Indiana Fertilizer Advisory Board

IC 15-16-2-25

Office of Indiana State Chemist

DRAFT Meeting Minutes

Location of meeting:

Premier Companies
811 W 2nd St
Seymour, IN 47274

Date and Time:

Friday September 9, 2022, 9:00am

Board Members in attendance in person:

- Joe Russell (chair); representative of producers of agricultural crops
- Eric Dearth; representative of fertilizer manufacturing, distributing, or manufacturing and distributing.
- Peggy Dorsey* IDEM (Indiana Department of Environmental Management) substitute for Julia Wickard
- Sam Fry; representative of producers of agricultural crops
- Dr. Jim Camberato; Purdue University School of Agriculture
- Dr. Amy Gregg; representative of a public conservation organization
- Joe Miller; representative of the livestock industry
- Brian Taylor; representative of retail fertilizer industry
- Jesse Cordray* - Indiana State Department of Agriculture
- Matt Pearson*; fertilizer administrator for the Office of Indiana State Chemist

Board Members absent:

- Bob Avenius; representative of the lawn care industry
- Amy Cornell*; president of the Indiana Plant Food and Agricultural Chemicals Association (No longer with IPFACA)
- Doug Anderson; representative of the retail fertilizer industry

Others present:

- Ramona Briggeman - OISC
- Kurt Stahl - Citizen farmer
- Danny Starke - OISC
- Jeff Cummins - Farm Bureau

*indicates nonvoting member

With 10 out of 13 board members in attendance a quorum, IC 15-16-2-29, was present and an official meeting was held.

1. Call to order – Joe Russell called to order at 9:07am

2. Agenda approved- Eric 1st, Dr. Amy 2nd; Motion carried
3. Minutes approved Eric 1st, Dr. Amy 2nd; Motion carried
4. Peggy Dorsey IDEM Assistant Commissioner (Land) is representing IDEM. Julia Wickard has left IDEM. They have not hired a new Ag liaison at this time.
5. Kurt Stahl- Citizen Farmer Bulk Containment discussion
    - Mr. Stahl discussed his recent bulk containment case.
        i. He was recently cited by OISC for having 6 -2,500-gallon tanks on trailers and out of containment.
        ii. His trailers are mobile when empty.
        iii. OISC said he was a "facility", but facility is not further defined on the summary sheet.
            1. Briggeman read back the definition for facility from the regulation, 355 IAC 2-2-5.5.
        iv. Current rules are not compatible with modern farming practices.
        v. With the size of modern farms and amount of product they use there needs to be a rule change allowing temporary storage – other states allow temporary storage.
        vi. More education needed- Mr. Stahl, after talking to other farmers, thinks more education on our containment rules is needed because people are unaware of the regulations.
        vii. Russell- he just put in containment and recommends putting in containment if using that high of volume of material.
        viii. Sam Fry mentioned he believes there may be cost share available for building secondary containment through NRCS. Expressed concern when transferring this volume of material.
        ix. Traylor has similar setup on trailers for his customers
        x. Briggeman – one trailer with 3-2,500-gallon tanks is complying without containment.
        xi. Stahl a change to the rule for Temporary storage for 45 days would help
        xii. Pearson- Work Group needed to look at containment rule and make suggestions for changes- 7,500 change to 10,000 gallon. Discussion on Temporary storage (volume and days). Asked Mr. Stahl if he would be willing to be in the Working group.
6. OISC Fertilizer update Pearson
    - Changes to Rules
        i. Minimum safety standards NH3
        ii. User certification
        iii. Office of Management and Budget pushback on authority to write rules
        iv. OISC believes IC 15-16-1-10 & 355 IAC 3-2-14 gives clear authority
        v. Annual refreshers change to every 3 years to match feds
        vi. Get Extension and Farm Bureau involved in education

- Spring 2022 Fertilizer Sampling observations
    i. 10-34-0 failures
    ii. Likely due to supply chain issues and product sitting in rail cars

7. Compliance update
    - Ag Ammonia – Danny Starke
        i. Inspections for retail 3rd round on going,
        ii. completed 2nd round of inspections with farmers
        iii. Discussed the issue of not having civil penalties for facilities being out of compliance. OISC can only put pieces "Out of Service"
        iv. Dr. Fred Whitford' newest publication is out for Anhydrous Ammonia
        v. Discussed Farmer anhydrous ammonia facilities Either good or Bad- most are cooperating or getting out of anhydrous ammonia
        vi. Dearth asked how we escalate NH3 violations?
            1. Pearson and Starke discussed we do not have civil penalties at this time we are going to try for a rule change.

        vii. Traylor asked who is responsible for nurse tanks of private farmers if the company fills them?
            1. Pearson- Farmer is responsible for their tanks. However, safety is very important. The company should make sure there is water on the tank. Don't fill if there are obvious problems.
            2. Starke- He doesn't inspect privately owned nurse tanks. He will inspect them if they are on a commercial facility when he is there.
            3. This does emphasize the importance of people being "trained and certified" to handle NH3.
            4. Discussion of the need for a rule change requiring training and certification of people applying anhydrous ammonia.

        viii. Discussion on maintenance on tanks.
            1. Pop- offs out of date and taking them out of service.
                a. Had one retail facility where all the nurse tanks were taken out of service for out of date pop off valves.
                b. Starke- Pop-offs cost about $50 every 5 years
                c. It is more the time involved- must empty tank to replace.

    - Fertilizer- Briggeman
        i. 29 fertilizer cases this year but heading into busy season
            1. 13 staging
            2. 9 application
            3. 2 containment
            4. 4 licensing
            5. 1 ammonia

ii. Previous year 2022 total of 49 cases
iii. Began push for Agricultural Chemical Facility (ACF) fertilizer containment system inspections in July 2022.
    1. Conducted by Inspectors, Fertilizer Control Specialist, NH3 Specialist and Fertilizer Administrator
    2. 70 ACF inspections since July 2022.
    3. Danny Starke made a spreadsheet that calculates secondary containment required. (Mr. Stahl asked to make that publicly available)
    4. Problems found.
        a. Undersized containment
        b. No operational pad/loading pad
        c. Lack of maintenance/serious cracks
        d. Unregistered facilities

    5. Recap of Bulk Containment rules.
    6. Traylor- what about farmers storing potash in poultry barns.
        a. Pearson- if they are storing over 12 tons they should be registered with us and meet our requirements for dry fertilizer storage.

8. Rose Acre/United Granulation services video presentation Joe Miller
    - 6,000 tons of finished product in Indiana
    - 9,750 tons in Georgia
    - 189,000 tons/year of manure from Rose Acre facilities
9. Fertilizer Industry updates:
    - Dr. Amy Gregg –Academia seems to be shift towards part timers
    - Eric – Labor issues: investing in automation to address labor shortages. Input costs increasing, safety always a priority. Leaving The Andersons to pursue focusing on his family and opening private consulting
    - Joe Miller– Labor issues- getting semi drivers to move the product can be hard do to labor shortages. Still having Supply Chain issues
    - Sam Fry-Hog production trying to move to areas with no people/neighbors to avoid issues
    - Joe Russell. Getting fertilizer to the farm is problematic- Cost keeps increasing, labor issues
    - Peggy Dorsey IDEM- willing to serve until another Ag liaison is hired. IDEM does plan to fill the position.
    - ISDA– Jesse-15 % cut to budget due to Covid 19, Clean Water Indiana Fund and 23 Farm Bill
    - Farm Bureau- Jeff Willing to be on Working group discussing Bulk Containment. Farm Bureau supports the new legislation that OMB did not like.

- Dr. Camberato-Agronomy is growing GIS, Urban Farming staff retirements Dec 2023

10. Next Meeting in December
11. Adjourn 11:30 : With nothing further to discuss a motion to adjourn- Motion passed
12. Tour of The Andersons 101 Agrico Ln, Seymour Indiana