

## MEETING MINUTES

### **Agriculture Water Quality Authority**

**Thursday, February 02, 2017 - 9:30 am**

**300 Sower Blvd., Frankfort Kentucky**

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In attendance: Ms. Kim Richardson, AWQA Chair and Director, DOC; Mr. Larry Thomas, Vice Chair and Ky Farm Bureau; Ms. Amanda Gumbert, UK-DOC; Ms. Karen Woodrich, NRCS; Mr. Allen Kyle, member-at-large; Mr. Peter Goodmann, Director, DOW; Mr. Chuck Taylor, Kentucky Geological Survey; Ms. Angela Billings, DPH-EMB; Mr. Ron Brunty, environmental groups; and Mr. Brent Burchett, KDA.

Also in attendance: Ms. Johnna McHugh, Assistant Director, DOC; Mr. David Chinn, Monty's Plant Food Co; Mr. Pete Cinnotto, USGS; Mr. Jim Roe, DOW; Mr. Joe Cain, KY Farm Bureau; Ms. Paulette Akers, KY Division of Compliance Assistance; Dr. Steve Higgins, UK; Mr. Steve Kull, Division of Forestry; Mr. Ernest Collins, concerned citizen; Mr. Bruce Scott, Deputy Secretary, EEC; Bijaya Shrestha, Ky Waterways Alliance; Mr. Steve Coleman, Ky Water Resources Board; Mr. Joseph Sisk, Christian County farmer; Mr. Wayne Hunt, Christian County Farmer; Mr. Kyle Kelly, Ag. Business Association of Ky; Mr. John W. McCauley, Ky Department of Ag; Mr. Ben Koostra, Consultant; Ms. Allison Crawford, Ky Student Environmental Coalition; Ms. Nichole Erwin, Ohio Valley Resource; Mr. Donald Peters, Community Against Pig Pollution and Disease; Mr. Rick Murphy, Community Against Pig Pollution and Disease; Mr. Biff Baker, GOAP; Mr. John Mura, EEC; Mr. Lanny Brannock, EEC; and Mr. Jeff Gravitt, DOC.

Quorum was met.

**Meeting Called to Order** - at 9:30 a.m. by Ms. Kim Richardson.

**Approval of Minutes from Nov. 17th, 2015 Meeting** - Approval for November 17th, 2016 minutes was brought before the board. Ms. Kim Richardson found two corrections that will need to be addressed. Firstly, Mr. Joe Cain was included twice in group attendance. Secondly, Mr. Keith Rogers was spelled incorrectly as Rodgers. Corrections were made.

Motion was made by Mr. Larry Thomas and seconded by Mr. Pete Goodmann. **Motion carried.**

**Presentation by Kentucky Excel Farms, Paulette Akers, DCA** - Ms. Paulette Akers explained the KY EXCEL farm program and how it benefits farmers. She provided suggestions of possible projects farm members could complete. The Division of Compliance Assistance currently has three upcoming meetings to spread the news and educate local farmers to the program. The Authority members discussed how to get more farmers involved with KY EXCEL program.

**Nominating Committee Report** – The Authority is waiting for member appointments by Governor Bevin. At this time, the nominating committee will wait to provide slates for officers and committee chairs until the appointments have been completed.

**AWQA BMP Enforcement Clarification** – During the most recent Authority meeting, discussion of the enforceability of Best Management Practices (BMPs) was tabled until legal advice can be sought. Mr. Michael West, EEC Counsel, discussed the enforceability of BMPs in the statewide AWQP. He explained to the Authority that according to KRS 224.71-130, the enforcement authority lays with the Division of Water not the Ag Water Quality Authority. The statute defines a process for helping a landowner come into compliance with their agriculture water quality plan.

If a landowner refuses to comply with compliance steps, they can be designated as a bad actor. If they are a bad actor, there are fewer funds/programs available to them. The landowner can also be charged with civil penalties.

According to Mr. Pete Goodmann, DOW mostly go through the enforcement process for degradation issues, not noncompliance with AWQP issues. BMP issues would be secondary during enforcement.

Mr. Allan Kyle asked if BMPs that are not identified in a landowners plan can be enforced. Mr. Peter Goodmann reported that the requirement is to have a plan, and the farmer is in charge of what BMPs they choose to implement from the list of possible practices.

**Comments from AWQA members** – Mr. Pete Goodmann suggested that the board review the Red Tape Initiative. All agencies have been asked to review their regulations to see if any corrections, clarification, or updates need to be made. Mr. Pete Goodman recommended that as agencies carried out this initiative, they consider how any changes would affect BMPs. As new rules are promulgated on the national level, the Authority needs to continue to track and consider how changes will affect Kentucky's practices. Mr. Pete Goodman informed the board that the Water Resource Board meeting will be at 1:00 p.m. today.

Ms. Karen Woodrich reminded everyone to review the AWQA Strategic Plan and make sure the Authority is working toward its identified goals.

**Comments from interested parties** – Mr. Wayne Hunt said he appreciated Ms. Paulette Akers handout about the AWQP Plans. Mr. Donald Peters from Community Against Pig Pollution and Disease spoke about the alleged pollution of the Green River that is occurring due to pig farms in the area. He read excerpts from a letter that he provided to Ms. Kim Richardson. The letter is attached as an appendix to these meeting minutes. Mr. Michael West stated that while there is an ongoing litigation, the board cannot comment on the situation.

**Schedule next meeting date and location** – May 25<sup>th</sup>, 2017 at 300 Sower Blvd in Frankfort.

**Adjourn** – Motion to adjourn was made by Mr. Larry Thomas and seconded by Mr. Brent Burchett. **Motion carried.**