

**PACD Conservation Committee Meeting
Ramada Conference Center, State College, PA
July 11, 2011**

Chair: Carl Goshorn, Cumberland Conservation District.

Welcome

Chairman Carl Goshorn called the meeting to order at 6:20 PM and welcomed all members and guests. It was determined that a quorum was present.

Committee members present: Mark Davidson, Lycoming; Dan Dunmire, Mifflin; Carl Goshorn, Cumberland; Jim Luce, Wyoming; Larry Martick, Adams; Robb Piper, Cambria; Jim Resh, Indiana; Craig Todd, Monroe; Bruce Snyder, Centre.

Others present: Michael Hubler, Dauphin; Jack Hanish, Luzerne; Shane Kleiner, DEP; Karen Ely, DEP; Drew Gilchrist, Montgomery; Mark Gutshall, LandStudies; Wayne Sweitzer, York; Sandy Thompson, McKean; Don McNutt, Lancaster; Susan Beecher, Pike; Ron Rohall, Westmoreland; Gary Smith, NRCS; Judy Becker, Northumberland; Bill McFadden, Lehigh; Robert Maiden, PACD; Cheryl Brobst, Columbia; Maryruth Wagner, Columbia; Mark Kimmel, York; Chad Moshier, Potter; Brenda Shambaugh, PACD; Shannon Wehinger, PACD (recorder).

Minutes from Previous Meetings

The minutes of the January 19, 2011 meeting were provided to committee members for their review.

It was moved by Robb Piper and seconded by Jim Resh to approve the minutes of the January 19, 2011 meeting. Motion carried.

Capitol Day Event

The PACD Capitol Day event took place on May 3, 2011. The format was similar to last year with conservation districts making their own appointment with their elected leaders. The focus this year was to meet with legislators, thanking them for their allegiance to conservation districts and to showcase conservation district activities. Additionally, several Executive Board members met with House and Senate leaders and staff. Also, plants were given to each legislator who was visited by a conservation district representative.

Chapter 102/NPDES Committee Update & Delegation Agreement Update

Karen Ely updated the Committee on the SCC Chapter 102/NPDES Committee. This advisory group is working on issues such as implementation of the 102 regulations.

Karen Ely updated the Committee on the Delegation Agreement revisions. June 3 was the last conference call, and they went over changes to the delegation agreement. Comments received are being implemented. The next step is to have legal counsel at DEP review it, then all districts will receive a copy and input will be gathered from them. The plan is to have it ready for the September State Conservation Commission meeting. A sub-committee was created to work on the 102 Administrative Manual. The goal is to have that completed by October. A 105 sub-committee was also formed to review changes to the 105 program.

Concerns were raised with regard to the Chapter 102/NPDES Program. How do we get the Department to do what they say they are going to do in living up to their delegated

responsibilities? Fifty-four districts lost money administering the program in 2009. In 2010 forty-seven districts lost money administering the program. It was recommended that we prepare language, so that we can meet with the DEP Secretary and aim to have any issues resolved, should some things not seem fair as the delegation agreement moves forward. In addition, some districts may like to have the ability to opt-in or opt-out of PennDOT fee work to minimize expenses associated with running the program.

It was noted that comments should go to Karen Ely and Jen Orr at DEP. The language in the agreement can be changed every three years. Craig Todd suggested gathering information on costs of running the program for 2011 before deciding what to do. Monroe CD tripled their fees and it expedited permit reviews. Only a handful of districts are taking on stormwater. Pike paid the cost of their engineer with the cost of the fees. Monroe isn't inspecting ag sites like they are construction sites. In Lancaster they have to cover ag inspection costs by increasing review fees on developers. Is this appropriate?

PennDOT Expedited Review Fee

Recently PACD representatives met with PA Secretary of Transportation Barry Schoch to discuss a variety of transportation issues including conservation district costs related to PennDOT activities. At that time Secretary Schoch asked if conservation districts would entertain the idea of an expedited review fee for PennDOT E&S permit reviews. The concept would be to allow conservation districts the option of charging PennDOT an expedited review fee to accelerate the E&S permit review process related to PennDOT projects. The conservation district would not be obligated to expedite the PennDOT project reviews, but could charge an agreed to amount to help defray the conservation district's costs.

Conservation districts spend an average of \$10,000 per year on PennDOT related erosion and sedimentation work and average 120 hours per year on these projects. These figures are significant for conservation districts with limited funds and staff.

The Committee considered the following proposed policy:

PACD supports conservation districts having the option to a) expedite the erosion and sedimentation permit review process for PennDOT related projects and b) charge a fee for that service.

Discussion: What is the definition of an expedited review? This would be a way for PennDOT to pay districts for their services. Would PennDOT be willing to set a fee if not all districts participate? We can craft our policy to take to PennDOT then go from there.

Would districts be in competition with DEP if this happens? Would DEP allow it? PACD wrote a letter asking the question of John Hines and Secretary Krancer. No answer was given yet. PennDOT won't have further dialogue on it until that issue is resolved.

Maybe there are smaller projects that could be expedited. Larger projects can't have expedited reviews because of the sheer complexity.

Districts cover 102 and DEP does the 105 work. Is that enough of a distinction to eliminate the competition question?

Fee should be changed to “agreed upon fee” and “expedited” needs to be defined.

An unintended consequence may be pressure from a district who doesn’t opt-in. They may get pressure from legislators to participate.

There was positive dialogue on the expedited review fee. It was determined that there are questions that need to be answered before a policy is set. The issue was tabled until a response is received from DEP. It was suggested that PACD send a follow-up letter to the secretary letting him know that we are still looking for a response.

It was moved by Jim Resh and seconded by Jim Luce to table the PennDOT expedited fee issue until more information is available. Motion carried.

Resolution from the PACD South Central Region Meeting on March 31, 2011

The committee considered the following policy statement from the PACD South Central Region Meeting on March 31, 2011:

Conservation districts are provided the opportunity to participate in a delegated agreement with the PA Department of Environmental Protection concerning the administration of the erosion and sedimentation pollution control program (E&S) and the National Pollutant Discharge Elimination System (NPDES) permitting program. PACD recommends that DEP allow conservation districts an opt-out provision in the current delegation agreement for level 2 and 3 delegated conservation districts for E&S and NPDES activities related to PA Department of Transportation projects.

PACD further recommends that a new State Conservation Commission Statement of Policy (SOP) be implemented based on the level of work that each District is doing in order to maintain an equitable 102/NPDES CDFAP distribution of funds.

It was moved by Larry Martick and seconded by Jim Resh to approve the proposed policy. Motion did not carry.

Proposed Stormwater Trading Program Policy

The committee was provided with a draft policy statement from Lancaster County Conservation District. Don McNutt explained the policy statement. Lancaster is willing to enter into a pilot program for stormwater trading. This could be expanded out to publicly owned land later. A pilot program could be conducted so it can be quantified before making a policy about supporting market-based Stormwater Trading Program. Compensation would come from DEP. The committee considered the and made some changes to the draft policy that was provided.

It was moved by Robb Piper and seconded by Mark Davidson to approve the following policy:

PACD endorses a pilot public-private market-based Stormwater Trading Program, addressing pending Stormwater (MS4, NPDES) concerns and the Watershed Implementation Plan (WIP) to meet the Total Maximum Daily Load compliance requirements in the form of credit offsets or benefit stacking on a regional scale. PACD also encourages that adequate compensation be provided to conservation districts in order to offset costs associated with serving as an adviser/facilitator for such a program.

Motion carried.

Envirothon Board Appointment

A motion is needed to reappoint Richard Stumpf with Indiana County Conservation District to the PA Envirothon Board.

It was moved by Jim Resh and seconded by Robb Piper to reappoint Richard Stumpf (Indiana) as PACD representative to the Envirothon Board. Motion carried.

Adjournment

It was moved by Mark Davidson and seconded by Dan Dunmire to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:45 PM.