



DEP Update

Nutrient Management Administrative Meetings 2019

Tom Wolf, Governor

Patrick McDonnell, Secretary

DEP Update

DEP Central Office Staff Updates

- DEP Chesapeake Bay Program Office
 - Statewide Agriculture

Erosion and Sediment Control

- Chapter 102 Administrative Policy and Permitting Manual – Section 1.6
- Soil Erosion and Sediment Control for Agriculture (Ag E&S) Manual

Funding for Plan Development

- Ag Plan Reimbursement Program

```
graph TD; A((Ag E&S Manual)) --- B((Staff Updates)); A --- C((Chapter 102 Permitting Requirements)); A --- D((Plan Reimbursement))
```

Staff
Updates

Chapter 102
Permitting
Requirements

Ag E&S Manual

Plan
Reimbursement

Chesapeake Bay Program Office

Jill Whitcomb, Director

Chesapeake Bay

Statewide Agriculture

jiwhitcomb@pa.gov

(717)783-5205

102.4(a) - Scope

- **Agricultural Plowing and Tilling Activities –**

- Earth disturbance activity involving the preparation and maintenance of soil for the production of agricultural crops
- The term includes no-till cropping methods, the practice of planting crops with minimal mechanical tillage

- **Animal Heavy Use Areas (AHUAs) –**

- Barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where due to the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods.
- The term does not include entrances, pathways and walkways between areas where animals are housed or kept in concentration
 - NOTE: Ag E&S Plans/BMPs needed for Earthen Areas. If concrete/stabilized, BMPs need to be implemented to contend with nutrient runoff (under Chapter 91 Manure Management requirements), but not erosion and sediment control.

Section 1.6 in Chapter 102 Admin Policy and Permitting Manual

Activity	NPDES if 1 acre or greater of disturbance	Have to address post construction stormwater management	Subject to riparian buffer requirements if in HQ/EV waters
Building a house	Yes	Yes	Yes
Building a barn	Yes	Yes	Yes
Building chicken/hog houses	Yes	Yes	Yes
Building manure (waste) storage facility	Yes	Yes	Yes
Building bunk silos	Yes	Yes	Yes
Installing swales, diversions, waterways, filter strips, terraces	No	No	No
Paving barnyard	No if covered in conservation plan	No, but must have BMPs to address the impervious area	No
Paving animal walkways	No if covered in conservation plan	No, but must have BMPs to address the impervious area	No
Building roofs	No if covered in conservation plan	No, but must have BMPs to address the impervious area	No
¹ Converting land to ag land	No	No	No
Putting in wildlife food plots	No	No	no

Manure Storages minimize **nutrient** runoff, not E&S control

These BMPs minimize accelerated erosion and sedimentation

Clearing and grubbing for agriculture plowing/tilling/AHUAs
Not ag buildings

If local municipal ordinance is more stringent, municipal ordinance must be followed.

Ag E&S Technical Guidance Document

Why did we develop the Ag E&S Manual?

- 102.4(a), while concise, left a lot of room for interpretation.
- Consistency -- Inspection Programs and Compliance Initiatives required guidance for regulators and for planners.
- Complementary -- We wanted to have a complementary guidance document to the Manure Management Manual.
- Compliance -- This Manual DOES NOT change the existing regulations. It provides greater detail, clarification, and information related to erosion and sediment control requirements for agriculture.

Ag E&S Technical Guidance Document

Timeline

- Mid-2017: Initial planning with State Conservation Commission (SCC), NRCS, and Penn State Extension representatives
- Late 2017 – Early 2018: Early drafts shared with small internal workgroup of conservation district, DEP, and SCC statewide staff
- Early to Mid-2018: Met with Ag Advisory Board and Ag Advisory Board Subcommittee to further develop the draft document
- Late 2018: Last meeting with internal workgroup to review changes and made final edits
- January 5, 2019: Posted for public comment in PA Bulletin

Ag E&S Technical Guidance Document

March 6, 2019 – End of public comment period

- 38 total comments received
- 5 commenters
 - 2 individual citizens
 - Chesapeake Bay Commission, Chesapeake Bay Foundation, and PA Farm Bureau

Also provided conservation districts, SCC, and NRCS opportunity for informal comment

- Approximately 200 comments received

Ag E&S Technical Guidance Document

What does the Ag E&S Manual include?

3 Parts of the Manual

- This was determined to be the best way to reach the audience – landowners/operators, consultants, regulators, general public, etc.
- Part 1 – Landowners/Operators
- Part 2 – Plan Writers
- Part 3 – Instructions/Sample Plan/Plan Template

Ag E&S Technical Guidance Document

What does the Ag E&S Manual Include?

- Flow charts/questionnaires to guide the reader in a concise manner
- List and description of common BMPs as well as common areas of concern (and BMPs to address those concerns)
- Detail related to calculating soil loss, when a plan should be updated, an updated administrative completeness review guide, instructions, sample plan, and plan template
 - The plan template format is NOT REQUIRED.

Ag E&S Technical Guidance Document

Appendices

- Planning Guidance to Meet Tolerable Soil Loss (T)
 - Includes charts if the operation meets the eligibility requirements to streamline task of calculating soil loss
- Chapter 102.4(a) and Other Environmental Requirements
 - Includes a summary of other requirements that a farmer may also have, such as:
 - Manure management
 - Construction E&S
 - Act 38
 - REAP

Ag E&S Technical Guidance Document

PAOneStop

- SCC and DEP working with Penn State Extension
- Updates to PAOneStop to include:
 - Enhancements to Ag E&S Planning
 - Completion and enhancements to Manure Management Planning

Ag E&S Technical Guidance Document

Summary

- Development of the Ag E&S Manual involved many different parties, including CCDs, SCC, Penn State Extension, NRCS, and Ag Advisory Board members
- Next steps
 - Develop and publish accompanying materials (Webinars/FAQs)
 - Clean Water Academy web-based training
 - In-person meetings and trainings

Ag Plan Reimbursement Program

Open to counties within the Chesapeake Bay Watershed

\$1.4 million in funding has been distributed for the first two rounds of funding:

- Round 1: 750 plans, \$770,000 funds, 180,000 acres
- Round 2: 950 plans, \$600,000 funds, 150,000 acres

\$1.35 million in funding is available for the third round

TeamAg – Southeast/Southcentral

Larson Design Group – Northeast/Northcentral



Questions?