

# Advisory Board Talks Deepen

(Continued from Page A1) morning.

The board was created solely to advise the State Conservation Commission as the Commission creates regulations implementing the Nutrient Management Act.

The act was created in order to establish legal controls of non-point nutrient pollution. It also provides for yet-untested protection from liability and from multiple prosecution for those who establish and follow an approved nutrient management plan.

Though the law calls for the establishment of regulations for controlling agricultural contributions to the flow of nutrients, it also directs the state Department of Environmental Resources to research and address other contributors of nutrient flow.

Currently the effort is to develop regulations and procedures to assess nutrient application activity, determine some level of control, acceptability of devices of nutrient control, and subject a degree of responsibility and reward for exercising control.

In that effort, the first major category of non-point nutrient sources to be addressed under the Nutrient Management Act is agricultural livestock operations, especially the more modern operations which can accept densities of animals-per-acre that are much higher than historic practices permitted.

The main issue of contention during Wednesday's meeting was in agreeing on definitions and getting some kind of assurances that proposed regulations for the control of nutrients would not become so bureaucratic that agriculturalists would shy away from doing voluntary nutrient management plans for their farms.

Dr. Douglas Beegle, though not a member of the board, has been attending meetings at its request and has been asked by the board many times to provide expert opinion as to what is practicable and what is not.

Beegle has been involved in the process for some time, and is respected by the board for his agronomic expertise.

Throughout the process, Beegle has stated that the regulations under nutrient management should not be so detailed or restricting that it would confine an operator's ability to create a workable plan for controlling nutrients.

In that sense, Beegle has said a goal of minimizing the loss of nutrients from the control of the farmer should be the main key to any plan. He has suggested that the Commission approach the Act with a view toward creating regulations which address topics of concern, but which allow reference to approved guidelines, as could be eventually approved by the commission for use in implementing a plan.

In this way, should innovation, or new technology become available and have applicability to the control of nutrients, it can be quickly adopted.

Furthermore, defining acceptable practices in the regulations would require another regulation-making process everytime a new type of possible method of handling nutrients and nutrient-containing materials, such as manure, would be suggested.

The apparent desire by the board majority is to allow flexibility in a nutrient management plan so that business management plans can coincide and be implemented without reducing the effectiveness of nutrient control.

An expressed fear is that farmers may be prevented from working the farm according to the changes in nature, in order to stay in business.

Currently, with a delayed planting date, a farmer may choose to plant another crop or shorter maturing variety in a specific field which may change the way a portion of his nutrient uses are handled.

Under the proposal reviewed for the first time Wednesday, specific crops and acres planted are requested. The objection was raised that writing down a plan that contains crop acreage specifics may somehow limit the ability of the farmer to be flexible in trying to succeed in farming.

The argument against being specific with crop information was illustrated in a scenario in which a government official would review the plan, note the discrepancy, and declare the operator to be out of compliance with the nutrient management plan.

The nine-page proposal of regulations included several passages that were more specific than what some members of the board thought was appropriate, and the board approved recommending several changes.

However, it was also made clear that in order for controls of nutrients to be effective, regulations had to contain some specific rules so that enforcement challenges to practices could be supported by law.

The proposed preliminary draft of regulations were created for discussion purposes only and covered a partial list of definitions, general provisions, general requirements of nutrient management plans, identification of concentrated animal operations, the plan concept.

Under the plan concept are paragraphs covering the scope of the plan to identification of farms and acreage, summary statements of nutrient management plans, determinations of available nutrients, and nutrient application rates and procedures.

Discussions seemed to get bogged down on how specific a plan would have to be with regard to the application of nutrients, as far as timing and testing of manure.

The degree of specificity in documenting how much volume of nutrients are to be used in an operation are yet to be fully discussed.

On one hand, arguments were made that too much specificity would interfere in daily operational and business decision-making abilities of farmers, hindering their ability to make quick decisions in response to changes in environmental conditions.

On the other hand, it was argued that too little specificity would not provide enough confidence that nutrients would be properly controlled under a plan.

Other than Dr. Beegle's request (which was also supported by other members, but not made into a motion) that official guidelines for practices be adopted by the commission and reviewed by the advisory board, no discussion yet focussed on the possibility of a plan including a list of preferred backup options for handling nutrients given foreseeable variations in conditions.

The board is expected to pick back up on talks during its May meeting.

## Wednesday's Agenda

On Wednesday, Michael Krempasky, secretary of the commission, presented an agenda which included:

- a comment period on the adoption of the interim criteria which establishes a framework for creating a certification program;

- a review of preliminary regulations for nutrient management with emphasis on definitions of a concentrated animal operation and nutrient application;

- discussion on environmentally sensitive areas;

- an introduction to SCS standards for conservation planning;

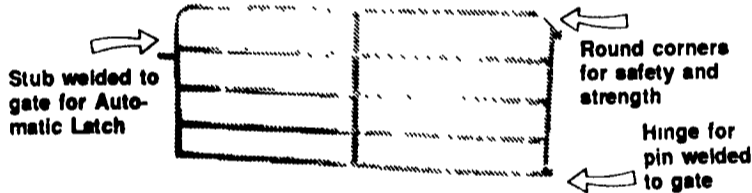
- and update on interim certification work by the Department of Agriculture, which is charged with creating and administering certification of nutrient management specialists;

- and an overview of the One-Plan Concept, which is an attempt to combine all the various operational plans pertaining to an agricultural operation so that the plan works in syncoption, in confliction.

However, because of the intensity of discussion over the review of preliminary regulations, the rest of the topics were postponed until the next meeting, scheduled May 4, also in Room 309 at the PDA headquarters building.

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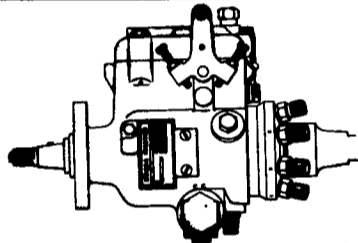
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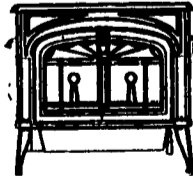
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