



# Delaware Nutrient Management



## Meeting Minutes – January 2, 2018

### The Delaware Nutrient Management Commission

#### **In attendance:**

*Commission Members Present: William Vanderwende, Richard Sterling, Jon Nichols Jr., Bud O'Neill, Mark Adkins, Jim Elliott, Laura Hill, Jessica Inhof, Kenneth Horeis, Wayne Hudson, Robert Palmer*

*Ex-Officios Present: Chris Brosch, Secretary Michael Scuse, Jennifer Singh*

*Commission Members Absent: Brenna Goggin, Larry Jester, Scott Webb, Kenneth Blessing*

*Ex-Officios Absent: Shawn Garvin (Acting Director of Watershed Stewardship, Terry Deputy, attended as proxy), Heather Hudson*

*Others Present: Bob Coleman, Clint Gill, Aaron Givens, Julia Moore, Brooke Walls, Amy Shober, Sydney Riggi, Georgie Cartanza, Garry Killmon, Sally Kepfer, Gerhard Maute, Eugene Maute, Benjamin Johnson, Victor Fibelkorn, Jessica Collins, Patti McCune*

***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 October 3, 2017. The minutes were approved by Commissioner Elliott and seconded by Commissioner Horeis, resulting in a final unanimous vote of approval.

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

##### ***Introduction of new Commissioner Jon Nichols, Jr., Public Citizen – Administrator Brosch***

- Commissioner Nichols was introduced by Administrator Brosch and stood to introduce himself, noting that he has been in the landscape industry since 1994 when he was in high school and that this is his focal point for joining the Commission. He looks forward to helping and getting to know the group.

##### ***Introduction and Presentation by Dr. Jarrod Miller, UD Agronomist – Administrator Brosch and Dr. Miller***

- Dr. Miller was introduced by Administrator Brosch and presented a slide show providing an overview of his background and past experiences / positions.
  - He is from Northern Harford County, MD. Having grown up on a Dairy and Grain farm, he joked that he shoveled a lot of manure as a kid.
  - His home was close to the Chesapeake Bay and Susquehanna River so he is well associated with the soils and region.
  - He attended VA Tech to study Environmental Science and obtain his Masters in Soils.
  - He earned his PhD in Soil Science from the University of KY, where he did extensive studies on how coal mine soil transports metals (which applies to nutrient management) and forest reclamation of the Appalachian surface mines.
  - He later worked for the Agriculture Research Service in Florence, SC. Part of his focus there was on manure denitrification, and he came to Delaware a lot to sample.

- He then moved to the University of Maryland as an Agronomy Agriculture Educator, covering the three counties of Worcester, Wicomico, and Somerset. He signed off on all their Nutrient Management Plans, which would include over 200 during the 3 years of his service there.
- He particularly likes precision agriculture in general.
- Now he is stationed at the Carvel Center in Georgetown, as the University of Delaware's Agronomy Extension Specialist, working closely with Dr. Amy Shober.
  - The interests he brings to this position include a focus on basic soils education, facility and water management, anything with cover crops, also weed suppression.
  - As the Agronomist, he will of course also be focusing on the yield and economics of field crops and forages, the values of hybrids, disease pests, anything like that on down the line.
  - So while he will be delving into NM, he is also going to do what would be considered standard old fashioned agronomy
  - He will be teaching Soil Fertility in the Spring on campus

***Proposed Relocation Cost Share rate change – Administrator Brosch***

- Administrator Brosch detailed that he and Bob Coleman have been noticing since about September that applications for cost share for our Relocation Program have dropped off steeply.
- Bob Coleman finally got a call from Ray Ellis agreeing that he had pretty much stopped applying for cost share, since the rate we're paying, \$.08 per ton mile, is not competitive with MD's program.
- So Ray Ellis is not working many DE farms, specifically moving DE litter up to the mushroom growers in PA and he said a lot of other farmers in DE are going to want this litter moved. Our new regulation allows them to stockpile it over the winter for 4 whole months, but unless we increase the rate litter will not move to farms this winter.
- Ray Ellis and others have not been using this cost share funding, we have quite a bit to spend.
- Administrator Brosch and Bob Coleman feel comfortable recommending that the commission increase the rate back up to the interim rate that we had last time – \$.12 per ton-mile. This is still a 25% discount from the all-time high when Administrator Brosch took over the program at \$.16 per ton mile. That lasted about 5 months out of the 12-month fiscal cycle, so we aren't interested in entertaining that idea – but certainly we have enough funding to get us through to the end of FY18 at \$.12 per ton mile.
- The request was made for the commission to sign off or bring up questions.
  - Commissioner Inhof: What about those who got paid at a lower rate of \$.08 recently – will they be addressed?
  - Administrator Brosch: We are not interested in going backward. However, when Bob Coleman got the call, he was pretty diligent about holding the applications and it was right before the holidays so there shouldn't be any concern.
  - Commissioner Vanderwende: Do we know what MD is paying?
  - Administrator Brosch: Ray Ellis told Bob Coleman with full confidence that \$.12 per ton mile would make us competitive. But MD does not use the ton mile to pay for relocation. They just pay a ton rate based on different metrics so it's not quite apples to apples.
  - Commissioner Adkins: Does MD change theirs often?
  - Administrator Brosch: It's not known if they were changed recently, but the feeling is they were not. What they did do was streamline some of the application process so it is much simpler to get to cost share in MD than it was, in terms of paperwork, so that has attracted relocation business back to MD.
  - Secretary Scuse: When is the bulk of the litter transported – what months?
  - Bob Coleman: There is no longer a seasonal variation – every month is about the same and recently every month has been way down. We're not moving any manure to alternate use because of our rate – so it's not competitive to move it to PA so for the last 4 months it has stocked.
  - Commissioner Palmer: Would that be the goal?
  - Administrator Brosch: What's happening right now is since the period for which this has dropped off is less than 6 months, there has probably been capacity on farms to hold that to a certain extent. We're coming up against that now and it's probably why we got the call. There were more and more desperate people trying to get Ray to show up. So now is the time to strike if we want to prevent problem from occurring.
  - Commissioner Wayne Hudson: What is the market of litter now compared to what it was before, when we had the higher rates? There came a point that manure got really expensive and it seemed like it was really scarce over on the shore and everyone was talking about a shortage. It's down considerably from where it

was a year ago. The question is, by us reinstating and putting a higher rate, are we just adding a market to the litter or inflating its price by giving another exit point other than to the farmers? So then the price of manure goes up.

- Bob Coleman: It's a valid concern, but one thing anecdotally to point out is applications used to arrive in batches of 20-25, now they arrive maybe 3 or 4 at a time. So I'm not sure if it's going to drive the cost up, but I do feel pretty confident that we'll be able to track movement better due to more transactions that go on the record and if we raise it to \$0.12 per ton mile we'll probably start getting back to the groups of 15-20 applications at a time. We'll notice this on the next Administrator's Report.
- Commissioner Inhof: If this doesn't work, or we're uncomfortable with it 3 months down the road, we can change it again, right?
- Administrator Brosch: Absolutely.
- Chairman Vanderwende: Do we have a motion to increase the price to \$0.12 per ton mile?
  - The motion was approved by Commissioner Hill and seconded by Commissioner Elliott, with a unanimous response from the remaining commissioners.

***Discussion on Draft: Interim Poultry Headquarters Practices Fact Sheet – Administrator Brosch and Sydney Riggi***

- Administrator Brosch referenced the draft document in the Commissioners' folders titled "Suggested Methods for Temporary Mortality Management on New Poultry Farms" and gave a brief introduction of background for its purpose. This document had been emailed to the Commissioners, but because it is a draft was not made available to the public at this time.
  - NM was asked by the FSA to help address a question about the environmental impact of new poultry facilities for the time period for which they are producing chickens but have not been successful in getting through the whole cost-share process for their headquarters BMPs – their manure shelters and their mortality facilities. FSA was very interested in getting some guidance about what farmers should do during that interim timeframe and they wanted the department to do something official about it.
  - Reached out to Sydney Riggi and Georgie Cartanza and they offered to put together a fact sheet for what these growers can do. They completed a rough draft, which has already been reviewed and edited by NM, and now we would like comments from the Commission.
- Sydney Riggi: There are 3 ideas to highlight that might prompt discussion and shouldn't be overlooked.
  - In the fact sheet it is recommended that this is a temporary structure based on 1 flock. Georgie Cartanza has done the calculations, which are shown on the table on the back page of the document. The key point is "1 flock" only.
  - The document adopted the same setbacks for staging a temporary composter as the Commission has recommended for temporary field staging.
  - It is recommended that the temporary composting structure have either a concrete or clay pad, or a lining of plastic, underneath the structure, as a barrier between the composting material and the ground because of our high water table.
- Sydney Riggi: Once feedback is received and incorporated it will go to others outside the area to review for any other issues. Then it will become an official fact sheet.
- Sally Kepfer: Does this include temporary stockpiling or the proper handling of manure, which is an issue the FSA had?
- Sydney Riggi: We wanted to address the temporary composting first, and not group it into the same fact sheet, as that should stand on its own. So after this is done manure will be the next to be addressed.
- Commissioner Adkins: What are we looking at as a temporary structure? On canvas or what?
- Sydney Riggi: In the draft, there are pictures and suggested materials. We didn't want this to be a burden to the growers, so a lot of the materials can be repurposed from what they already may have on the farm.
- Commissioner Adkins: Are there guidelines on location restrictions?
- Sydney Riggi: The draft adopted the temporary field staging setbacks which NM set in 2016 and it is on the front page of the document.
- Commissioner Adkins: Could we avoid issues down the road if we had someone to go and just make sure they are placing the temporary structure correctly?
- Administrator Brosch: The document does caution to be considerate of neighbors and conscious of odors. Visibility is also something that should be considered when choosing to site the temporary structure.
- Commissioner Adkins: Sometimes there is a concern within the community about size too.

- Sydney Riggi: Referring to the table again, it recommends size and how many structures for the number of birds on the farm. It also recommends adding on as needed.
- Commissioner Hill: Why not show where the temporary structure will go when the original site plans are drawn up? The permanent structures are there, so why not these too?
- Commissioner Adkins: Great idea, this should be included.
- Commissioner Inhof: Is the concept of “temporary” defined?
- Sydney Riggi: The draft emphasizes that this is a temporary solution and not meant to be long term, and that the grower should stay engaged in building a permanent structure. It also mentions that this is not meant to withstand weather events or such.
- Chairman Vanderwende: There just isn’t enough cost-share money out there for them to get going as soon as they get the houses built.
- Secretary Scuse: The actual problem is that the Farm Bill prohibits the NRCS from funding these permanent structures until the poultry houses are actually up and running. What we are going to ask for in the next Farm Bill is for that language to be eliminated so that they can build these structures at the same time they are doing the new construction. That’s the problem – the language – that prohibits the NRCS from doing the cost-share.
- Commissioner Palmer: DE has 2 RCPP projects from NRCS to expedite that both in Kent and Sussex counties, so it’s really just a small window and this would really solve a problem.
- Commissioner Hill: But if that doesn’t come through, you have a business plan and are going through a loan - that structure should be part of it and the NM plan. Why go into that without the money there already to do that structure before completion of the project?
- Commissioner Wayne Hudson: New house construction is about half a million dollars for the complex. The compost is about \$5-10 thousand. So it’s a very small fraction. You plan for stormwater ponds because you know it’s going to rain, so why not plan for mortalities when you know they will happen?
- Commissioner Hill: Wouldn’t the cost of mortality be a short term investment? You’ll get your money back when you file for the cost-share.
- Secretary Scuse: No, it doesn’t work that way. Once you invest the money, you won’t be able to apply for the cost-share and get your money back.
- Administrator Brosch: You solved your resource concerns, so the Federal Government doesn’t think that you are owed any help.
- Commissioner O’Neill: What is the timing on the new Farm Bill?
- Secretary Scuse: Some say it will be passed on time this year, but it will be shocking if that happens. There is still a lot to talk about in this Farm Bill. Are they going to have enough to write the next Farm Bill and include all the programs that they want? So it will probably be a year behind. Hope not, but pretty likely.
- Commissioner O’Neill: How many new poultry houses are there?
- Commissioner Palmer: Quite a lot. NRCS are getting quite a few requests. But they’ve been able to accommodate them through RCPP, it’s just there is the 3-6 month lead time so there’s a lot of dead smaller birds because it’s at the beginning of a flock. But this temporary structure draft should accommodate the need.
- Sally Kepfer: Right now the RCPP’s are just paying for the compost, not the shed?
- Commissioner Palmer: Correct.
- Administrator Brosch: For the Commissioners, as you have time to review the draft you can send comments to Sydney but if you have any problems with this you can send them to me as well.

#### ***Announcements – Administrator Brosch and Bob Coleman***

- Ag Week runs from Monday the 8<sup>th</sup> through Thursday the 11<sup>th</sup>.
  - Thursday night, the 11<sup>th</sup>, is the Agriculture Industries Dinner.
  - Secretary Scuse: On Monday afternoon kicking the program off is Congresswoman Lisa Blunt-Rochester, who is on the House Agriculture Committee, and will be giving an overview of the Farm Bill and what she see’s taking place.
- Bob Coleman declared that the Environmental Stewardship program was again a success:
  - The judging committee visited the nominees just before Thanksgiving and all four nominations are excellent.
  - They chose the McCloskey’s in Houston as the winner.

- All have been contacted to assure that they will be in attendance at the presentation at 4:00 on Monday at the Exhibit Hall, so that they can be presented their plaques, checks, and lane signs.
- It is typically a well-attended function.
- If any Commissioners are there, look for the photo op!

***Administrators Report – Administrator Brosch and staff***

- Complaints – Since the last report on October 3 there have been 8 informal complaints. There are currently 4 open informal complaints. All of the informal complaints were valid.
- Certifications – As reported, certifications are still at 1,804.
- Audits, Inspections, Reporting – We finished 2017 with 37 inspections:
  - This is off the mark from where we wanted to be – we had 20-30 more the year prior.
  - Some of that has to do with reevaluating how we’re doing these audits, because the same people that perform them were revising how we do them.
  - We had an 85% pass rate, which is the first time we’ve had anything other than 100%. This is a good thing to have to report to EPA.
  - We obviously need to increase the population of people that have been audited, but the goal, until we have a justifiable number, is still 20% and we’re far from reaching it.
  - Covered farms for CAFO’s are slightly up but still off the mark of where we think we will end up for the General Permit I.
    - We have had a steady trickle of additional farms come in with all the necessary documents.
    - But we have an even longer list of farms that told us they want to be part of the General Permit II because they have land.
    - So we’re waiting to finalize details on the second General Permit.
  - Blank Annual Reports went out the previous week, as directed by the Commission.
    - Found that it was very difficult to get mail bins.
    - So instead of going out on Tuesday the 26<sup>th</sup> as planned, they went out on Thursday the 28<sup>th</sup>.
    - As a result we anticipate some frustration from the farmers due to the nearness of Ag Week.
    - Next year we will anticipate this problem and gather the bins earlier.
- Meetings and Training – The only information here of consequence is that the Bay Program and EPA are very close to finalizing targets for the 3<sup>rd</sup> and final round of the Watershed Implementation Plan to achieve the Chesapeake Bay TMDL.
  - The backbone of those targets is a brand new model, of which the Commission has been given updates as time has passed on how that model looks.
  - By last estimates, the result of the runs that anticipate the necessary pollution reduction pin DE for not having to achieve hardly any additional phosphorus reduction than what was already achieved in 2016. That is a good development.
  - Our nitrogen goal has also gotten easier but they seem to be fluctuating still as they narrow down on the final numbers that are going to get the sates to their individual goals. We’re 3 weeks away from getting those final targets.
- Commissioner Hill: Someone attended the Factory Farm Summit?
  - Bob Coleman attended and shared his take-away:
    - There was an interesting collection of people, but few from the Shore. It seemed to be more of a national set of participants.
    - Learned a couple of very basic things, but felt it was more of a cheerleading session, didn’t contain any real concrete planning on their part, and not a lot of science was involved.
    - He counted only about 60 attendees, and felt that was a sparse number where he had expected there would be more.
    - The only big news relevant to us is that our colleagues in the MD General Assembly are going to sponsor a Bill, which he believes was sponsored last year as well, to have the state do a detailed are emission analysis on fans from poultry farms.
- Bob Coleman: Emphasized that the relocation numbers posted in the report are pretty complete, and if this trend continues we are looking at a fiscal year-end total in June of about 22,000 tons, which is not good. This is much less than half of our lowest year ever.
  - On Wednesday he will call all the brokers he knows to advise of the increased rate.
  - The documents are already updated and will be posted to the website immediately, as well.
  - Chairman Vanderwende: How many brokers do we have hauling litter?
  - Bob Coleman: About 12 – 8 in state, and 4 in MD who come over and get it.

**Next Meeting:** The next regular Full Commission meeting will be February 6, 2018 at 7:00 pm if deemed necessary.

**Adjournment:** Chairman Vanderwende adjourned the meeting at 7:48 pm.

Approved,

B. Vanderwende, Chairman  
Delaware Nutrient Management Commission  
jlm