



Delaware Nutrient Management



The Delaware Nutrient Management Commission Minutes of the Full Commission Meeting Held April 08, 2008

In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>		
B. Vanderwende – Chair	K. Bunting-Howarth	K. Foskey	S. Kepfer
D. Baker	L. Callaway	P. Hansen	M. Peterman
K. Blessing	B. Collins	S. Hollenbeck	J. Woznicki
J. Elliott	W. Currey	J. Justice	B. Wright
A. Johnson	B. Blessing		
T. Keen			
C. Larimore			
J. Manchester			
B. O'Neill			
R. Sterling			
C. Solberg			
<i>Commission Members Absent</i>	<i>Ex-officios Present</i>		
	W. Rohrer	G. Llewellyn	
M. Adkins			
R. Baldwin			
R. Sterling			
C. West			

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

Call to Order/Welcome:

Chairman B. Vanderwende called the meeting to order at 7:00 p.m. and welcomed everyone in attendance.

Approval of Minutes:

J. Elliott motioned to accept the minutes of the March 11, 2007 Full Commission Meeting.

C. Larimore seconded the motion, which passed unanimously.

Chairman Vanderwende introduced Nyle Calloway, who is replacing Jack Manchester from New Castle County, on the Commission. Mr. Calloway is from Kent County, and will serve a 3-year term as public citizen member on the Commission. After his term is completed, the next candidate will come from Sussex County. Mr. Calloway, who resides in Harrington, introduced himself and said that his nutrient management experience comes from his 18-year employment with the Kent County Wastewater Facility in Frederica. He owns horses and has been active with horse industry organizations.

Discussion and Action Items:

Annual Report Review and Excess Poultry Litter Assessment

B. Rohrer gave a slide presentation explaining the program's strategic approach in dealing with excess poultry litter in Delaware, and how program accomplishments have affected that excess.

- There have been two ways of dealing with nutrient management law
 - The strategic approach – nutrient management law and accountability, resources for plan writers and relocation, mass balancing, phytase, and other priorities such as critical areas. The program is

- getting closer to using all available relocation and planning resources and in the near future, the Commission may have to find ways to increase funding sources.
- The technical component – development of BMPs, taking soil samples, nutrient management planning.
- There has been a 25-30% reduction in Phosphorus application due to the use of phytase.
- Some key accomplishments highlighted in the Annual Report are:
 - 355,000 out of approximately 450,000 Delaware crop acres are enrolled in nutrient management planning according to the County Conservation Districts and other resources (approximately 92% of plans are written by the private sector, and 8% of plans are written by the public sector). These figures do not suggest that all acres are not in compliance; they represent those acres which have been reimbursed by the program for plan writing.
 - Funding for nutrient management practices typically comes from the NRCS, as a result of the Farm Bill and from DNREC. Funding includes cover crops, storage facilities for manure, and other practices relating to the reduction of nutrient runoff. \$3 million dollars is allotted by NRCS earmarked to build storage sheds, plant cover crops and other practices. DNREC contributes \$1.4 million, primarily for manure structures. \$800,000 has been used by the Nutrient Management Program to relocate excess poultry litter. In total, there is approximately \$6.2 million in public funding, along with approximately \$1 million being matched by Delaware farmers. In 2007, approximately \$8 million was used to implement and continue the use of nutrient management practices.
 - A database is being used which shows nutrient management activity (planning and relocation) by watershed. The data comes from acreage currently being reimbursed by the program and not from the annual reports submitted by farmers. In the future, this data might come from those reports, which might give a more concise accounting of nutrient management practices.
 - A key component of certification is continuing education credits. Some highlights of 2007:
 - The University of Delaware had 43 meetings providing credits: ag services accounted for 19 of those, and others accounted for about 33 meetings.
 - Another important component of education is resources such as the BMP booklets. There are currently three BMP booklets: Agriculture, Horticulture and Golf Course. A BMP booklet should be developed for horse operations in the future.
 - Environmental Stewardship is another important component because it is a chance to recognize and reward farmers for good practices instead of focusing on negative practices. Scott Peterman was the 2007 recipient of the award.
 - Relocation of excess poultry litter may reach 90,000 tons in 2008. The figures for 2007 are:
 - Litter relocated within Delaware: 41%; litter relocated outside Delaware: 14%; litter transported by Perdue AgriRecycle: 16%; litter relocated to mushroom facilities: 10%; litter transported by Perdue AgriRecycle but not participating in relocation program: 19%.
 - 52% of excess poultry litter has gone to alternative uses (Perdue AgriRecycle, mushroom facilities, and others) since 2001; 30% has been land-applied within Delaware; and 20% has been land-applied outside of Delaware.
 - In 2007, 68% of excess litter came out of the Chesapeake Bay Watershed; 18% came out of the Inland Bays Watershed; 6% came out of the Delaware Bay Watershed.
 - Implementing a complex law, such as the Nutrient Management Law, requires partnerships. The poultry companies are contributing to the success of the program by contributing to the cost of relocation.
 - An overview of EPA inspections was given. Typically, when the EPA inspects a farm, they inspect upstream and downstream; they collect soil samples; well water samples; and control samples. There were 13 permitted CAFOs in 2007; currently, there are about 15 permitted CAFOs in Delaware.
 - Another important component of the program is complaint resolution. There were 44 complaints registered in 2007: 72% of those complaints dealt with poultry operations; 16% dealt with horse operations; the remaining 12% dealt with miscellaneous operations.
 - Dr. Sims' report on mass balancing revealed that surface Nitrogen and Phosphorus are being reduced.

- Next, Mr. Rohrer moved to the excess poultry litter assessment, noting that there are three methods used in the identification of excess poultry litter:
 - The marketplace method basically identifies litter that is moved through the relocation program.
 - The second method is the Phosphorus (P205) crop removal balance which provides that manure or other fertilizer is not to be applied in a manner to exceed that which is removed by crops, balanced over a three-year period.
 - The third method is the agronomic recommendations for economically optimum yields: basically Nitrogen and Phosphorus are applied only as necessary based upon what is already in the sample as well as what is needed by the crop.
- Based on studies done by the University of Delaware and others, approximately 1.25 tons of litter are created per each 1,000 birds. Mr. Rohrer focused on Phosphorus which is less volatile than Nitrogen. Based on Delaware agricultural statistics, 269.1 million broilers/roasters were produced in 2006 which created 336,250 tons of litter per year.
- For the purposes of this report, the balance reported is based on an annual generation average.

The nutrient values:

 - 57 lbs. total Nitrogen per ton; 44 lbs. P205 per ton; 45 lbs. K20 per ton. There is a significant decrease in Nitrogen due to more efficient use of amino acids in the diet, and the use of tunnel ventilation, resulting in Nitrogen loss in the litter. There is a significant decrease in Phosphorus primarily due to phytase use and litter maintenance.
 - When determining mass balancing, all different types of Nitrogen and Phosphorus inputs are analyzed. The top two inputs are commercial fertilizer and poultry litter. By tracking crop removal rates, surplus or deficit amounts are identified. New Castle and Kent Counties are found to be balanced in the report, while Sussex County is reported to be imbalanced.
 - The first approach used to analyze the data was the marketplace method. 92,000 tons of poultry litter was relocated in 2007. Approximately 70,000 tons per year were relocated during the last 5 years. Thus, the Program can essentially guarantee that between 70- and 90,000 tons of litter is excess litter in Delaware.
 - The second approach used to analyze the data was the crop removal rate method. This approach incorporated the data presented by Dr. Sims in his Mass Balancing Report. The only foreseeable problem with this approach is that the only relocation credit given occurs when litter is exported from Delaware to another state. The assumption being that when litter is relocated within Delaware, it offsets the commercial fertilizer inputs. About 65% of all Phosphorus inputs was poultry litter. When this amount is applied to the excess Phosphorus in the mass balancing chart, the result is 383 tons of elemental Phosphorus that is excess. When converted to P205 and divided by 44 lbs. per ton of Phosphorus, the result is about 39,000 tons of excess poultry litter. Approximately 14,000 additional tons were relocated from 2006 to 2007, leaving about 25,000 tons of poultry litter.
 - The third approach used to analyze the data was crop removal, and it was assumed that farmers were not permitted to use the 3-year crop removal rate; if Phosphorus levels are high, a farmer cannot apply any Phosphorus. About 182,000 tons of poultry litter were deemed excess using the 65% figure quoted above. This figure represents 2005 data, and between 2005 and 2007, there was only a difference of 7,000 tons. Under this approach, approximately 175,000 tons of poultry litter was still in excess in 2007.
- T. Keen expressed his concerns over a recent *Wilmington News Journal* article. He read: "...Getting your arms around the potential for environmental impact from a pile of poultry manure can be tough. Researchers estimated that 92% of the farm fields in Sussex County were so loaded with Phosphorus that it will take years of crop removal to use the surplus. We do have significant water problems in Delaware waterways (and) David McGuigan with the EPA said federal officials have been meeting with the State Nutrient Management Commission to address the concerns where surface waters can be a problem. The results will require more federal permits. 15 farms in the State of Delaware have permits, but McGuigan said more permits are needed to protect water quality." Keen doesn't understand how a permit is going to protect water quality. He went on to read that the "biggest issue is educating farmers for the need for permits. Among the next steps from the Commission will be to look at sites that have high Phosphorus

concentrations in the soils, and begin Phosphorus recovery work at abandoned chicken farms.” Keen wondered when the Commission has stated that recovery work will begin. B. O’Neill explained that this topic has not been brought up in the (Delaware Federal Advisory Group) meetings and questions where the reporter learned of it. He added that he thought the story was vague and damaging and poorly written. He recommended that the reporter be extended an invitation to speak with the Commission. D. Baker thought the article, although not completely accurate, shed a positive light on the Commission. He suggested that if appropriate, the Commission could write a letter of response, possibly for use as an editorial.

T. Keen motioned that the Commission compose a letter of response to the *Wilmington News Journal* article appearing in the April 08, 2008 edition. Commissioners will be given the opportunity to read the article as well as the letter prior to its submission to the newspaper.

J. Elliott seconded the motion which passed unanimously.

Comments by Jack Manchester

“First of all, I want to thank the Commission and specifically, the staff for the many courtesies they have given me. I know I have been more difficult, probably, than the average Commission member in asking for assistance, but I do appreciate it. I wanted to take this opportunity to (as briefly as I could) go through some of my thinking. I think you all have a copy of my outline. I keep going back to the objectives of the Commission, which are mainly twofold: maintaining agricultural profitability and improving water quality. As you know, I’ve always leaned toward the second objective because I think that viewpoint needs to be represented and I would recommend to the members of the Commission, specifically those representing environmental groups and the general public, that they keep looking at this water quality side of our objective. The way the Commission is formed, the agricultural profitability is well represented, and I know from experience, you members look at what the impact of any action would be on agricultural profitability.

“The overall economic trends; increased energy costs are upon our country. This is going to increase the demand for land to produce food and fuel. It’s certainly going to increase Nitrogen fertilizer costs. This in turn, increases grain prices which increases the cost of all meat products. The increased cost of poultry products is less than other meats because of the more efficient conversion from vegetable to animal protein. This should result, eventually, (and I think we saw some evidence of this in 2006) in an increase in demand for poultry products. Another trend that’s going on in Delaware is the increased conversion of crop land to housing. Therefore, we’ll need to produce more poultry products with less land available for crops.

“The Phosphorus situation: Bill has touched on some of this. The poultry industry is the dominant factor in our area and the demand for grain is greater than the amount that can be supplied by the available farmland. Therefore, grain must be imported into the area. The Phosphorus which is a byproduct of the poultry litter is greater than the amount that can easily be used by the cropland and that has been one of the major challenges of this Commission. Historically, litter has been spread in excess, to get rid of it. I think this Commission has done a great job in getting rid of that concept and recognizing that poultry litter is a valuable asset. But, a significant part of the cropland now has a high or very high Phosphorus content.

“I then move into Dr. Sims report, and I recommend to all of you that you read it two or three times, because there’s a lot of good stuff in here. I have been through some of it, but not all of it. I agree with Bill’s comment that the proper ratio to use is the mass balance one, not the dream recommendation balance that Dr. Sims used in some of these. So, the important pages that I found interesting are the tables found on pages 53 and 54, starting with the Nitrogen; that the ratio of the applied Nitrogen to the Nitrogen removed by crops (for the period 1996 to 1999) is 1.99 to 1.92. And now for the last four years, it’s down to 1.44. This is a significant improvement and the reasons for it are the nutrient management plans, the increased cost of fertilizer, the decreased purchase of commercial fertilizer, the decreased concentration of Nitrogen in the litter, and the relocation program. These have all contributed to reducing that. Looking at it from the pollution side, saying that everything that is in excess ends up as a pollution somehow; water or air, or somewhere; you’ve dropped from .92 lbs. to .44. So, you’ve more than cut it in half, and this should show up in the water eventually.

“Moving on to Phosphorus – again, using the same time period, the first 4 years and the last 4 years of (Dr.) Sims’ balances, we drop from the excess of 2.06 down to 1.08. Again, this is a tremendous achievement, and the reasons for it are: the decreased purchase of inorganic Phosphorus fertilizer, the phytase program, the decreased Phosphorus content of the litter, and the relocation program. The other thing that has shown up here in (Dr.) Sims’ report is that the ratio of Nitrogen to Phosphorus in the litter has changed. They both have dropped in content; the Phosphorus has dropped more, so that now the Nitrogen to Phosphorus ratio, instead of being 1.0 is now about

1.3. This is good because if you are buying the litter to use the Nitrogen value, it's not carrying so much Phosphorus with it. So, the chances of pollution by that are better."

C. Solberg pointed out that this ratio factor of 1.3 is a small move toward the perfect agronomic value of 4 times. Although we are moving in the right direction, there is still a long way to go.

J. Manchester continued, "That's why we need the relocation project and other alternative uses. I have tried to outline what my program would be, and I know that not everyone on this Commission agrees with this. But, I felt it was well to put them down in this summary. In general, you should try to increase the use of irrigation to increase crop yields per acre. This is, again, in trying to balance off the demand for fertilizer versus what we're bringing in. The more corn we grow here, and use the litter for the fertilizer, the better off we are; the balance is much better. Another reason for irrigation is that, in some cases, there is significant Nitrogen in the irrigation water and it's a way of getting it out of the water table.

"Continue the relocation program, and encourage integrators to further reduce Phosphorus content of the litter. The phytase program has been a big success. I gather from Dr. Saylor and others that this could be taken another step further.

"Continue the search for alternative uses for litter and prohibit the poultry farms from operating without access to covered manure storage which addresses some of the things brought up by the EPA. Along those lines, I would like to comment that I think this Commission has been too reactive to the EPA. I would say that being proactive, and having a top-notch program and really reducing all the possible pollutants in the water is the best way to show the EPA that we can run this program better than they can.

"On the Nitrogen program, I would say we should adopt a goal of having the applied Nitrogen to the Nitrogen removed from crops down to 1.2; that would be cutting the excess by half from what we have now.

"Continue the existing cover crop program. You know that I have advocated having an additional incentive for using cover crops in the fall, following the large additions of litter to the land. This is a problem because so much of our Nitrogen does come from the litter, and some of the Nitrogen in there is of a high molecular weight, and is left in the land and as it nitrifies in the fall or maybe the early spring, it gets washed down into the groundwater. Nitrogen, of course, is different from Phosphorus, in that because of the leaching action, most of the excess Nitrogen gets moved down into the groundwater and does not stay in the land like the Phosphorus does.

"Continue to base the Nitrogen addition rate based on the best 4 yields out of the past 7. One problem I have with Dr. Sims' presentation is that he did not consider the Nitrogen present in rain water or irrigation water in the Nitrogen material balances. When you're dealing with excesses near 2 times, this probably is not significant; but when you get down to 1.4 or 1.2, the 5% or 10% of Nitrogen that is available from the water does become significant."

C. Solberg asked Mr. Manchester to remind the Commission what the TMDL for the inland bays is suggested with regard to the atmospheric deposition for Nitrogen.

J. Manchester continued, "I don't remember what the exact numbers are, but it is about 5% of the Nitrogen applied. If you throw in the Nitrogen applied from the irrigation water, you can get up around 10%. The Nitrogen that I'm talking about there is just the Nitrogen that falls in the rain during the crop year, not the rest of the year.

"Soil analysis on the fields for every year that there is corn, because the Nitrogen is primarily involved with the corn crop, and more analysis, more knowledge is better. Encourage the PSMT use and avoid the application of Nitrogen fertilizers to soy beans. I've heard various comments on that; I don't know whether that really exists or not.

"Then we come to the Phosphorus program and here of course, there's a different story. The moving down of 1.08 sounds very good in the ratios, but, it's not good enough. In order to really affect the rate of Phosphorus transmission from the soil to the waters, we have to drop that ratio down below 1. The rate of transmission of the Phosphorus from the soils to the waters is dependent on the amount of Phosphorus in the soil, and when you start with a high Phosphorus (level) it makes it tougher. If you add more Phosphorus than you remove, in other words if you have a ratio more than 1, the concentration in the soil builds up and the transmission of Phosphorus to the water goes up. As I have mentioned before, what we've done so far is not to decrease the Phosphorus pollution problem, but we have decreased the rate at which it is increasing. So, the solution is to reduce the application of Phosphorus to high Phosphorus soils below the crop removal rate. So far, the policy of this Commission is to be at the crop removal rate, and I think that is something that should seriously be considered; to drop that down and to come up with a goal to have the ratio of applied to removed to be .9. One way to do this is to calculate the 3-year crop removal rate for Phosphorus based on the average yields of the past 7. This will be more realistic for Phosphorus; we shouldn't use the same calculations that we do on Nitrogen.

"I then laid out 3 or 4 different areas that I think the policy should be to really start cutting down on Phosphorus pollution. Continue to apply Phosphorus to fields with an fiv below 150 at a rate based on the Nitrogen content of

the litter. For fields with an fiv of 150 to 250, apply Phosphorus at the 3-year crop removal rate. And, between 250 and 350, apply Phosphorus at 90% of the crop removal rate. As Ken pointed out last month, once you start cutting back, there are economic consequences of replacing litter fertilizer with purchased inorganic fertilizer. In this particular case, in going from a 1 to a .9 crop removal rate, the approximate value of the Nitrogen in the litter is about \$1.00 per acre per year, roughly about \$160,000 per year. And for fields with an fiv above 350, I say we need some drastic steps, and now to go down to 45% of crop removal rate. If this happened and all of the burden had to fall upon the farmers, it would drive them out of business. So there has to be some way to compensate for this loss; I am suggesting a subsidy of some sort whether from the State, or from the integrators, or the Chesapeake Bay authorities. It seems to me that every time we get a lecture from DNREC people or from the Chesapeake Bay people, they always say the cheapest way to cut down on the pollution in the bay and rivers is through agriculture; and this probably is so. \$600,000 per year is small compared to the price of building another waste treatment plant or a lot of other things that go on. I would encourage the Commission to look for ways to do this without going to the Legislature; but if necessary, put it up to the Legislature to 'put up or shut up'. Do you want to improve the water quality or not? If so, this is what it's going to cost you.

"And last, but not least, I encourage further replacement of inorganic Phosphorus fertilizers with Phosphorus from litter.

"Thank you for putting up with me. I probably won't completely go away. It's been a pleasure working with you; sometimes it's been difficult, but it's been interesting, and that's what I had to say."

T. Keen applauded Mr. Manchester for his comment concerning the EPA; he feels that the Commission has more power than they are using. From the plan writing aspect, if all of the calculations are thrown in, it would take "forever" to get a plan written. There are complications when the primary crop is changed to a different crop as well. While he understands the intentions, he doubts the practicality of applying the calculations discussed by Mr. Manchester. He went on to say that in order for any nutrient management plan to be successful, the farmer must be able to implement it. C. Solberg stated, "If this Commission cannot find a way to be context sensitive with respect to very high fiv soils, or soils where there is a substantial loss due to the Phosphorus site index; if we can't find a way to do that, then we're utterly remiss in half of our mandate which is water quality. Where we can find a way to acknowledge Mr. Manchester's suggestions, and we find other rates of crop removal applicable to soils with a high potential to transfer Phosphorus to waterways due to subsurface waters or with highly erotive lands; if we don't find a way to do that, we really aren't doing our job." T. Keen countered that the only time a farmer would apply Phosphorus to an already saturated field is with manure, not with commercial fertilizer. D. Baker commended Mr. Manchester for his contributions to the Commission. While he agrees with some of Mr. Manchester's suggestions, he doesn't know if the Commission can apply them at the current time. He agrees with establishing goals. Mr. Manchester responded that he suggests the Commission examine his comments from time to time, and he suggests that they read Dr. Sims' report on mass balancing. Chairman Vanderwende "appreciates the efforts that (Mr. Manchester) has put into this Commission the past 3 years, and I look forward to you returning."

EPA/DE Meeting Report (Delaware Federal Advisory Group):

D. Baker began the discussion. He is upset that certain Commission members were given the charge of meeting with the EPA and reporting back to the Commission on progress, and that certain Commission members are of the opinion that the Commission is "rolling over" with regard to the EPA. He cautioned that the Commission not judge the group in the middle of the process. After the last meeting, those Commission member that attended were enthused with progress made, which doesn't include "rolling over." T. Keen stated that he wasn't referring specifically to the group, he was referring to the State of Delaware, which he feels needs to stand up to the EPA. Mr. Baker said that the group has been accused of holding "secret" meetings, and that the group is being as open as they can possibly be. The EPA is not authorized to hold these types of meetings. B. Rohrer said that once the EPA goes beyond those agencies with legal authority to implement the law (The DE Farm Bureau for example) it provides a cede at the table. We made it very clear to them (EPA) that we are not meeting in secret and we are sharing progress with this Commission." C. Larimore stated that she "is concerned that you get your notes regarding Farm Bureau participation and at first, I thought they should open it up to the Farm Bureau, because they do represent the farming community. But, after several emails from several people and with what this summary here says, I don't think we should in a sense. I've got two parts to this. I don't want to go to Wilmington some day and have Robert Kennedy, Jr. sitting across the table from me, and every 'do-gooder' and 'tree hugger' there is. I feel that we would get nowhere and that the talks would be ... they're not on the same page we're on. Also, when I read about having the meetings to be an open meeting, so the Farm Bureau is not provided with

special treatment or access... If I remember right, for several meetings, we requested that they come here, that they could have a meeting down here, if they want to. They weren't interested in that." B. O'Neill said that this topic has been discussed in the meetings with EPA. They felt that if you allow one public member to attend, you must allow all public members to attend and progress would be halted. They have talked about open forums and are willing to come down. B. Vanderwende said that after the Industry Relations meeting attended by H. Zygmunt of the EPA, Mr. Zygmunt informed him that they are trying to get to a point where they will have a member of the EPA attend Commission meetings on a regular basis. C. Larimore went on to say that she was "concerned that she was not able to attend the last meeting, and would like to know why her alternate was not invited to go." D. Baker said that since she could not attend, he thought the alternate would be there, and it was unfortunate that one of them was not present. She went on to say that with regard to the poultry industry, "the gun hasn't been aimed at our heads for many years," and that "we take this very seriously." D. Baker suggested that in the absence of C. Larimore in attending the meeting, she should let the Chairman know, and he will ensure that C. West attends instead. D. Baker assured her that the EPA is coming to realize the sensitivity of the inspections and results. They are working toward "phase-ins" of any mandated corrections to current practices. One suggestion that has been made to EPA is to point out what flaws exist, give a farmer time to correct them, and if the farmer is resistant to comply, then levy a fine. P. Hansen of DNREC communicates on a regular basis with EPA, and he was asked to critique the progress being made by the Commission. He stated the following, "There's no doubt in my mind that we are making significant progress in the discussions we've had with the EPA. I don't think they're still completely happy with where things are going, but I think they are starting to feel more comfortable in talking with us, especially with regard to the level of trust going up. We've still got a way to go, but I definitely feel we are making progress in that area." He explained the chain of command with respect to EPA officials in attendance. He said that certain EPA members are willing to bend a little with regard to Delaware because what works everywhere else may not work here. B. Rohrer added to the discussion by saying that the group discussed the divisive nature of the EPA inspection issues. EPA provided an update of current inspections and the Delaware Group asked why continue to inspect in Delaware. They answered that they still see farms in Delaware that need a permit. They said that they were also inspecting farms in Maryland during the same week that they were inspecting farms in Delaware. They also provided an update of the Maryland CAFO program. They discussed the CAFO permitting strategy. They don't necessarily like the Delaware strategy, but they are listening. They would like to provide some recommendations at the next meeting. They spoke about a work share agreement, which could possibly bring continuity through the next election. They had some questions about arsenic and they were provided with a copy of the University of Delaware Arsenic Report. A Tech Exchange Committee was also discussed. They were provided with proposed changes to housekeeping BMPs, as well as other proposed production area changes. T. Keen added that many poultry growers feel they are being "sold out" to EPA, and he feels that the Commission needs to communicate to those growers that this is not the case, and that the Commission is still working in their best interest in dealing with the EPA. K. Blessing pointed out that when the group was being formed, they were mandated to leave any meetings that required that they are not to report to the Commission the proceedings of the meetings. T. Keen suggested that B. Rohrer write an editorial to the Delmarva Farmer to clear up any misunderstandings of the poultry community. B. Rohrer said that he had put a lot of information into the CAFO section of the Annual Report and he thought that would clear things up. He said that people should remember that the Commission is more a liaison to the EPA, trying to iron out the differences that exist between EPA and the agricultural community. He further stated that the Commission will provide recommendations to DNREC and the Delaware Department of Agriculture. C. Larimore stated that a lot of the members of the poultry industry are misinformed because they don't attend Commission meetings, and they don't ask the right questions. She feels that the biggest misconception is that the Commission has the power to keep the EPA from inspecting a farm, and that certification and having a nutrient management plan keeps one safe from those inspections. C. Solberg added, "an intelligent expression of what our intention is with the Federal Advisory Group and the path forward with respect to CAFOs and inspection in Delaware is timely. Something very specifically focused and worded properly is timely. I think it is necessary." C. Larimore added that the opinion of many Delaware farmers is that "NRCS said it was alright." J. Elliott added that farmers don't talk to each other, they are in competition with each other. And, until they start talking to one another, a lot of these issues are going to continue to be unresolved. D. Baker is in accordance with writing a letter, but suggests that it be signed by the Chairman of the Commission. B. O'Neill stated that B. Rohrer gave a very good overview of Delaware inspection protocol at the last EPA meeting, and that it was well received. The letter being written should include the following: the Commission is making progress with the EPA, protecting the interest of the regulated community, outreach will be conducted in the next month or 2, what the Commission has learned from the EPA (tests used,

what the EPA is looking for, how farmers benefit from process) and the Commission is protecting the best interests of the farmer.

Subcommittee Reports:

None

Administrator's Report: *Refer to the attached Administrator's Report*

B. Rohrer explained the Administrator's Report.

Public Comments:

Bruce Blessing said that it would be sensible to have an inspector that inspects farms in Delaware prior to EPA involvement, similar to those inspectors that inspect greenhouses and meat. There are plenty of interns at the University that would be looking for internship credit that could do this. Bad press is bad press, you wouldn't be seen as such a bad guy. J. Elliott asked about mandatory storage sheds and the progress being made. B. Rohrer explained that it was taken to the Technology Subcommittee. They want to solidify outdoor storage practices in general, not storage sheds. There have not been draft regulations, but looking at BMPs to be made into regulations. D. Baker asked that the Federal Advisory Group find another word other than "target" for EPA to use in discussing those farmers that need to be CAFO permitted.

B. Vanderwende presented a plaque to Jack Manchester in recognition of his contribution to the Commission.

Next Meeting: The next scheduled meeting will be May 13, 2008 at 7:00 p.m.

Adjournment: Chairman Vanderwende adjourned the meeting at 9:30 p.m.

Approved,

B. Vanderwende, Chair
Delaware Nutrient Management Commission

BRR/psd