



# Delaware Nutrient Management



## Meeting Minutes-June 6, 2017

### The Delaware Nutrient Management Commission

#### **In attendance:**

*Commission Members Present: William Vanderwende, Kenny Blessing, Laura Hill, Robert Palmer, Scott Webb, Kenneth Horeis, Bud O'Neill, Jessica Inhof, Jim Elliott, Richard Sterling, D. Mark Adkins*

*Ex-Officios Present: Chris Brosch, Michael Scuse, Jennifer Singh, Heather Hudson, Shawn Garvin*

*Commission Members Absent: Lisa McCormick, Brenna Goggin*

*Others Present: Bob Coleman, Clint Gill, Brooke Walls, Julia Moore, Larry Jester, Sydney Riggi, Amy Shober, Terra Eby, Shelia Lomax, Jessica Collins, Georgie Cartanza, Sally Kopfer, Wayne Hudson, Jim Woznicki, Rudolph Spinka Jr, Richard Legar*

***This meeting was properly notified and posted as required by law.***

#### **Call to Order/Welcome:**

Chairman Vanderwende called the meeting to order at 7:00 p.m., welcomed everyone in attendance, and reminded those seeking education credits to sign the sign-in sheet.

#### **Approval of Minutes:**

A motion was heard to approve the minutes of the Full Commission Meeting of March 7, 2017. The minutes were approved by Jim Elliott and seconded by Laura Hill.

#### **Discussion and Action Items:**

##### ***Special Item – Chris Brosch:***

- Larry Jester was introduced as the nominee to fill the New Castle Grain Farmer position on the Commission.
- The hope is to have his letters lined up by the August meeting to make him official.

##### ***University of Delaware Cooperative Extension Programs updates – Amy Shober and Sydney Riggi:***

- Dr. Amy Shober, Nutrient Managements Extension Agent, presented:
  - An update on the number of certified individuals that have been through the program so far:
    - The first 2017 training session had 76 attendees, most of whom were new poultry growers.
    - The program has approved 2,881 certifications since it started in 2001.
  - New opportunities for online Continuing Education credits:
    - A new open source platform for on-line learning is set to go live on June 12, using the site canvas.net.
      - There will be 6 modules available, providing 2.5 CEU's each upon completion of the module and after earning a quiz grade of at least 80%. It is user-friendly, allowing the participant to go back to the presentation to review data and re-take the quiz as often as necessary in order to pass and receive the credit.
      - There are also fact sheets to review and quiz on, worth ¼ credit each once completed.
      - It was noted that the Commission mandated that not all learning should be online, and these opportunities are intended to help those who find they are short on CEU's for recertification and cannot attend a live event at the time when they need credits.

- Each online module can only be taken once during the renewal cycle of each person.
  - There is also an electronic training session on Avian Influenza, but due to the sensitive content it is not available on open access. It is listed on the Continuing Education website, along with directions to contact Terra Eby to get access. It awards 1.5 CEU's upon successful completion of the quiz.
- Per the handout provided, this comprehensive education program is increasing the health of soil and water in Delaware's watersheds. It is also providing an enjoyable learning experience that increases the understanding of Delaware's nutrient management issues and as well as nitrogen and phosphorous management by certified private nutrient handlers.
- Ms. Sydney Riggi, Nutrient Management Extension Agent, presented snapshots of information that has been provided to Delaware voters regarding composting of poultry mortalities:
  - Showed sample slides from the initial Certification Training Session and referred to the handouts for information that goes beyond what can be covered in class.
  - Data from 2016-2017 was reviewed, with the takeaway that all programs try to reinforce best practices.
    - There was an uptick in the number of poultry growers, and Session 2 was offered 7 times during this time period, with 176 attending
      - Mortality management is covered extensively
      - She enforces that it is an art as well as a science and offers several resources to contact for assistance.
    - Partnered with Bill Brown and did a live composting demonstration in Georgetown over a 2 week period. In the questionnaire issued at the end, the majority of participants said they didn't have a problem with composting, but 70% admitted that they did learn something new at this program.
    - Additionally, a Poultry Farm Management program for new and existing growers developed by the University of Maryland was offered twice.
- Commission members as well as the audience are invited to stop in to any of the training sessions. The below are scheduled at the Kent County Extension office:
  - Agriculture Session – July 20, 27 and August 1, with the exam on the 8<sup>th</sup>. These are afternoon and evening sessions.
  - Horticulture Session – November 30 and December 7, with the exam on the 14<sup>th</sup>. These are full day sessions.

***CAFO General Permit 2 Update – Chris Brosch***

- The supplied documents represent 2 pieces under the Commission's consideration.
  - Wants Commissions approval of the DNREC document within this month.
    - Chris highlighted one issue of historical confusion that needs to be addressed specifically – what is the significance of adjusting a field from a corn planting to soybeans due to weather conditions? Does it need to be communicated to the department and is it significant enough to require another Public Notice? Chris noted that this is not realistic.
    - He noted that the EPA is now comfortable with letting the DDA/DNREC make the determination if a change is needed to the Plan. If not, then the department can approve the change in-house as long as the plan is still accurate to farm activity.
  - The other document shows all changes from Permit 1, which seem to be what was anticipated for the draft of Permit 2. The goal is to adopt General Permit 2 by the end of the calendar year.
    - It was questioned how fluctuations in bird capacity resulting from changing from one type of bird to another, specifically from Broiler to Cornish, would affect a requirement to change a Plan, since it is written based on head count, not live weight. The CAFO coverage allows for 25% fluctuations in numbers, but that does not account for smaller birds that may be higher in numbers but ultimately producing the same amount of manure due to their size. Additionally, this change may only affect one delivery per year.
      - Chris said it should be easy change to the conversion rates
      - It was noted that most don't think to even report the change, so should it be required?
      - Chris asked for the Committee's consideration and said comments would be useful within the next 30 days, since this would be a significant change. He will need to bring

the team together again after a re-draft is written. Then it will probably be transmitted electronically for all to review.

- Update: A conversion factor of 1 Broiler to 2 Cornish will be adopted by the state to consider the grow-out time, manure generation and placement sizes by the integrators. Using this conversion, the permits can be applied to growers that switch back and forth with very little warning.

#### ***State Technical Standards final review – Chris Brosch***

- Positive comments were received, with a thank-you for the input.
- Legal Counsel Jen Singh referenced the goldenrod-colored paper included in the packet and reviewed the procedure for completion of the approval.
  - This Committee must express their wish to incorporate by reference these technical standards into the Nutrient Management Commission’s Regulations.
  - Then she will send the information to the Register of Regulations to be published on July 1<sup>st</sup>.
  - Must then allow 30 days for public comments to be submitted to Chris.
  - Then the Committee can deliberate on the standards as well as any comments received.
  - Regulations that are in need of amendment will also be addressed at the same time.
- Motion to move forward made by Laura Hill and seconded by Jim Elliott. Committee response was unanimous.

#### ***Administrators Report – Chris Brosch and staff***

- Complaints - Bob Coleman reported that since his last report he had received 2 complaints for odors and 1 for mishandling of mortalities. The mortalities complaint is the only one remaining open, and after some additional monitoring he anticipates it could be closed by late June.
- As reported, certifications are at 1,759.
- CAFO - To date we have received no comments on the 52 farms currently on public notice. We have 3 more ready, and expect to have 3 more this week with the list still actively building.
- The Salesforce database lists 897 Annual Reports having been reviewed and returned to the farmers as being complete. This represents 322,601.79 acres, adding yet again to our record total.
  - Commissioner Blessing asked how many reports there should have been. Chris replied that per the Census, there are about 1,500 farms that operate in Delaware, but that does not account for those of less than 10 acres and those that don’t have more than 8,000 lbs. animal weight on the farm.
    - Chris further clarified that we sent out 2,700 blank Annual Reports, and our final return rate was 80-90% of who we expected to reply. This number included an additional mailing that NM sent out to those who we had not heard from in the last 5 years.
- Meeting and Training highlights:
  - 2 CAFO meetings were held with Flock Supervisors from Poultry Integrators Mountaire and Amick. We advised what is expected of their growers so that we can get more CAFO coverage among them. The message was well received, but they do not have much face-time with the farmers so it is difficult. The NM program will be reaching out to them more in the future to help expedite.
  - The EPA’s Delaware Ag briefing was held at DDA, covering the EPA/Chesapeake Bay Initiative. Per Secretary Scuse, the meeting was very positive, unlike past meetings. There was a willingness to look at what we are doing, and attempting to do, and to work with us until we can confirm what our compliance number actually is.
    - The issue is that we previously stated to the EPA that 100% of our producers were in compliance with regulations, which was not factual.
      - Commissioner Adkins feels our numbers are better than those of VA and MD, but agrees we need to determine a way to verify that.
      - Secretary Scuse, Kenny Bounds, and Chris are working to determine numbers that we can feel comfortable giving and that we can verify. But this will only be the first step in building a robust program that will have defensibility.
        - They suggest that both the NM Program and the Conservation District should look to their NM Plan writers to determine what percentage of compliance is resulting there.
        - Commissioner Webb asked – if you do everything but don’t turn in the documentation, are you still in compliance? Chris replied that by legal terms, no. But if we audit and the water quality is acceptable, they really are, since water quality is what the EPA is ultimately concerned with.

- To assist with this effort, Chris would like to get some Commission members together in July (in lieu of the DNMC regular meeting), as a Subcommittee, to review what he and Brooke have been implementing for the compliance checks that we do in-house.
    - Chris also is inviting the Conservations District to do their own review of their data, to talk about what measures they can review for compliance quantifiers.
  - Chris noted there are some recorded webinars referenced in the Administrators Report that may interest some, with the links provided.
    - The Chesapeake Bay Program has tied up loose ends on programming the Phase 6 Model. This kicks off a review period where anyone can make comments. The NM program will be responding and will support this effort then bring comments back to the Commission.
- Budget – \$35,000 was transferred from Planning to Poultry Litter Transport to cover expected outstanding claims. Bob Coleman noted that he foresees @\$3,000 in claims and \$2,500 in applications he has approved to pay by June 16.

***Special Items / Public Questions***

- Secretary Scuse briefly addressed the state budget. He gratefully noted that all the phone calls and letters from constituents as well as businesses made a big impact on the Joint Finance Committee. The potential loss of funding for our Relocation and Nutrient Management Planning programs have been held off. But all the promotional funding for the DDA has been taken away for fiscal year 2018.

**Next Meeting:** The next regular Full Commission meeting will be August 1, 2017 at 7:00 pm.

**Adjournment:** Chairman Vanderwende adjourned the meeting at 8:00 pm.

Approved,

B. Vanderwende, Chairman  
 Delaware Nutrient Management Commission  
 jlm