

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

STATE COMMITTEE MEETING

May 20, 2003 – Owego, NY

Present: D. Hill, G. Proios, R. Aman, Voting Members; R. Kaplewicz, Executive Director; J. Ten Eyck, J. Schumacher, E. Svenson, SWCC Staff; R. Lewis, NRCS/SWCC; L. Miller, Dutchess County SWCD; B. Silvestri, Schenectady County SWCD; T. Brace, Wyoming County SWCD; J. Curatolo, Upper Susquehanna Coalition; R. Zimmerman, R. Christensen, S. Collins, J. Rusnica, NYS Dept. of Ag & Markets; P. Black, SUNY-ESF; G. Chartier, NYS DEC; D. Gance, Citizens' Campaign for the Environment; P. Kaczmarczyk, NYS DOH; J. DelVecchio, G. Lamont, R. Hartrick, G. Sisco, NRCS; K. Lewis, A. Barber, NYSCDEA; W. Walsh, Tioga County SWCD; L. Hurtgen, NY Farm Bureau; J. Herring, NYS Dept. of State; M. Watts, Chemung County SWCD.

SWCC Staff Region 1 Report – T. Brace

T. Brace gave a presentation on his activities and responsibilities as the Region 1 Water Quality Specialist. Western New York's Soil and Water Conservation Districts are very active with agricultural planning and BMP implementation. Some are getting involved with innovative solutions including wind turbines and anaerobic digesters. Many Districts are involved with non-agricultural issues as well, particularly stormwater. Brace works with District staff and directors to resolve District issues, administer grants, and coordinate with other Districts on joint projects. He is also responsible for delivering information and helping to implement state programs in his region. One mechanism he uses is Managers Meetings where District Managers can discuss issues and collect information to transmit back to their boards.

AEM Program Update – J. Ten Eyck

AEM Strategic Plan

A work group has been formed to work on the AEM Strategic Plan. The group met once and has begun compiling a draft. B. Silvestri noted that Community Environmental Management was identified as an important component of the AEM strategy since it involves farmland protection.

Evaluation Subcommittee

The Evaluation Subcommittee determined that there was a need to collect data on farms participating in AEM in a GIS format in order to maintain program accountability, and the AEM GIS initiative was begun to address this need. The first phase of the AEM GIS initiative involved collecting basic Tier I data from SWCDs to be compiled into a statewide map. 37 SWCDs chose to participate and submitted the required data. 4 SWCDs are still compiling data. Of the Districts that chose not to participate, most cited lack of time or concerns about confidentiality as reasons for not taking part.

Technical Subcommittee

J. Ten Eyck distributed a list of Tier II worksheets showing their status. In addition to the 18 core worksheets, others being developed include an air quality worksheet and several commodity-specific or region-specific worksheets.

A primary focus of the Technical Subcommittee has been the issue of odor complaints. J. Ten Eyck distributed information on a project to create a statewide framework for odor complaints. A standard form would be used by local government, SWCDs, and others to record odor complaints. The SWCD would compile the complaints to look for patterns. Training would be provided for agency staff involved in collecting and analyzing the complaints. R. Kaplewicz added that a state-level analysis would be useful in developing solutions to odor problems. R. Zimmerman suggested that farm operators might appreciate educational outreach on odor causes and solutions. J. Rusnica noted that many town supervisors receive odor complaints and would probably appreciate a complaint intake form.

Certification Subcommittee/CAFO Update

J. Ten Eyck distributed a report. There are currently 32 certified CNMP planners and 32 conditionally certified planners. 40 of these planners attended the Water Quality Symposium in March to take advantage of advanced training opportunities. The Planner Directory is being updated and will be distributed soon.

The Certification Subcommittee is focusing currently on several challenges: odor issues, groundwater contamination, existing manure storages without documentation, and "abuse areas" that are neither barnyards nor pastures.

The CAFO Workgroup is trying to determine the cost of implementing CNMPs for CAFOs statewide. R. Christensen suggested correlating cost with farm size. R. Kaplewicz noted that the EPA has offered consultant assistance for this project. G. Chartier added that EPA's annual needs survey now includes nonpoint source pollution and that a cost analysis would bolster our justification for nonpoint source funding.

A discussion ensued about air emissions from CAFOs. R. Christensen reported that California recently passed legislation on this issue. J. Ten Eyck explained that ammonia may become an issue in New York since ammonia forms particulate matter. Atmospheric deposition can contribute to nitrogen loading in waterbodies.

Outreach Subcommittee – B. Silvestri

B. Silvestri distributed an outline of the AEM Stewardship Curriculum, which is designed to provide consistent information for ag professionals statewide to deliver to farm operators, local government and others. The curriculum will consist of newly developed materials and existing materials that are modified for a New York audience.

Other AEM outreach activities include: Over 10,000 2002 Annual Reports have been distributed. A new AEM display has been created. A video project is underway through FLOWPA funding. A 5-minute AEM video is under production. Award signs are being discussed. R. Kaplewicz noted that the CDEA had suggested developing public service announcements that could be used with the local media.

B. Silvestri distributed a recent Down to Earth Brief that featured an article on pollution credit trading. R. Christensen noted that he could share experiences with this issue. R. Kaplewicz and R. Zimmerman noted that this is an issue that both the State Committee and the Dept. of Ag & Markets need to learn more about.

Farm Bill Update – J. DelVecchio

J. DelVecchio gave an update on the implementation of the Farm Bill. Discussion focused on how Districts fit in to the Technical Service Provider system. Districts are concerned about liability if acting as TSPs. DelVecchio reported that consideration is being given to waiving the need for SWCDs to register as TSPs to provide services.

DelVecchio reported on implementation of EQIP this year. Funding has been allocated to each of New York's watersheds. The cost-share rate for BMPs is still being determined. The proposed EQIP rule encouraged 50% cost-share, but the final rule does not include this restriction. A 75% cost-share is being considered for some practices.

A national effort is underway to consolidate some USDA service centers. DelVecchio will soon find out whether any offices in New York are in jeopardy and will inform R. Kaplewicz. USDA is also involved with a competitive sourcing analysis to determine whether it would be cost-effective to outsource some functions. DelVecchio also reported on Congressional Earmarks, which total approximately \$2 million this year, similar to previous years.

Budget Update – R. Kaplewicz

The NYS budget process was a tremendous challenge this year, but a budget has now been approved. EPF funding includes \$1.86 million for SWCD reimbursement and \$10.1 million for nonpoint source

activities. R. Zimmerman noted that there may still be challenges this year. For example, state agencies are operating under severe travel restrictions. Though the state spending plan is in place, funds must still be appropriated. This may impact EPF funding for nonpoint source grants. G. Chartier added that federal funds from the FY '03 budget for nonpoint source activities have not changed from last year, but the future remains unknown. Much will depend on the Office of Management and Budget's analysis of the effectiveness of nonpoint source pollution reduction efforts.

Community Environmental Management

B. Silvestri distributed Community Environmental Management (CEM) packets used at the Water Quality Symposium in March. She gave an overview of CEM, including:

- 79% of nonpoint source pollution comes from nonagricultural sources, so informing communities about all nonpoint issues is important
- CEM complements AEM
- CEM assembles existing educational, assessment and planning tools for Districts and County Water Quality Coordinating Committees to better assist communities
- CEM delivery is flexible depending on the skills, interest and appropriate role of Districts locally
- Districts are very interested in having a process to help them plan for growth while protecting soil and water resources
- Tools will take 3-5 years to completely develop

Joe Goshen, CEM coordinator from Erie County, presented an overview of his work with the Town of Eden and their attempt to test CEM concepts with the Town. He expressed the view that master planning as it has been done in the past is not working because it tends to not include implementation. Soil and Water Districts can play an important role because they have natural resource expertise and bring in the implementation aspect. CEM provides tools to guide Districts in assisting communities.

Goshen gave an overview of the issues that were encountered in the Town of Eden. Eighteen Mile Creek runs through the town and is a priority waterbody. The CEM pilot helped to provide background information such as location of high quality agricultural soils and loss of wetlands. The town developed a list of issues and began developing a series of implementation efforts such as stream restoration to address problems. The CEM pilot helped to provide the town with local technical expertise through the Soil and Water District and integrated planning with implementation. Educational outreach, communication among local groups and providing graphic tools (including GIS) were identified as important elements.

A. Barber added that Districts can bring in the natural resource perspective that is often lacking in traditional planning. It was noted that CEM provides a process for Districts to employ when a community approaches them with a problem, the same way AEM provides a process for addressing farm concerns. A. Barber explained that Districts are often already involved with work with communities, but they see the same symptoms repeatedly without adequate tools to address the root problems. CEM would provide those tools.

R. Zimmerman recognized the connection to farmland preservation that makes CEM an important tool for New York State.

G. Chartier explained that several years ago the State Committee referred the CEM program to the Nonpoint Source Coordinating Committee (NPSCC) for further analysis. Since then, tools have been developed and pilots are underway through DEC funding. Now DEC and the NPSCC are looking to the State Committee to reassert its leadership of CEM. As the leader of District activities, the State Committee is the appropriate agency to coordinate this effort.

K. Lewis spoke of a resolution the NYS Conservation District Employees Association passed in 2002 expressing a need for tools to address non-agricultural nonpoint source pollution. Lewis urged the State Committee to commit to developing and delivering CEM tools for Districts.

G. Proios moved that the State Committee endorse Community Environmental Mangement and take a leadership role in developing and implementing this initiative; seconded by R. Aman. Proios expressed that CEM has great potential.

G. Chartier added that CEM's stormwater component is directly linked to the new Stormwater Phase II requirements. CEM could be a tool for engaging Districts in the delivery of NYS's stormwater program.

In response to J. Herring's concerns about CEM funding, K. Lewis responded that Districts like his are already working with communities and will put CEM tools to use immediately. Herring also expressed concern that similar tools are available, and Lewis pointed out that CEM simply directs communities toward appropriate tools and resources and does not reinvent them. A. Barber reinforced Districts' desire for CEM tools, adding that communities trust Districts because they follow through and resolve problems and that CEM would enable them to better solve the problems that are presented to them regularly.

Motion passed; carried.

Stormwater Subcommittee Update

G. Chartier reported that DEC has formed a Stormwater Implementation Team. It has been suggested that the State Committee and Districts take part in that effort.

L. Miller reported that the new State Committee MOU with DEC includes \$34,000, plus \$150,000 in contingency funds, for investigation of nonpoint source pollution, which now includes non-agricultural investigations. Ideas for applying these funds to stormwater work have been discussed. Chartier and Miller will work on refining the list of reimbursable items. G. Proios expressed the need to streamline the reimbursement process.

Chartier also discussed the position description for Stormwater Specialists who will be contracted through Districts to work on the stormwater program under the supervision of Regional DEC Water Engineers.

Chartier described the funding that DEC is dedicating to the stormwater program: \$3.4 million from last year's EPF funding will be targeted toward grants for MS4s; some 319 funds have been targeted toward stormwater; and Mini Grants will likely be available for County Water Quality Coordinating Committees focusing on stormwater projects.

Liability issues were discussed, and R. Kaplewicz and J. Rusnica agreed to continue to investigate this. Liability insurance is available for CPESC certified individuals.

Discussion ensued about a letter from Citizens' Campaign for the Environment in regard to implementing a fee structure for construction permits. NYSCDEA and NYACD will work with Citizens' Campaign to explore a recommendation for Districts to receive reimbursement for technical assistance for stormwater.

R. Kaplewicz reported on the status of negotiations on an agricultural exemption to the Phase II Stormwater requirements. Projects involving approved water quality Best Management Practices that disturb less than 5 acres would be exempt from filing an NOI under the Stormwater Phase II permit. A letter from Sandy Allen, Director of the Division of Water, is expected on this matter, and an MOU is being developed with DEC that will document this agreement.

Susquehanna Headwaters EPA Watershed Initiative Grant – J. Curatolo

J. Curatolo announced that the Upper Susquehanna Coalition received an EPA Watershed Initiative Grant for \$700,000. Curatolo passed out copies of the project summary which includes a modeling tool which will predict the cost of BMPs, an internship program with SUNY Binghamton, a Susquehanna buffer initiative, and the formation of stormwater coalitions.

Review/Approve Minutes

R. Aman moved to approve the minutes of the March State Committee meeting; seconded by G. Proios. Motion passed; carried.

Correspondence

A list of correspondence was distributed. R. Kaplewicz reviewed a letter from Yates County SWCD in regards to the AEM GIS data collection. Yates did not participate in this effort. The letter expressed concern for the short time frame for submitting Tier I information, the low reimbursement rate and confidentiality concerns for submitting this information without farmer permission.

Ag Nonpoint Source Grant Program – E. Svenson

Status of Rounds I-VIII

Of 275 projects, 112 are active and 163 are complete. All Round VIII projects are active. There is one pending contract in Round VI and one in Round VII.

Round IX

Of the 37 projects funded through Round IX, plans of work have been submitted for 29 and contract development is in progress. Contracts are being held pending approval of the state budget.

Round X

The Technical Advisory Committee has met to discuss several changes for the Round X RFP. Changes to Round X include adding eligibility for Tier V evaluations, and some changes to the review and ranking of submitted proposals. Minutes were sent out via e-mail. The Committee will meet again on June 24th. It is anticipated that the RFP will be available for State Committee review and approval in July and will be released in August.

Spruce Haven Farm Digester Project

A review team comprised of Jeff Ten Eyck, Peter Wright and Bob Aman reviewed the technical aspects of this project and provided a report to the State Committee in December 2002. At subsequent meetings, policy issues relating to this project were discussed. The project was referred back to the Technical Advisory Committee for review. The TAC concurred with the recommendations of the review team:

The review team recommends the State Committee require Universal Technologies, UBO and Environmental Construction Operations & Remediation Solutions, Inc. to:

1. Provide references including one from a swine operation in California where a Continuous Flow Anaerobic Digester has been constructed.
2. Conduct bench scale tests on representative manure samples from Spruce Haven Farm's manure stream to determine estimates of inflows and outflows in regard to mass, moisture content, nutrient flow of N, P, and K for the
 - A. Digester
 - B. Scrubber

And give performance estimates of the concentrations of biogas moisture, CO₂, and H₂S content of the inflow and outflow, as well as, the rate of the proposed

- C. Separator/Dryer

These values will be needed to provide the farm with both a cost estimate and an analysis of the resulting byproducts (Gas, solids, and liquid effluent) of the system.

3. The results of items 1 and 2 would be examined by the review team and discussed with the project principals. The review team would then make a recommendation to the State Committee on the technical soundness of the proposal. If the recommendation is to proceed with the project and the State Committee concurs, the review team further recommends
 - A. A performance bond be required to cover the State grant funds allocated to the project.

R. Zimmerman asked if these recommendations were reviewed with Spruce Haven. J. TenEyck and R. Aman both responded that they were reviewed informally and that Spruce Haven is in agreement.

A motion was made by R. Aman to proceed with the recommendations presented; seconded by G. Proios. Motion passed; carried.

Amendment Requests

1. Suffolk SWCD – Wellhead Protection Demonstration Project – Round VII – C700655
Request: remove petroleum storage BMP, use funds for larger pesticide handling facility
Reason: landowner change resulted in need for larger pesticide handling facility
Previous amendments: one time extension
- G. Proios recused himself from voting on this request. The request was deferred to the next meeting because a quorum was not present to vote on it.
2. Washington SWCD – Mettawee AEM Planning & Riparian Restoration – Round V – C700585
Request: time extension from 11/30/02 to 11/30/03; one landowner withdrawing
Reason: weather last fall delayed completion; landowner withdrew due to financial constraints
Previous amendments: two time extensions

Concerns were raised about the length of time needed to complete this project.

G. Proios moved to approve the extension with a letter stating that this will be the final extension; seconded by R. Aman. Motion passed; carried.

3. Wyoming SWCD – Buffalo River Ag BMP Implementation Phase III – Round VII – C700660
Request: remove 6 landowners and replace with 5 new ones; change BMPs on several farms
Reason: landowners withdrew voluntarily; BMP needs changed as a result of additional planning
Previous amendments: none

R. Aman moved to approve this request; seconded by G. Proios. Motion passed; carried.

Staff Approved Amendments

1. Essex SWCD – Five Mile Creek – Round VI – C700043
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete construction
Approved by S. Lanthier, 4/9/03
2. Herkimer SWCD – Otsego & Canadarago Lakes Implementation Project – Round VII – C700633
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete BMPs
Approved by J. Schumacher, 3/12/03
3. Herkimer SWCD – Steele Creek WS Ag Planning Project – Round VII – C700632
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete Tier II and III planning
Approved by J. Schumacher, 3/12/03
4. Jefferson SWCD – Sandy Creek/South Sandy Creek Nutrient Management – Round VI – C700594
Request: time extension from 12/31/02 to 12/31/03
Reason: additional time needed to complete deliverables
Approved by S. Lanthier, 5/14/03
5. Jefferson SWCD – CNMP/CAFO Project – Round VII – C700634
Request 1: time extension from 12/31/02 to 12/31/03
Reason 1: additional time needed to complete deliverables
Request 2: change one landowner
Reason 2: original landowner sold farm to new landowner
Approved by S. Lanthier, 5/14/03 (both requests)
6. Monroe SWCD – Braddock Bay AEM Tier I & II – Round VII – C700638
Request: time extension from 3/31/03 to 9/30/03
Reason: additional time needed to complete Tier I and II planning
Approved by T. Brace/E. Svenson, 4/8/03

7. Monroe SWCD – Northrup Creek AEM Planning Project – Round VII – C700639
Request 1: time extension from 3/31/03 to 9/30/03
Reason 1: additional time needed to complete CNMPs
Request 2: change one landowner
Reason 2: original landowner could not afford match at this time
Request 3: shift funds from contractual services to personal services and other direct expenses
Reason 3: District and partners will be developing some nutrient management plans
Approved by T. Brace/E. Svenson, 5/7/03 (all three requests)
8. Niagara SWCD – Mud Creek/Tonawanda Creek AEM Project – Round VII – C700642
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete BMP installation
Approved by T. Brace/E. Svenson, 4/8/03
9. Oneida SWCD – Oriskany Creek Tier III – Round VII – C700643
Request 1: time extension from 3/31/03 to 9/30/03
Reason 1: additional time needed to complete Tier III planning
Request 2: change one landowner
Reason 2: original landowner withdrew voluntarily
Approved by J. Schumacher, 5/20/03 (both requests)
10. Rensselaer SWCD – Tomhannock Watershed Partner IV – Round VII – T700648
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete nutrient management plans
Approved by L. Miller/E. Svenson, 4/3/03
11. Rensselaer SWCD – Tomhannock Watershed Partner III – Round VI – C700617
Request: time extension from 3/31/03 to 3/31/04
Reason: delays caused by bidding process
Approved by L. Miller/E. Svenson, 4/3/03
12. Saratoga SWCD – Fish Creek/Sucker Brook Watershed – Round VII – C700649
Request: time extension from 3/31/03 to 6/30/04
Reason: delays caused by economics, weather and CNMP completion
Approved by S. Lanthier, 4/1/03
13. Steuben SWCD – Chemung River Basin Prescribed Grazing Phase II – Round VIII – C700695
Request: change one landowner
Reason: illness in family
Approved by T. Brace/E. Svenson, 5/16/03
14. Suffolk SWCD – Wellhead Protection Demonstration Project – Round VII – C700655
Request: change one landowner
Reason: personal accident
Approved by L. Miller/E. Svenson, 3/31/03
15. Wyoming SWCD – Buffalo River Ag BMP Implementation Phase III – Round VII – C700660
Request: time extension from 3/31/03 to 3/31/04
Reason: additional time needed to complete deliverables
Approved by T. Brace/E. Svenson, 5/7/03
16. Yates SWCD – Seneca Lake Watershed AEM Planning – Round VI – C700601
Request: transfer funds from supplies to personal services
Reason: actual time required exceeded original estimates
Approved by T. Brace/E. Svenson, 4/8/03

R. Kaplewicz updated the Committee on the NYACD Leadership Institute to be held at Raquette Lake July 7-9, 2003. The SWCC can send 10 people to this training. He asked that SWCC members and advisory members let him know if they are interested in attending. G. Proios will attend through NYACD. R. Aman cannot attend.

Annual Plans

Annual plans from the following Districts were presented for approval: Ulster, Wyoming, Yates, Albany, Chemung, Broome, Herkimer, St. Lawrence and Tioga. R. Aman recused himself from voting on the Tioga SWCD plan. This plan was deferred to the next meeting because a quorum was not present for voting. G. Proios expressed concern over whether stormwater involvement is being included in the annual plans for liability purposes. L. Miller responded that Districts have been encouraged to do this.

G. Proios moved to approve all plans except for Tioga County; seconded by R. Aman. Motion passed; carried.

Other Reports and Comments

R. Kaplewicz mentioned that a meeting with NYSERDA is scheduled for May 27th in Albany. Topics on the agenda include energy and environmental implementation on farms and coordinating efforts and funding among programs. Also mentioned was a possible regional digester to be discussed at a meeting in Auburn on May 28th.

J. Herring announced that this was his last SWCC meeting. He has accepted a position in Kazakhstan. The Committee thanked John for his past involvement.

P. Black announced the AWRA International Congress in New York City on June 29 – July 2, 2003. He encouraged attendance. An agenda and deadline for registration is on the AWRA website. Black also expressed his condolences for the passing of David Alee.

G. Chartier reviewed the action items recommended for agricultural funding through I-319 funds. They include (1) continuation of CNMP training, (2) second year of the AEM Tier II tool, (3) a CNMP Specialist position, and (4) a cost study of CNMP Compliance. He also mentioned the restructuring changes within DEC Division of Water. Five bureaus have now been reduced to four. The reorganization is scheduled to be complete by June.

P. Kazmarcek announced that there will be a meeting on June 12 or 13 to formulate Phase II of the AEM GIS initiative. Tier II pilots will take place in Lake Champlain and Otsego County. June 18th will be the final SWAP meeting for upstate New York, and all are invited.

G. Proios expressed disappointment regarding New York's appropriations under the Farm Bill. He expressed concern that there was still no congressional representation from New York on the Ag Committee.

R. Aman inquired about the appointment of a Farm Bureau representative on the SWCC Board. R. Zimmerman responded that there is no news yet and a time frame for this is not available.

Next Meeting

The next meeting is scheduled for June 17th in Ithaca.