

MEETING MINUTES

Agriculture Water Quality Authority

Thursday November 20, 2014 - 9:30 am

Sixty-Third Meeting

In Attendance: Kim Richardson, Director, Division of Conservation; Amanda Gumbert, UK-DOC; Lee Roby; Warren Beeler, KY Department of Agriculture; Allan Kyle, member-at-large; Corrine Mulberry-Wells; Jack Kuhn, US Department of Agriculture & NRCS; Peter Goodman, Director, Division of Water; Angela Billings, Cabinet for Health and Family Services; David Rowlett, KACD; and Chuck Taylor, Kentucky Geological Survey.

Also in Attendance: Sandy Gruzesky, Deputy Commissioner, DNR; Johnna McHugh, Assistant Director, Division of Conservation; Becky Thompson, KCA; Dawn Riley, Monty's Plant Food Co; Tom Gabbard, Assistant Director, Division of Water; Joe Cain, KY Farm Bureau; Brad Lee, UK; Adam Andrews, KY Corn Growers; Pete Cinnotto, USGS; Ernest Collins; and Jeffrey Reed, Division of Conservation.

Quorum was met.

Meeting Called to Order - at 9:34 a.m. by Chair Kim Richardson. During introductions Mr. David Rowlett, KACD, announced that his current term is coming to an end and this would be his last meeting.

AWQA Minutes From Last Meeting - August 21, 2014 - Mr. David Rowlett pointed out an incorrect date listed for this meeting. Ms. Kim Richardson stated the correction has already been made. Motion to approve minutes was made by Mr. David Rowlett. Motion seconded by Dr. Amanda Gumbert. **Motion carried.**

Nutrient Management

Update on Nutrient Reduction Strategy - Director Peter Goodman, DOW, presented the report. Mr. Goodman is currently working on final edits of the strategy and is concerned with a couple of technical issues which have surfaced during the second half of it. He hopes to have these resolved in time to have a public notice in December. Mr. Goodman commended AWQA and its actions on the effective implementation of the strategy.

DOW is now looking closely at its monitoring strategy, which is significantly dated. They are also enhancing their laboratory capabilities to be able to look at toxins.

DOW has been conducting nutrient reduction training with the members of both the Dairy Industry and the Cattlemen's Association.

DOW is in hopes of utilizing a grant program, in the near future, as a means to contract an engineer who specializes in small to medium water treatment systems to assist with the implementation process. Methods are currently being reviewed of those facilities that are discharging to impaired streams. As these reductions are put in place then a natural byproduct will be more solids, which can be expensive to deal with and will need to be addressed. DOW is looking at ways to work with those plants that will be generating more solid waste to possibly expedite these solids to agricultural facilities for utilization. Mr. Jack Kuhn pointed out that many of the states south of us are already effectively utilizing effluent discharge and that it should be something which Kentucky researches as well. In looking ahead Kentucky needs to realistically plan on many of the smaller systems not being able to adequately treat their waste to meet newly established standards. A possible solution to this would be "land applying" it in an agricultural setting. By using this method smaller operations would not be required to treat

phosphorous levels at low concentrations. This is already being utilized in some places and Mr. Goodmann sees the potential for its use in Kentucky. Ms. Angela Billings, Cabinet for Health and Family Services, stated this may require an injection process depending on how the land was permitted through the local health department. The health department does an extensive site evaluation, on as little as an acre of land, to make this determination. She went on to say that a septic slurry was required to have one (1) inspection per year; more if complaints are leveled at a particular site. Also, when a parcel of land is used for a land application site then it will be recorded on the deed for that property. Important note: there are time frames for which certain crops may be grown on properties once used as land application sites.

Mr. Lee Robey mentioned the misconception (fear) the public has concerning human waste as a viable fertilizer. He felt education in this area would be very beneficial. Mr. Kuhn noted the successful program in Milwaukee, WI which is pelletizing their waste, giving it a commercial grade appearance.

Debriefing on the Gulf Hypoxia Task Force Meeting - Mr. Peter Goodmann presented the report. He commented that four (4) years ago when he met with the Hypoxia Task Force he recalled saying that Kentucky had the infrastructure already in place and was therefore uniquely situated to implement activities towards the goals of the task force. He added that he has always tried to make the nutrient reduction strategy local and tangible.

There was an administrative issue concerning how the task force was to report their progress so The Office of The Inspector General did a report for EPA and recommended they submit all reports directly to Congress. Depending on how the report is formatted Kentucky has a lot of information to add, such as training and the activity of the authority. EPA through the Gulf Hypoxia Task Force is trying to engage the land grant schools to be more involved in specifics on how to implement strategies to address the large scale gulf hypoxia. Dr. Amanda Gumbert, UK-DOC, added that the land grant universities in the Mississippi Basin states have officially formed a group with the intended focus being how land grant research and extension activities can address the issues at hand.

Mr. Peter Goodmann discussed EPA's desire to monitor BMPs and their effectiveness. Mr. Goodmann however sees this more as a research issue with the land grant universities who have already developed textbook numbers to test the BMPs. He added that it would be too costly to do this monitoring. Ms. Corrine Mulberry-Wells interjected that we should be engaged in regular dialogue with those who are doing research for Senate Bill 271 since their decisions directly affect what we do. She added that the authority is promoting BMPs more than we are evaluating them therefore it would be most beneficial to have more research of agricultural BMPs for their effectiveness and use this information to feed models so that we can do the best job possible. A USDA "Conservation Evaluation Assessment Program" is already in place throughout the country. These however, as Mr. Goodmann has already said, are extremely costly so a question over funding would have to be answered. It will take political involvement to get a seed project in Kentucky.

Currently BMP research findings are blanketed for the entire state. However, as Dr. Amanda Gumbert pointed out, not all soil is created equal. Location is going to determine data. A "shotgun" approach of BMPs scattered in different areas, is not the best course of action or investment.

Ms. Mulberry-Wells raised the question why the authority seems to be reluctant in moving on the second part of the Ag Water Quality Plan which deals with Priority Protection Areas. There are common sense approaches, which are actually opportunities for us to evaluate the plans effectiveness, such as: does everyone have a plan; has it been updated in the last ten (10) years; are the BMPs we issued working. Mr. Goodmann stated that the act addresses this in that if an area has been identified by DOW as having continual water quality problems as a result of agriculture and the agriculture water quality plan has been found ineffective then the act directs the authority to develop a regional specific plan. While Mr. Goodmann agrees this may be the appropriate action to take he added that he felt the authority was not in position, at this point, in terms of resources and the additional load of overseeing implementation of the agriculture water plans. Dr. Gumbert pointed out to perform this it would have to be project driven which would entail someone involved with the authority that has the freedom and flexibility to seek out the additional funding, willing to take this on. She added that something is presently in the works and is awaiting approval.

Ms. Becky Thompson, KCA, stated that the beef network recently applied for some tobacco settlement dollars to be used for educational training that focuses on nutrient reduction strategies. They are working on this with Dr. Steve Higgins and Dr. Amanda Gumbert, both with UK.

KCA will be hosting a confinement conference on Monday, November 24, 2014. This will address such issues as the best locations to construct buildings to be used to feed cattle and how to effectively control nutrients from these facilities. The format is in place for an "influencer type model" of training the larger cattle producers who impact the smaller producers by their example. KCA is taking this training to them, face to face, since they usually do not take the time to attend trainings that are offered.

Update on Work Groups

Livestock - Mr. Lee Robey stated there was nothing new to report beyond the previous discussions from this meeting.

Forestry BMP - Director Leah MacSwords, DOF, was not in attendance.

Water Quality and Data-KY Ag Science and Monitoring - Pete Cinnotto, USGS, presented the report.

The Annual Executive Level Meeting will be held on December 9, 2014 at the KGS library. Everyone is invited to attend. You are asked to RSVP if you are planning on attending the event. Mr. Pete Goodmann will put out a report of this meeting in December. Mr. Cinnotto has copies of the agenda for those interested. Topics that will be discussed at the meeting include:

NRCS - leveraging LiDAR for the field

Ms. Angie Crain - Little River multiple source tracking

Mr. Chuck Taylor - groundwater monitoring network

Mr. Pete Goodmann - Ag water quality issues, including upcoming regulations

Ms. Paulette Akers - Division of Compliance Assistance and their role in agriculture

EPA - will address questions and concerns regarding policies and regulations

Dr. Amanda Gumbert - tour of UK's research facilities

USGS update: Data is coming in from monitoring stations, but a lot of data is needed to draw statistically significant conclusions.

Education and Outreach Committee - Mr. Allen Kyle presented the report. A small group of committee members recently met to discuss how to plan and promote the idea of getting more people to implement the Ag Water Quality Plan with the goal being statewide adherence. A help in accomplishing this would be to get all state agencies, regardless of their official affiliation, on board with mentioning the need to have a plan any time they are on an agricultural site.

The committee feels that the authority needs to look at the problem of not having enough consequences in place if an individual does not have a plan. It was noted that many farmers receive no federal funding or any state cost share money therefore the idea of withholding funds as a penalty would not have any effect on them. However, the possibility of allowing more ramifications from inspector visits was suggested. Mr. Peter Goodmann stated that the language on the cabinet document of "may" instead of "shall" gave the inspectors the flexibility to do what was necessary based on the situation as presented on site. He added that he thought this was arguably one of the most successful parts of the act and did not feel comfortable in changing its wording. Assistant Director Tom Gabbard, DOW, stated that inspectors are instructed that any individuals who do not have a plan in place are given thirty (30) days to rectify this at which time their letter of warning or notice of violation will be annulled. Mr. Goodmann reminded the members of the authority that the original corrective measures protocol was developed during a seven (7) year window prior to any individuals actually having to have a plan.

When trying to determine who the non-compliant persons are it was proposed that instead of looking at the state as a whole to set this to a two (2) or three (3) county concentration at a time, then randomly pick individuals to see if they had a plan. Mr. Kyle mentioned the important role the County Extension Agents need to play in this. Dr. Amanda Gumbert, UK-DOC stated that she had talked with agents from the western part of the state at their annual update about nutrient management planning. She will be doing a follow-up training with them in January 2015.

It was suggested that AWQA meeting minutes be posted on the web. Director Kim Richardson, DOC, stated that they currently were not available on the web but that this could easily be remedied. She did clarify that the minutes would have to be approved prior to posting. It was decided that the minutes would be posted on the Kentucky Division of Conservation website. A motion was made by Ms. Corrine Mulberry-Wells to post the minutes on the web. Motion seconded by Mr. Peter Goodmann. **Motion carried.**

Mr. Goodmann asked that if this committee is going to make recommendations like this then it needed to do so in writing, providing additional information where needed, so that each item may be adequately discussed on their own individual merits.

Pesticides - David Wayne, KY Department of Agriculture presented the report. Mr. Wayne is planning on holding a pesticide working group meeting after the holidays. He provided copies of suggested revisions for all interested parties.

Streams and Other Water Bodies - Mr. Peter Goodmann presented the report. At the next meeting they should have had discussion with the subcommittee with the goal of the next authority meeting having a recommendation of those BMPs to be adopted. Mr. Jackson and Mr. Rowe are working jointly on finalizing this. The subcommittee will have to approve before copies may be presented to the authority.

Other Business - Sandy Gruzesky, Deputy Commissioner, DNR, requested that a list be compiled showing all work groups and committees with their respective members and when these groups meet. Kim Richardson, Director, DOC, asked that each chairperson or key representative serving on these committees and groups submit a list of all their personnel to her so that she may assemble these and distribute to AWQA and all other interested parties. Ms. Corrine Mulberry-Wells added that it would be helpful if the list included what exactly these groups represented.

Ms. Mulberry-Wells asked to share five (5) topics as items for possible discussion on the next agenda depending on the authority's interest. They are: 1) BMP Research – a Senate Bill 271 presentation taking approximately 20 to 30 minutes. 2) Taking the first pre-steps to the Priority Protection Areas: do you have a plan? Is that plan implemented? Is it updated? 3) Jurisdictional Waters Update 4) Corrective Measures Protocol Update 5) Ag Water Quality Plan Update Discussion.

Ms. Richardson reminded the authority and all in attendance that anyone may submit items, for consideration, to be placed on the agenda.

Next Board Meeting - Thursday, February 5, 2015 at 9:30 am at the Department of Natural Resources Building located at 2 Hudson Hollow Road in Frankfort, KY.

Adjournment - Motion to adjourn was made by Mr. David Rowlett. Motion seconded by Dr. Amanda Gumbert. Meeting adjourned at 11:48 am.