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DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Chesapeake Bay Program Office

Chesapeake Bay Agricultural Inspection Program Discussion

DEP Agriculture Advisory Board
SCC Nutrient Management Advisory Board
August 26, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

Agenda

- Purpose
- Difference between Phase 1 and Phase 2 Inspections
- Goals and Expectations
- Next Steps and Questions

Purpose

- The Chesapeake Bay Agricultural Inspection Program (CBAIP) has been conducted as part of the Chesapeake Bay Technician Required Output Measures since 2016-2017
- The Phase 2 Pilot Program was released in 2020-2021 and we used lessons learned to inform the new goals and expectations for Conservation districts and DEP Regional Offices
- Five years into the program, some counties are nearing completion of their Phase 1 (Initial) Inspections
- For those counties, DEP will ask them to transition into Phase 2 this upcoming fiscal year as part of their Chesapeake Bay Technician Agreement

Purpose

- Available Guidance:
 - Standard Operating Procedures (SOP) –
 - The CBAIP Phase 1 SOP
 - The CBAIP Phase 2 SOP (updated from the Phase 2 Pilot)
 - The PracticeKeeper Ag Inspection Module SOP
 - The PracticeKeeper BMP Module SOP (released June 1, 2021)
 - Webinars and Clean Water Academy –
 - Live webinar session with Conservation districts was held on May 25, 2021 to walk through the Phase 2 components and expectations
 - Recorded web-based training to accompany PracticeKeeper SOPs

Initial Inspections vs. Phase 2 Inspections

Initial Inspections

- Verification that a given agricultural operation has an appropriate Agricultural Erosion & Sediment Control Plan (Ag E&S Plan) and/or Manure Management Plan (MMP), as applicable

Phase 2 Inspections

- Verification that a given agricultural operation has properly implemented Best Management Practices (BMPs)

Initial Inspections vs. Phase 2 Inspections (cont.)

Initial Inspections

- Includes determination of types of agricultural activity performed, size of operation, etc.
- Need to physically view copies of MMP and/or Ag E&S Plan, as applicable, either on-site or via correspondence after inspection, and compare with current operation conditions

Phase 2 Inspections

- Includes inspection of areas of production and fields in order to determine compliance with the BMP implementation schedules and proper functioning of the BMPs
- Need to physically view existing BMPs, either in-person or via photos or teleconference, and compare with plan(s)

Phase 3 WIP

Priority Initiative – Agricultural Compliance and BMP Verification

- Focuses on verifying Phase 3 WIP priority BMPs for nitrogen, phosphorus, and sediment control
- Goal is to verify that priority practices identified in the Phase 3 WIP are installed, operational, and continue to provide pollution reductions

Violation Follow-Up

Initial Inspection SOP

- 90 days for submission of missing or incomplete plan(s), with a maximum of 180 days for extenuating circumstances

Phase 2 Inspection SOP

- 30 days for submission of plan(s) needing updates or manure application records if unavailable during the inspection
- 90 days for proper implementation of temporary BMPs needed until permanent BMPs can be implemented, if applicable
- 270 days for proper implementation of permanent BMPs

Inspection Goals – CD FTEs

Initial Inspections

- 50 inspections

Phase 2 Inspections

- If no Initial Inspections remain:
 - 25 inspections
- If both Initial Inspections and Phase 2 Inspections are conducted:
 - Subtract the number of Initial Inspections conducted from 50; multiply the remaining number by 0.5 to determine the number of Phase 2 Inspections needed

Inspection Goals – All CD Bay Techs

Meeting Inspection Goals

- The inspection workload is intended to complement:
 - Nutrient Management / Manure Management planning activities
 - Ag E&S planning activities
 - BMP design and implementation

Inspection Goals – DEP Regional Offices

Initial Inspections

- 100 inspections

Phase 2 Inspections

- 75 total inspections; this includes Initial Inspections, Phase 2 Inspections, and Follow-Up Inspections
 - At least 15 of this total should be Phase 2 Inspections

Next Steps

- Chesapeake Bay Technician and Chesapeake Bay Engineer Specialist / Assistant Agreement Announcements were provided to Conservation Districts
- The revised scope of work and accompanying forms were due to the DEP Chesapeake Bay Office by July 16, 2021
- We are currently reviewing the amended forms to identify which Conservation districts will transition into Phase 2 in the 2021-2022 fiscal year

Next Steps

- Outreach to Farmers and Agricultural Organizations:
 - Met with Ag stakeholders in early June to discuss the BMP reporting framework and notified them, generally, of this transition for certain counties and for DEP Regional Offices
 - Presenting to the Agriculture Advisory Board and Nutrient Management Advisory Board
 - Considering a press release after we identify which counties will be transitioning to Phase 2 so the information provided in a statewide release could note specific counties (similar to the Phase 2 Pilot press release last year)

Summary

Phase 2 Inspections

- Build upon Initial Inspection efforts
- Facilitate expanded BMP verification consistent with WIP and CAP goals
- Are more time-consuming than Initial Inspections
- Follow-up is significantly longer than Initial Inspections
- Workload complements Nutrient and Manure Management planning, Ag E&S planning, BMP design/implementation required output measures
- Goals for conservation districts per fiscal year are half of Initial Inspections for solely Phase 2 Inspections and otherwise prorated
- Next steps include outreach to agricultural industry leaders and the public



Questions



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