

SCC Nutrient Advisory Board Continues, Uncertain Of Changes

(Continued from Page A1)

regulations which would fulfill the intent of the state's Nutrient Management Act.

The intent of the Nutrient Management Act is to create regulations to outline the responsibilities of livestock producers who raise livestock in such numbers that more manure is created than facilities and land resources can use.

The goal is to encourage such producers to plan for the use or disposal of manure that is in excess of what can be used on the immediate farming operation.

The act also details that those who would be required to comply with the law are those livestock producers whose operations have more than 1,000 pounds of livestock (liveweight) per acre.

In general, the act seeks to require such "high risk" operations to make plans for nutrient control, and to implement those plans and keep records. The act also creates a new specialty, that of nutrient management technician. Technicians are to be able to design workable management plans. A review and approval process is also to be created.

At the same time, while the board has been progressing well in pursuing a number of different areas which fall under the requirements of the act, complexities are beginning to slow down work in some key areas.

Overall, the board may find it necessary to request an extension of deadline to finalize regulations under the act, although members did not concede that such a request is imminent.

The board did endorse action by its executive committee to convey to the incoming administration the importance of the work being done, and to seek cooperation in keeping the matter a priority, especially since the act contains deadlines for the enactment of regulations.

Without specific guidelines from the governor-elect as to what

changes may be forthcoming to the DER, members of the advisory board do not know if the regulations they recommend to the state Conservation Commission will have to be redone.

Ridge, a former Republican U.S. congressman from Erie County, won the state election for governor and based a large part of his campaign on dismantling DER as it currently exists. In effect, he has said he would remove some of the agency's peripheral responsibilities, such as maintaining state forests and parks, and create independent agencies to handle such non-pollution environmental concerns.

Under the outline of Ridge's position on DER (as of September), there would be five major changes:

- create a Department of Environmental Protection to focus on the protection of the environment with emphasis on enforcement;
- create a Department of Conservation and Natural Resources to serve as an advocate for state parks and forests and to promote better management of natural resources;
- create an Office of Pollution

Prevention and Compliance Assistance, which would help people, businesses and agencies comply with laws and regulations;

- create a commission to prioritize environmental concerns and, using comparative risk, to recommend changes to laws and regulations;

- and implement a number of other nonspecific changes which would give more public input into rulemaking and policy making and make protection efforts more responsive and effective.

Under the existing DER structure, the administration of the nutrient management act would be done through a newly created Nutrient Management Section, contained within the Nonpoint Source Management Division of the DER Bureau of Land and Water Conservation Office of Water Management.

The bureau is currently divided into four divisions — conservation districts; storm water management and sediment control; coastal programs; and nonpoint source management.

The nonpoint source management division currently contains a Chesapeake Bay Section.

Furthermore, federal funding has been allocated through the Environmental Protection Agency for use in operating the bureau and administering \$600,000 has been allocated for use by local conservation districts to hire nutrient management staff.

If the structure of DER is changed, it is not known how funding will be redistributed, or which agency would take over responsibility for the nutrient management program.

There are also some other potential obstacles to completing the work in time — a delay caused by the need to brief new political appointees on work done and provide them with a solid background on the issue.

It can be expected that there will be a number of staffing changes within DER, or the new DEP. When former Gov. Dick Thornburgh was in office, he implemented a number of changes in staff, replacing management jobs that had been held by non-political civil service employees and replacing them with political appointees, called senior administrators.

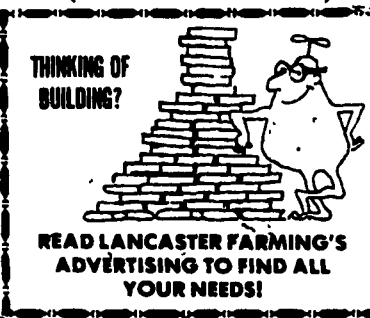
In effect, DER thus became more reactive to political intentions.

It is widely expected that a number of key people in the state Department of Environmental Resources will be replaced with new political appointees unfamiliar with the scope, pace and agenda of the commission's advisory board.

Technically, the nutrient management regulations could be created by the commission entirely in draft and presented to the board for review.

However, to date, proposed regulations have been created by commission staff working in cooperation with the advisory board, and making changes as the board majority approves.

(Continued next week.)



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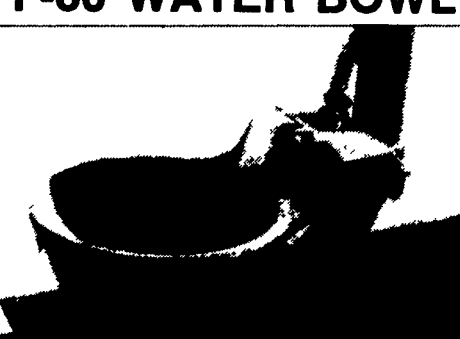
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