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Delaware Nutrient Management

November 5, 2019

The Delaware Nutrient Management Commission

In attendance:

Commission Members Present: Vice-Chairman F. Kenneth Blessing, Mark Adkins, Jim Elliott, Laura Hill, Kenneth Horeis, Tak Keen, Garry Killmon, Brenna Ness, Jon Nichols, Jr., Bud O'Neill, Robert Palmer, Scott Webb

Ex-Officios Present: Nutrient Management Program Administrator Chris Brosch, DDA Secretary Michael Scuse, Terry Deputy (DNREC proxy), Jamie Mack (DHSS), Jennifer Singh

Commission Members Absent: Chairman Bill Vanderwende, Wayne Hudson, Larry Jester

Ex-Officios Absent: DNREC Secretary Shawn Garvin (sent proxy)

Others Present: Bob Coleman, Clint Gill, Julia Moore, Aaron Givens, Brooke Walls, Roland Hill, S. Mark Melson, Sydney Riggi, Hilary Gibson, Jen Walls, Lydia Smith, Robin Hayes, Bob Hayes

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

Call to Order/Welcome:

Vice-Chairman Blessing 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 last Full Commission Meeting of October 1, 2019. The minutes were motioned for approval by Commissioner Elliott and seconded by Commissioner Webb, resulting in a final vote of unanimous approval.

Discussion and Action Items:

Introduction of new program employee – Administrator Brosch

- Hilary Gibson was welcomed as the new Program Coordinator for the Nutrient Management Program at the University of DE Extension office in Dover, working with Sydney Riggi.
- Ms. Gibson stood and gave a brief bio:
 - She studied at UD and majored in Plant Sciences and Natural Resource Management.
 - Her last 5 years of employment were with the Chesapeake Bay Foundation in the Eastern Shore office, doing restoration work with farmers and political advocacy-type work.

Guest speaker Valann Budischack, University of Delaware's Livable Lawns Program – Administrator Brosch

- Valann Budischack was welcomed with an introduction by Administrator Brosch:
 - Livable Lawns is, among many things, a group that tries to help and empower lawn care companies who do fertilizer applications to do so in the most environmentally sensitive way.
 - The program is a vehicle to support those willing to go above and beyond the minimum Nutrient Management requirements for the CNH certification.
 - Ms. Budischack has engaged several DE agencies to talk about, in a stakeholder meeting, what opportunities there might exist for the program into the future to further the mission of the program and make it more successful.
- Highlights of Ms. Budischack's presentation:
 - The Livable Lawns Program began in 2010 with the slogan "Healthy Lawns, Healthy Waters".
 - The main emphasis is to put the right thing down, at the right time, in the right quantity.
 - The founders were looking for a way to reach out to the lawn care / landscaping industries in the hopes that they would in turn train the homeowners.
 - It is now a voluntary certification program for lawn care companies and homeowners who follow environmentally friendly practices.
 - The benefits and requirements were reviewed, with it being noted that they cover what should be occurring anyway.
 - There are only 4 certified businesses in the program currently. At its peak, there were 7.
 - Some reasons for the lack of interest in this certification seem to be:
 - The homeowners expect a lot of time and attention from their lawn care providers, and if there is less application of product, they would feel they are not being serviced fully. So, the companies choose to meet customer demand.
 - Livable Lawns has a regular report for tracking activity by its certification holders, and so does the DDA (Annual Reports). They are very similar, and it's too much paperwork.
 - There is a cost to obtain and retain the Commercial Nutrient Handler (CNH) certification from DDA (\$150 every 3 years).
 - The program includes a Homeowner's Incentive Program that provides a reward at the end of a successfully compliant first year, but many don't want to do this on their own.
 - There is a real need to reach out and get more of these providers certified while still meeting the homeowners' needs, but how to get that done?
- Ms. Budischack posed a 2-Part Proposal to the Commission, which came out of the focus group meeting and brainstorming session. The goal is to incentivize more people to join the Livable Lawns program and thus provide a way to service the growing demand for operators who are applying the way we are asking them to, within the bounds of the law.
 - Request #1 is for the Commission to consider waiving the CNH recertification fee if a company becomes Livable Lawns certified. The recommendation is that the operator pays the \$150.00 to obtain the initial 3-year CNH certification, then if they remain in the Livable Lawns program and meet the auditing requirements, they will get their CNH renewal at no additional fee. If they fall out of the program, the fee would be invoice at their next renewal date.
 - Request #2 is to combine the Livable Lawns reporting form and the Nutrient Management Annual Report into one cohesive document. The operator would turn it in to the responsible office (whichever the Commission decides), and that office would share the data with the other. If someone falls out of the program, both offices would be aware.
- Comments from the Commission:

- There is a misunderstanding that the 10-acre requirement at DDA is for individual clients, not contiguous to all clients, so they think they don't have to comply to state NM laws. This would educate them and bring more into compliance.
- It is relatively cheap and easy to start a business providing lawn care services without any real education or training, thus the industry is filled with non-compliant applicators.
- There seems to be an attitude of "Who is going to catch me?", so there are a lot of small businesses providing lawn care that are flying under the radar.
- There is also a feeling of "What's in it for me?" – if I join and comply, then how do I personally benefit?
- Administrator Brosch:
 - The "What's in it for me?" question is what prompted the 2 sections of the Proposal .
 - The reporting document would meet the needs of both programs, thus rendering compliance for both programs, and would be shared between the two.
 - The \$150.00 renewal waiver would cover:
 - The reward for the operator going above and beyond with the Livable Lawns program after their initial CNH certification payment to the NM program at DDA. The renewal that occurs 3 years after the initial certification is the fee under consideration here.
 - Livable Lawns conducting the audits which would provide a double duty of providing a way to further educate the applicators.
- Vice-Chairman Blessing: Is there a motion to standardize to 1 Audit Form that meets the needs of both the Livable Lawns and the Nutrient Management programs?
 - Bud O'Neill made the motion to approve
 - Mark Adkins seconded the motion
 - All approved and the motion was carried
- Bob Coleman: In the law there is no language pertaining to waivers for fees, as has been requested as the 2nd part of the Proposal.
- Secretary Scuse:
 - We need to give Legal Counsel the opportunity to look at the ability to waive the fee as discussed.
 - If we cannot and it takes legislation, it will be introduced into the General Assembly to give the Commission this ability.
 - There is no anticipation of opposition to this request.

Administrators Report – Administrator Brosch and staff

- Complaints – Administrator Brosch. There was just 1 informal complaint since our last meeting and only 2 active complaints currently. All were valid. All mass mortality issues from July have been resolved and closed.
- Certifications – Administrator Brosch. There have been no certification changes.
- Audits, Inspections, Reporting – Administrator Brosch.
 - There has been a slight increase in audits, despite it being harvest season.
 - We are moving into Annual Report (AR) season, and the report should change for the lawn care applicators.
 - There will probably be a change in the language of the letters, as well, after next month's meeting.
 - There may be some voluntary questions included in the Annual Reports to try to capture some enhancements to NM programs that we know farmers are voluntarily doing and if we could put acres to those practices we can get free model credit.

- The Annual Reports will be going out at the change of the calendar year as usual.
- CAFO Update – Administrator Brosch. There has been no change since the last meeting.
- Salesforce Database Update – Administrator Brosch. Nothing has changed since the last meeting, but as we get into the early Winter we will switch into the 2020 reporting season.
- Meetings and Training – Administrator Brosch. We would be happy to discuss anything if asked.
- Financials / Budget – Administrator Brosch. The Commission can ignore that the Grant reports are highlighted in yellow - all are now current with the most up-to-date figures.

Comments from the Commission -

- Administrator Brosch: The guests for the next meeting will be from the Nature Conservancy, DE-MD 4R Alliance and Thompson Ag Consulting.
 - They have obtained grant dollars to investigate the voluntary adoption of enhancements to NM – that is the timing, rate, source, and placement of N & P that go beyond the regulatory prescriptions of a farmers NM plan.
 - If we can get them to tell us what they are doing, and we can verify they are doing it, we can qualify for double the value of the N or P credit of their NM activities.
 - But we can't do this if we are not told these things are happening.
 - The easiest way to obtain this information is to adjust our AR – but we need to ask those questions in a way where we get reliable answers.
 - Then if a farmer answers that they did something, and the auditor can verify that they did indeed do it, we would report that compliance separate from the regulatory compliance.
 - They will talk about testing questions that might be added to the AR and how those questions were perceived by farmers so we can ask questions that are easiest to answer.
 - They are getting expert advice on survey questions from UD – and what we are essentially doing is adding a survey element to our AR to collect these other activities.
 - They are helping us formulate those questions and learn from the pilot that they are going to conduct over the next month with select farmers who will be paid \$500.00 to collaborate in this study.
- Secretary Scuse: The EPA has a local government advisory committee, and 2 years ago I was appointed to join it. Because of changes the EPA has experienced, I was asked to take over as Chairman of the Water Security Working Group. I have accepted and will be the Chair for all things water. I will rely on Chris and his team and some on the team at DNREC to help with these Chairman's duties.
- There were no further Commissioner comments voiced.

Public Comment –

- There were no public comments voiced.

Next Meeting: The next regular Full Commission meeting will be scheduled for December 3, 2019. The guests scheduled for this meeting have requested that the meeting move to morning, so it was asked if 9:00 am would be amenable for the Commissioners. Laura Hill was the only member with a conflict, and Administrator Brosch agreed to research further. The tentative time will be 9:00 am, but the definitive time will be emailed when the meeting notice goes out.

Adjournment: Vice-Chairman Blessing adjourned the meeting at 8:45 p.m.

Approved,

F. Kenneth Blessing, Vice-Chairman
 Delaware Nutrient Management Commission
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