" 2003 meeting in NYC is open for abstracts only until November 15, 2002. October 20, 2002.
6. From the Honorable Gary D. Finch, Member of Assembly, to Ronald Kaplewicz, NYSSWCC Executive Director, letter of thanks for attending the meeting to address manure odor concerns and an invitation for continued discussion and assistance on this issue. October 17, 2002.
7. Memo from Joseph DelVecchio, NRCS State Conservationist, regarding the policy to establish NY NRCS policy utilizing Tiers 1 and 2 contained in NYS' AEM Program. September 30, 2002.
8. From Joseph DiMura, P.E. DEC-DOW, to Jeffrey Ten Eyck, NYSSWCC Staff, regarding the language of the CAFO General Permit as it pertains to chronic precipitation or catastrophic rainfall events that do not equal the 25-year, 24-hour storm event but do cause an overflow to the wastewater facility. Enclosed: EPA Guide Manual On NPDES
9. From Joseph DiMura, P.E. DEC-DOW, to CAFO Owner/Operators, final letter and Extension request form (Appendix E) for medium CAFOs. October 11, 2002.

Reports & News Letters

1. **American Water Resources Association**, Call For Abstracts and Announcement. Abstracts are Due: November 15, 2002. Notification of Acceptance: November 29, 2002.
2. **DEC, New Federally Mandated Program to Control Stormwater Runoff**. October 15, 2002.
3. **What's Cropping UP?** *Variable Rate N Management in Corn, Department of Crop & Soil Sciences, Cornell University*. Volume 12, Number 5, Sept-Oct., 2002.
4. **CTIC Partners**, *Bioenergy Adding Value to Agriculture, South Dakota Farmer Succeeds with No-Till, Slugs Invade Ohio, Core 4 Conservation Project Wins National Award*. Volume 20, Number 5, Sept-Oct., 2002.
5. **NACD News & Views**, *Farm Bill Technical Assistance Tools Take Shape*, Sept-Oct., 2002.
6. **NACD Buffer Notes**, *New CCRP Role: Saving Lives, Minnesota Initiative Stresses Safety, and Economic Impact*. August 2002.
7. **Obituary-Silas E. Eakins, 83**. *Mr. Eakins served as the Vice-Chairman of the NYSSWCC.*

Conferences & Seminars

1. National Wetlands Conference, December 12-13, 2002. San Diego, CA.

Agricultural NPS Abatement & Control Grant Program-E. Dodd

E. Dodd distributed copies of the current report.

STATUS OF ROUNDS I-VIII

Of 275 projects, 123 are active and 152 are complete. Of the 36 Round VIII projects, all plans of work have been submitted, and 34 contracts are fully executed. There is still one pending contract in Round VI and one in Round VII.

ROUND IX

On October 24, 2002, funding was awarded through the Environmental Protection Fund for 36 Round IX Ag Nonpoint Source projects totaling \$5,925,325. A press conference earlier in the month indicated that one additional project would be funded through the Bond Act.

Award letters were sent out to the 27 SWCDs receiving EPF funding, and plan of work materials will be sent to project sponsors within the coming week. Plans of work will be due in December. The Department is ready to move ahead with contracts; funds are available to be disbursed when contracts are executed.

The EPF projects are broken down as follows:

Planning:	19 projects	\$1,325,089	1568 farms
<u>Implementation:</u>	<u>17 projects</u>	<u>\$4,600,236</u>	<u>167 farms</u>
TOTAL:	36 projects	\$5,925,325	1735 farms

AMENDMENT REQUESTS

Staff Approved Amendments:

1. Schuyler County SWCD – Catherine Creek WS Protection Project Phase III – Round VI (C700042)

Request: shift funds from engineering services to BMP implementation

Reason: bids higher than estimated

Approved by T. Brace/E. Dodd, 10/10/02

2. Tioga County SWCD – Upper Susquehanna Watershed AEM – Round VI (C700615)

Request: no-cost time extension from 9/30/02 to 1/31/03

Reason: heavy workload has delayed project

Approved by J. Schumacher, 9/13/02

B. Silvestri reported on the press conference in St. Lawrence County where Commissioner Nathan Rudgers announced the grant awards. She told the Committee that it was very well attended by the press and Dawn Howard, St. Lawrence SWCD Manager, did an outstanding job assisting with the event.

CREP Update-L.Miller

R. Kaplewicz advised the Committee that the CREP Agreement is moving forward. L. Miller gave a PowerPoint presentation on the background and the developments of the program. Miller noted that the State's proposed CREP will be fully incorporated into the AEM and Ag. NPS Grant Programs to make it easier for SWCDs to implement.

Discussion ensued regarding the timeframe and eligibility for program implementation. It was stated that by the winter there will be training sessions offered and the program should be in place by spring. It was also stated that eligibility will be extended to any watershed where agriculture is listed as a source of pollution on the 1996 Priority Waterbody List. FSA will

administer the program, including taking applications and making payments. The technical agency (either NRCS or SWCDs) will determine eligibility.

D. Hill thanked L. Miller for her presentation and credited her for her role in launching the State's program.

Stormwater Subcommittee Update-G. Proios

G. Proios reported on the successful Stormwater workshop organized by the Lower Hudson Coalition of Conservation Districts (LHCCD) held at Bear Mountain Inn on October 1, 2002. He felt that the construction permit should not include any references to the separate MS4 permit due to potential confusion or duplication of efforts. He noted that MS4s have five years from filing an NOI to implement the Stormwater Pollution Prevention Plan SWPPP, which should allow for adequate time to educate and train the regulated communities. Construction permit requirements will be the more urgent issue. Proios raised the issue of construction activities on farms, questioning whether or not there will be an exemption for installing BMPs. Proios also raised the issue that the permits for both construction and MS4s only address sediment control without putting proper emphasis on actual nutrient and pathogen management in the watershed.

Discussion ensued regarding District liability and indemnification as it relates to their possible role in the implementation of Phase II. Discussion continued regarding agricultural construction exemption.

D. Lake noted that construction activities disturbing one acre or more on farms will not be exempt. However, an erosion and sediment control component should already be prepared before construction begins. Lake stressed the need to keep the permit as simple as possible.

Agriculture Odor Meeting Summary-Jeff Ten Eyck

J. Ten Eyck gave the Committee a summary of the Agricultural Odor meeting that was held on October 10, 2002 at the Cayuga County SWCD office. He stated that approximately 44 people were in attendance, which included many elected representatives and their staff. The meeting, facilitated by Rick Zimmerman (DAM), led to an improved understanding of the issues related to odor control.

J. Ten Eyck offered a list of discussion points from the meeting

- The need to create baseline funding for AEM
- The need to create a database that tracks odor complaints, including weather conditions and other factors relating to the complaint
- The need to employ total resource management
- The need to develop a tolerance level for odor
- The need for realtors to do a better job telling clients that they are moving into an agricultural district
- The need to further explore methane digester technology
- The need to partner with "green" power industry
- The need to bring federal funding to the partnership

C. Yunker, as the Chair of the Strategic Plan Subcommittee, raised the question of whether the Committee wants to extend resources for odor control as this is currently not part of the Committee's mission. R. Aman expressed concern about the implications of becoming a source of technical assistance for air quality issues, since some air quality issues may be beyond our expertise.

R. Kaplewicz noted that this issue will be further discussed at the December State Committee meeting in Albany.

Update Calendar-All

B. Steinmuller distributed a calendar of events and meetings. The calendar will be updated regularly as more dates are added. Please Email dates to B. Steinmuller at brian.steinmuller@agmkt.state.ny.us.

Other Reports and Comments-All

G. Proios reported on two conferences that he attended since the last State Committee meeting. One conference dealt with Smart Growth methods for urban planning and the other conference was the DOS Quality Communities, Quality Coasts Conference (QC2). He noted that Commissioner Rudgers made an excellent speech regarding agricultural sustainability.

J. Ten Eyck reminded the Committee that the abstracts for the American Water Resources Association's are due on November 15, 2002.

B. Silvestri also reported on the DOS' QC2 conference. Silvestri advised the Committee that the Commissioner credited the AEM program and the State Committee's leadership in his speech.

R. Kaplewicz advised the Committee that Eileen Dillard is the new Cornell Cooperative Extension Director. R. Kaplewicz also informed the Committee that Former Commissioner Roger Barber (DAM) passed away on October 23rd at age 77 and Silas E. Eakins, former Vice Chair of the State Committee, passed away on September 24th at age 83.

Meeting adjourned at 3:01 p.m.