

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

STATE COMMITTEE MEETING

December 17, 2002 – Albany, NY

Present: D. Hill, Chair; R. Aman, C. Yunker, Voting Members; R. Kaplewicz, Director; M. Latham, Assistant Director; J. Ten Eyck, E. Dodd, S. Lanthier, Staff; L. Miller, Dutchess SWCD; R. Foster, Citizens Campaign for the Environment; K. Czymmek; CCE; P. Wright, Cornell University; R. Zimmerman, S. Collins, J. Rusnica, D. Cordier, NYS DAM; B. Silvestri, B. Steinmuller, Schenectady SWCD; G. Chartier, NYSDEC; M. Stephenson, USDA NRCS; L. Travis, NYCDEA; J. Herring, NYSDOS; R. Entringer, NYSDOH; L. Hurtgen, Farm Bureau.

Call To Order

Meeting convened at 10:20 a.m.
Introductions were made.

Review Minutes

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

Correspondence – R. Kaplewicz

R. Kaplewicz read a letter from Amanda Barber, Cortland SWCD Manager, regarding the potential for the District to manage the County's solid waste program. Discussion ensued regarding the appropriateness and the limitations of Districts taking on additional programs. R. Aman raised concerns regarding the liability aspect, and the financial burden. J. Rusnica advised the committee that the Cortland County Attorney is obligated to provide the District with legal advice before making a decision. S. Lanthier raised the point that the State Committee is required to issue its approval before a District can add a new program. L. Travis told the Committee that it should offer strong assistance and guidance to Districts on these issues. R. Kaplewicz advised the Committee that a letter will be sent to the DAM's Counsel's office requesting legal review. In the interim, a letter will be sent to A. Barber stating that the Committee and the DAM is researching her request.

Letters & Memos

1. From Amanda Barber, Co-Chair, Organizing Committee of NYCDEA, to Jeff Ten Eyck, SWCC, letter of thanks for assisting with the HSA class at the Conservation Skills Workshop. November 7, 2002.
2. From Amanda Barber, Co-Chair, Organizing Committee of NYCDEA, to Don Lake, SWCC, letter of thanks for conducting a review session and administering the CPESC Exam at the Conservation Skills Workshop. November 7, 2002.
3. From Jim Lieberum, Co-Chair, Organizing Committee of NYCDEA, to Ron Kaplewicz, SWCC Director, regarding another successful Conservation Skills Workshop. There were approximately 120 people in attendance. November 22, 2002.
4. From Lester M. Travis, NYCDEA President, to Thomas Engel, NYSDEC, regarding Stormwater Phase II comments from the NYCDEA. The comments included: 1. Creating an effective, enforceable program, 2. Implementing a program for delivery at the local level, and 3. Agricultural exemption for designated construction activities. November 20, 2002.
5. From Joe DiMura, NYSDEC, to Ron Kaplewicz, SWCC Director, regarding large CAFOs that have not yet certified the completion of AWMPs. November 15, 2002.
6. From Jeff Ten Eyck, SWCC, to Joe DiMura, NYSDEC, regarding the current status of AWMP development for identified large CAFOs and planner certification progress. November 20, 2002.
7. From J. Read Smith, NACD President, to America's Conservation Districts and Partners, regarding a call to action on conservation funding threat. October 11, 2002.

Reports & News Letters

1. Bay Journal, Alliance for the Chesapeake Bay, Corps reverses dam decision for reservoir, SAV sprouts up to record levels in the Bay. Volume 12, Number 8, November 2002.
2. Making Manure-borne Pathogens Stay Put, article from USDA Agricultural Research Services publication.
3. New York State Department of Agriculture and Markets, Annual Report 2001.
4. Editorial-Great News for St. Lawrence County Farmers, The Journal, Ogdensburg, NY. In regards to the Ag. NPS Grant press conference in October, 2002.
5. Dairy Edge, Milk tops 2001 farm sales in New England, Agway to restructure after filing Chapter 11, More conservation programs in Farm Bill, CAFO progresses but lots yet to do. November 2002.
6. The Nor'easter, NACDE Tours and Expo at Northeast Region Meeting. Volume 4, Issue 2, November 2002.
7. NYSDEC, 30th Anniversary of the Clean Water Act packet, Summary of Provisions for the Draft Phase II Stormwater Permit, Keeping the Promise: 30 Years of Clean Water, Clean Water: A Great Investment, 2002 AEM Annual Report. October 2002.

Conferences & Seminars

1. Soil and Water Conservation Society, Call for Papers 2003 Annual Conference, July 26-30, 2003, Spokane, Washington.
2. Stormwater Workshop Series, Winter/Spring 2003, Dutchess County, Holiday Inn, Fishkill, NY.

Agricultural Odor Presentation and Discussion-P. Wright

P. Wright, Manure Management Specialist, Cornell University, gave a presentation on agricultural odor concerns. P. Wright mentioned that agricultural odor is becoming an increasing concern as more manure storage structures are being built and manure is being spread on fields where it may not have been spread before. He noted that there are many sources of odor including animal waste, waste-water, silage, mortalities and feed processing. It was mentioned that humans detect odors differently. What may be a pleasant odor to some may seem foul to others. A major point of Wright's presentation was that many BMPs that have a positive effect on water quality may have a negative impact on odor control. Increased education is the best solution to agricultural odor complaints. If the community is made aware that farmers are protecting the watershed by employing certain water quality practices, complaints regarding odor may be reduced. He told the Committee that the use of uniform odor reports may be extremely helpful in managing complaints and targeting resources to mitigate the concern

P. Wright offered other solutions to reducing odor, which include:

- Maintaining a clean, dry, well-ventilated barn.
- Windbreaks help with odor and have visual benefits.
- Storage covers, including biocovers (straw)
- Manure treatment systems such as solid separation, composting, and anaerobic digestion

Wright concluded that it is a complex problem with no one solution.

Discussion followed regarding how the State Committee can get involved in agricultural odor control. J. Rusnica advised the Committee that it appears to have authority over odor control through the broadly worded AEM legislation. AEM, District Law, and Ag. and Mkts. Law all have the broad authority for the protection of the environment and environmental management issues. However, funding through the Ag. NPS grant program is a different issue, as it deals with approved practices for the abatement of NPS water pollution.

C. Yunker asked if there is a connection between agricultural gas emissions and soil and water quality. It was noted that nitrogen atmospheric deposition is a factor of water quality, but is

linked to sources not entirely from agriculture. Yunker followed by making the point that the State Committee is always functioning with limited resources. He expressed the concern of taking away needed resources from soil and water conservation programs to add resources to odor control programs.

Discussion continued regarding how manure management for purposes of water quality protection compounds some odor control problems. R. Aman expressed the problem of being able to quantify BMPs to show the positive benefits to the watershed.

R. Kaplewicz agreed with P. Wright that a statewide odor report form should be developed for District use. The State Committee could create a database to track complaints. With accurate reporting, educational opportunities could be utilized to address the issue. He suggested that the State Committee be proactive on this issue. The State Committee agreed to move forward with a draft of an odor report form.

J. Rusnica agreed that the educational component is huge. However, we may not be able to extend programs without legal authority; legislation may need to be amended.

NRCS Update-M. Stephenson

M. Stephenson reported that NRCS is operating under a continuing resolution until January 11, 2002. As a result, NRCS spending will remain status quo. There are currently no appropriations for Farm Bill programs to date. NRCS has announced its Technical Service Provider (TSP) interim rule, which outlines technical assistance by technical service providers.

AEM Update-J. Ten Eyck, B. Silvestri

AEM Technical Subcommittee-The Technical Subcommittee is working on the development of a Technical Road Map to be presented to the AEM Steering Committee.

AEM Certification Subcommittee-There are 25 certified planners, 24 conditionally certified planners with plans in the review process, 6 planners not yet submitted plans, and 55 planners total in the system. The DEC inspector training that occurred in November was successful. It was suggested that it become an annual training and all who respond to agricultural complaints should be invited. The CNMP training course for third party planners will be held at the March 2003 Symposium. NRCS will be providing regional training for agency and private sector planners on RUSLE 2 software. Field sessions on HSAs will be held throughout the state as requested this spring and summer.

CAFO-636 NOIs have been filed total. 137 large and 499 medium. 258 Appendix B have been submitted, 123 large and 135 medium.

AEM Outreach-the subcommittee has developed a draft outline and identified potential authors for modifying and expanding the national Livestock and Poultry Environmental Stewardship (LPES) Curriculum to be more comprehensive and NY specific. Materials on additional agricultural commodities, and new subject areas such as Agriculture and the Community, are being developed for inclusion.

CAFO Rule-S. Collins

S. Collins advised the Committee that the new EPA CAFO rule was issued. One of the major differences is that there is no longer an animal unit calculation. Livestock will be counted in raw numbers in the new ruling. Discussion ensued on how to accurately report livestock numbers, including youngstock, heifers, and differing species. The State Committee and DAM will continue to review the new rule and its impact on the NY program.

Agricultural NPS Abatement and Control-E. Dodd

E. Dodd advised the Committee of the contract development issues regarding the Round VII, Cayuga SWCD, Spruce Haven digester project. E. Dodd distributed a comprehensive status report. This project raises a number of policy issues. R. Kaplewicz noted that the purpose of the discussion is to present to the State Committee the facts and legal questions involved with the funding of this project.

Issues in Brief

- 1. BMP owned and operated by company, not farmer**
 - located on farm – company leases land from farmer
 - landowner match provided by company
 - 10 year operation and maintenance required
- 2. Water quality benefits**
 - building digester for 5000 cows; farm currently has about 2400 animal units
 - possibility of manure being brought in from other farms
- 3. Similar BMP funded previously**
 - state funds will not be used for a duplicate BMP
- 4. Emerging digester technology**
 - performance bond may be needed to protect state investment

C. Yunker noted that waste handling will be an increasing focus to the industry and it will be a value to the industry to have these types of facilities.

Discussion followed, these policy issues will be addressed at the January State Committee meeting.

STATUS OF ROUNDS I-VIII

Of 275 projects, 120 are active and 155 are complete. Of the 36 Round VIII projects, all plans of work have been submitted, and 35 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. Enough funding is available through Round IX EPF funds and returned funds from previous rounds to award one additional Round IX project. The next two projects on the ranked list received equal scores. The Committee will have the option of choosing one of the two projects to receive funding. The projects are as follows:

Proposal #	County	Title	Total Cost	State Funds Requested	Description
5-5	Cayuga	Fessenden Manure Management Project	\$181,640	\$126,450	Enhance a vermi-composting system on a large dairy farm in the Cayuga Lake watershed.
50-3	Tioga	Rotational Grazing Implementation, Upper Susquehanna Watershed	\$173,429	\$130,292	Implement and improve rotational grazing systems on 18 livestock farms in the Upper Susquehanna Watershed.

Discussion ensued regarding the need to establish a policy on how to break a tie to determine funding eligibility.

C. Yunker moved to send this determination back to the Technical Advisory Committee for advice on which project to fund and for a general policy on breaking ties to determine funding priority; seconded by R. Aman. Motion passed; carried.

AMENDMENT REQUESTS

1. Tioga County SWCD – Pipe Creek Ag Waste Project – Round VII (C700667)
Request: remove two BMPs and transfer funds to another BMP
Reason: farm relocation made two BMPs unnecessary
Previous Amendments: none

R. Aman recused himself. A quorum was not present available for voting on this request. This will be reconsidered at the January Meeting.

2. Washington County SWCD – White Creek/Salem Aquifer AEM Implementation – Round V (C700039)
Request: time extension from 3/31/03 to 9/30/03
Reason: delays due to DEC permit process and methane generation study
Previous Amendments: 2 time extensions; 2 changes in scope

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

Staff Approved

1. Albany County SWCD – Hudson Drainage Basin AEM – Round VI (C700607)
Request: time extension from 10/30/02 to 10/30/03
Reason: delays due to staffing shortages
Approved by L. Miller/E. Dodd 12/2/02
2. Cayuga County SWCD – Patterson Farms Anaerobic Digestion System – Round VIII (C700674)
Request: time extension from 12/31/03 to 12/31/04
Reason: bench top study revealed need to further investigate digester options
Approved by J. Ten Eyck 11/20/02
3. Chenango County SWCD – Otselic Watershed Grazing – Round V (C700557)
Request: time extension from 12/31/02 to 9/30/03
Reason: difficulty in obtaining bids from contractors delayed project
Approved by J. Schumacher 12/10/02
4. Livingston County SWCD – Conesus Lake WS Farm Planning Grant – Round VII (C700668)
Request: time extension from 3/31/03 to 6/30/04
Reason: additional time needed for non-CAFO CNMPs
Approved by T. Brace/E. Dodd 11/19/02
5. Montgomery County SWCD – Otsquago BMP Project – Round VII (C700640)
Request: time extension from 3/31/03 to 3/31/04
Reason: milk prices have made it difficult for farmer to complete practice
Approved by S. Lanthier 12/16/02
6. Onondaga County SWCD – Otisco Lake Watershed Priority Implementation – Round VI (C700610)
Request: time extension from 12/31/02 to 9/30/03
Reason: design problems and weather conditions delayed project
Approved by J. Schumacher 12/3/02
7. Onondaga County SWCD – Otisco Lake WS Priority Farm Implementation – Round VIII (C700684)
Request: change milkhouse waste BMP from flocculator to barkbed

Reason: less maintenance required
Approved by J. Schumacher 12/3/02

8. Ontario County SWCD – Northern Watersheds Ag Program, I – Round VII (C700644)
Request: time extension from 3/31/03 to 3/31/04
Reason: delays during staffing changes
Approved by T. Brace/E. Dodd 12/4/02
9. Sullivan County SWCD – Callicoon Creek WS Comprehensive Program – Round VII (C700656)
Request: time extension from 12/31/02 to 6/30/03
Reason: changes in farm operation require new BMP designs
Approved by L. Miller/E. Dodd 12/2/02

Stormwater Update-L. Miller

L. Miller gave a report on the Stormwater Subcommittee meeting, held in Albany on December 16, 2002. She told the Committee that a survey to Districts will be drafted to determine the level of individual District involvement. The survey will include a question regarding compliance issues. It will ask how each District plans on participating in the compliance component. The survey will also focus on determining Districts' workload (ag vs. nonag.). G. Chartier told the Committee that the survey is a good idea and it is fully supported by the DOW.

Chartier advised the Committee that the DOW is still working on evaluating the public comments on the Phase 2 Stormwater regulations. He said that the DOW's deadline for response in the Environmental Notice Bulletin is January 8th. Chartier added that the RFP to assist communities with the development of stormwater plans will be issued early in the next calendar year. There will be two informational satellite broadcasts from the DOW in February. The first, airing on February 13th, will focus on NOIs for MS4 communities. The second, airing on February 28th, will focus on construction permits. There will also be a stormwater track at the March Symposium and a stormwater focus at the Association of Towns annual meeting, February 14-17.

Other Reports and Comments-All

L. Miller told the Committee that the Envirothon Committee is looking for judges, and the education foundation needs a new member at large.

R. Entringer, DOH, told the Committee that the DOH is working on Source Water Assessments and is also working with the Certification subcommittee on the AEM database.

B. Silvestri advised the Committee that she attended the Soil and Water Conservation Society meeting. More than 100 people were in attendance.

J. Rusnica welcomed Danielle Cordier, new member of the DAM's Counsel Office, to the Committee. Ms. Cordier comes to the Department with environmental policy experience as a former Counselor for the Catskill Watershed Corporation.

G. Chartier told the Committee that the next NPSCC meeting is scheduled for January 22nd.

L. Travis advised the Committee that the program for the 2003 Symposium is being edited and will be out shortly. Travis also told the Committee that the technical service provider issue, the state budget, AEM funding and soils digitization were discussed at the 4-Way Partnership meeting on December 10th.

M. Latham told the Committee that the draft Cooperative Agreement with NYSDEC will be presented at the next State Committee meeting.

R. Aman discussed the Conservation Securities Program.

R. Kaplewicz advised the Committee that the DAM is moving to a new location near the Albany International Airport by next fall or early winter. He told the Committee the CREP agreement is currently in Washington under review. He also advised the Committee that Wendel Chamberlain, Allegany County SWCD Chairman, is retiring after 42 years of service.

Meeting Adjourned at 2:50 p.m.