

**PACD Legislative Committee  
Genetti Hotel Williamsport, PA  
July 17, 2019**

**Welcome and Roll Call**

Chairwoman Donna Fisher welcomed everyone and called the meeting to order at 10:04 a.m.

*Committee members in attendance:* Doug Beri (Indiana), Donna Fisher (Blair), Chuck Gould (Monroe), Kelly Stagen (Pike), Murray Laite (Mifflin), Jim Shaner (Beaver), Chris Strohmaier (Chester), Adam Schellhammer (Monroe).

*Guests in attendance:* Brenda Shambaugh, PACD; Molly Burns, PACD; Roger McFadden, Monroe; Lori Kerrigan, Monroe; Jeff Werner, NRCS; Sonia Wasco, Lancaster; John Dryzal, Cambria; Ray Gorman, Cambria; John Akers, Bedford; Judy Becker, Northumberland; Cam Koons, Lycoming; William Messersmith, Lycoming; Sam Worley, Franklin; Dave Stoner, Franklin; Ray Gorman, Cambria; Bill McFadden, Lehigh; Joe Radley, Lycoming; Chuck Duritsa, Westmoreland; Eric Hansen, NACD; Kerry Fetter, McKean; Adam McClain, Adams; Randall Leisure, Lebanon; Nancy DiFiore, NRCS; Sherry Dumire, McKean; Dan Dunmire, Mifflin; Bill Erdman, Lehigh; Jessie Albright, Allegheny; Lynn Stauffer, Northampton.

**Legislative Committee Minutes**

The minutes of the January 30, 2019 meeting of the PACD Legislative Committee were provide for review and approval.

*It was moved by Chris Strohmaier and seconded by Kelly Stagen to approve the PACD Legislative Committee minutes for January 30, 2019. Motion carried.*

**General Legislative Update**

Brenda Shambaugh provided the following update:

*State Budget* – PACD was unsuccessful in pursuing an increase in funding for conservation districts in both the DEP and PDA line items. Attempts to keep the conservation district DEP line out of the Environmental Stewardship Fund (ESF) were also unsuccessful. Additionally, the state budget allows for DEP operating costs to also come out of the ESF. Now that this is enacted, there are a few actions the districts can take when working with legislators. It's important to ensure that enough funds are in the ESF to cover the environmental work it funds as well as these additional draws. We can also work to have the district line-item moved back to the DEP budget in future budget years. PACD has policy coming before council to oppose moving the district line-item from DEP to the ESF and to oppose DEP operating costs coming from the ESF. These policies will support our work to change both items during the next budget cycle.



*PA Farm Bill and Restore PA* - The Executive Board passed an interim motion supporting conservation provisions of the PA Farm Bill and Restore PA proposals. The PA Farm Bills passed the General Assembly and most of them were signed by the Governor including the Rapid Response Legislation and the Conservation Excellence Grant program. The Governor vetoed legislation allowing for an emergency travel exemption for milk haulers. The General Assembly did not consider the Restore PA legislation, which included a severance tax to cover costs. Since the PA Farm Bill passed, and PACD already has policy in favor of a severance tax with funding going toward environmental programs, no further action is needed by the committee.

*Potential Legislation on Moving Agriculture Permit Responsibilities from DEP to the SCC* – Brenda reported that we may see legislation on moving agricultural permit responsibilities from DEP to the SCC. It was noted that change will need to come with additional funding to create the capacity for the SCC to handle these duties. Rep. Zimmerman has introduced legislation to transfer all ag related permit responsibilities to the SCC and has met with several conservation districts, with future meetings forthcoming. Rep. Zimmerman is considering details over the summer months and will continue to work with stakeholders to determine logistics. Chris Strohmaier shared information about a meeting with Representative Zimmerman he attended, along with Berks and Lancaster conservation districts. He reported that they didn't get into deep detail on the proposal, but the Representative gave them two hours of his time and it was a productive discussion.

*Legislative Budget and Finance Committee (LBFC) Report* – The LBFC initially planned to have their report out in February, but it was released in June. The report made 16 recommendations to address what they considered deficiencies in the current process. Of note, the report specifically stated that increasing funding in DEP did not seem to improve staff numbers or efficiency, while providing additional funding to districts did improve staff numbers and efficiency.

*PACD Policy on Third Party Reviewers* – All six regions discussed unanimously approved a motion opposing legislation instituting third-party reviewers. The Executive Council will vote on the motion at the meeting on July 18. The legislation has passed the Senate and will now go to the House.

It was suggested that, if this legislation is clearly going to move forward, perhaps we should compile information on the efficiency of district permit processing and work to make the districts the sole third-party reviewers. Districts without engineers would have to look at how to cover an engineer. Perhaps they could cost-share an engineer between counties. In combination with the recent LBFC praise for conservation district cost-efficiency in permit processing, this may be a good time for this effort. It was also suggested that we work to have this legislation apply only to Chapter 102 permits, not NPDES permits.

*It was moved by Doug Beri and seconded by Kelly Stagen to PACD opposes third-party permit reviewers, such as those proposed in House Bill 1959 (2018-2019 Session) now House Bill 509 (2019-2020 Session). Motion carried.*

### **Potential PACD Policy**

HB 414 proposes that any E&S permit developed by a professional engineer will be deemed approved after 20 days if not acted upon before then. The South East and North East passed a motion to oppose automatic E&S permit approval, and the other four regions (who had already met at the time this legislation came forward) will consider a motion during the fall meetings.

HB 1481 and SB 618 propose to extend and update Pennsylvania's coal refuse energy and reclamation tax credit. A recently approved law increases the tax credit from \$10 million to \$20 million to subsidize coal waste-to-energy electricity generation plants and extends the tax credit from 17 years until 2036. John Dryzal, Cambria Conservation District Manager, stated the need for the tax credit increase to assist with refuse disposal. Brenda reported that PACD already has policy to support this effort.

*It was moved by Murray Laite and Doug Beri to send a letter supporting the proposal to extend and update Pennsylvania's tax credit. Motion carried.*

SB 619 recently passed the Senate to redefine the term "pollution" in the Clean Streams Law, allowing for small accidental discharges not to be considered a reportable incident.

*It was moved by Jim Shaner and seconded by Kelly Stagen that PACD adopt the following policy:*

*PACD opposes legislation allowing for unreported discharges, spills or releases into waters of the Commonwealth that are not authorized by a DEP permit.*

*Motion carried.*

### **Reauthorization of the Abandoned Mine Land Fund**

Indiana County Conservation District Manager Doug Beri reported the district recently passed a motion to support the reauthorization of the abandoned mine land (AML) fund. Brenda noted that PACD has policy supporting this and encouraged the districts to send a letter of support.

### **Adjournment**

*It was moved by Kelly Stagen and seconded by Jim Shaner to adjourn the meeting at 11:00 a.m. Motion carried.*