



# Delaware Nutrient Management



## Meeting Minutes – March 6, 2018

### The Delaware Nutrient Management Commission

#### **In attendance:**

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

*Ex-Officios Present: Chris Brosch, Terry Deputy (proxy for Shawn Garvin)*

*Commission Members Absent: Kenneth Blessing, Brenna Goggin,*

*Ex-Officios Absent: Secretary Michael Scuse, Jennifer Singh, Jamie Mack*

*Others Present: Bob Coleman, Clint Gill, Aaron Givens, Julia Moore, Brooke Walls, Lindsay Thompson, RC Willin, Sydney Riggi, Garry Killmon, Sally Kepfer, Harvey O. Thomas, Sr., Bryan Ashby, William Rohrer, Benjamin Johnson*

***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 February 6, 2018. The minutes were approved by Commissioner Elliott and seconded by Commissioner Horeis, resulting in a final unanimous vote of approval.

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

##### ***Standard Operating Procedures for Verification Evaluations – Administrator Brosch***

- Administrator Brosch: We submitted our Standard Operating Procedure (SOP) for verifying the nutrient management plan in the state to EPA on February 27th, a couple days early. EPA reviewed it, at least preliminarily, and sent a list of comments which we received today that they consider to be draft. As a courtesy to them, it was not printed and distributed to be shared at this time. They, and Secretary Scuse, asked that we not vote on the SOP tonight, even though we considered them final. EPA has requested that Secretary Scuse, Deputy Secretary Bounds and I meet with them personally to discuss their questions about the verification procedures. Secretary Scuse is inclined to extend that opportunity to them if the Commission could oblige.
- Chairman Vanderwende: Sees no problem with this – anyone else?
- There were no comments and nobody disagreed
- Administrator Brosch: EPA asked why we didn't include field staging. It was rather funny to the staff because we check that more than anything – its second nature that we do that! It is now added back in and hopefully it's not something they bring up when we meet with them. We will bring the SOP back to the next meeting.

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

- Administrator Brosch: We want to give the floor officially over to our guests today without any business hanging over us, so we're going to do our traditional meeting out of order and cover the Administrators Report first and as briefly as possible. It has only been 4 short weeks since we last met, so much is unchanged.
- Certifications – Administrator Brosch: There were a few new certifications based on a session the University of DE held and the CAFO update likely has a few more on public notice than what is in front of you.
- Audits, Inspections, Reporting – Administrator Brosch: Brooke has summarized the Annual Reports turned in thus far but they are still straggling in this week so we'll wait until our next meeting to give an official report on that.

- Meetings and Training as well as Financials – Administrator Brosch: They are listed for last month
- Complaints – Bob Coleman: The pace of complaints has picked up in the last year or so, and in February, we had 6 informal complaints:
  - One involved us and also the office of Animal Welfare, so we did a joint site visit. Sherri Warburton is the investigator on the Department of Agriculture’s side for animal welfare. It was at a farm we’ve been to a number of times for a number of issues. This particular informal complaint on the Commission’s side really involved improper composting of routine mortalities by staff. It was a valid complaint so it’s still open because we are still working with the farmer and his staff to get them on board with the proper recipe and proper timing for composting daily mortalities, of which they have quite a few.
  - The other 5 complaints all involved improper field stacking. We are now at 120 days for allowable field stacking and probably some of the members of the public still think its 90 days. So they were all investigated and as far as timing goes, as soon as it stops raining all of the stacks will go down. Everybody that was involved with an informal field stacking complaint still has a good 2 – 3 weeks of leeway so they should be ok. But I am going to follow-up and make sure they do have them down and tilled in.
- Relocations – Bob Coleman: We have started to move a significantly larger amount of manure:
  - Most likely this is due to our rate increase from \$0.08 per ton mile to \$0.12 per ton mile
  - Our usual vendors have increased their volume
  - And for the first time in a long time we are now starting to see some applications come in to move manure out of state up to the mushroom facilities. This is the first time in @ 8 months. A batch has been approved already.
- Commissioner Elliott: When you talk about a complaint you are working with, what kind of authority do we have to penalize him for being a “bad actor”?
- Bob Coleman: Good question. In the past we have had to issue administrative actions where we did levy fines. This particular farmer has always chosen to negotiate with the Program Administrator. It would not surprise us if we ended up levying further fines in the future, but as of now, with this particular complaint, the animal welfare side looked good. The farmer has a second farm in a different location in the state and I went down on Monday with Aaron Givens and we did a formal and very thorough audit. That one looked pretty good so right now we **do not** anticipate with this particular complaint levying any administrative action - unless when we go back on March 30 we find the place is a wreck again.
- Chairman Vanderwende: Are all of these new operations able to handle their dead birds?
- Bob Coleman: That is a challenge. It’s not so much a lack of knowledge or lack of desire to follow the state Technical Standards and just good agricultural practice – it’s more of a case of lag time for them to get a formal manure shed with composter attached. So it can be a challenge for a lot of the new farmers because they have to use a makeshift facility to do their composting in. But we always work with them to help them make the best system they can have and do the best job they can to comply in this time before they get their manure shed.
- Chairman Vanderwende: NRCS does not have near enough money to cost share all of these manure sheds, do they?
- Sally Kepfer: Correct, and they usually have requests for about twice the amount of money they have available. Usually they have about \$78 million and have requests for about \$16 million.
- Bob Coleman: As far as manure management, lack of a shed for the first year and a half isn’t really that much of an issue for farmers because they are windrowing and they’re not really moving that much manure. And if for some reason they do have to move a significant amount of manure they can get the manure brokers in there to help them out and move it. But the mortalities are something the staff spends some amount of time assisting the farmer with.

***Guest Presenter: Lindsay Thompson, Executive Director of the Delaware-Maryland Agribusiness Association (DMAA) –***

- Lindsay showed the direction and merits of the DMAA 4R Alliance. The Alliance aims to engage farmers in peninsula-wide field days to exhibit cutting age techniques in agricultural technology. Lindsay invited the Program to be a participant in their forthcoming Board, but participation is open to the public.

***Guest Presenter: RC Willin, Willin Farms, Seaford, DE – Next Generation Nutrient Management Planning: In-season testing for corn hybrids –***

- Mr. Willin presented a broad ranging synopsis of research conducted by him on his farm. Combining frequent soil and tissue sampling with custom irrigation, RC determined that the likelihood of phosphorus contributing to his yield limits is higher than conventional wisdom would suggest. Additionally, available nitrogen in the soil was not as predictable in scale or timing, in that irrigated fields registered a strong spike in plant available nitrogen following heavy natural rain on an irrigated field.

***Public Comment –***

- There were no public comments at the close of this meeting.

**Next Meeting:** There will most likely not be an April 3 meeting, and if that is the case the next regular Full Commission meeting will be May 1, 2018 at 7:00 pm.

**Adjournment:** Chairman Vanderwende adjourned the meeting at 8:26 pm.

Approved,

B. Vanderwende, Chairman  
Delaware Nutrient Management Commission  
jlm