

**PACD Legislative Committee  
Video Conference Minutes  
July 15, 2021**

**Welcome and Roll Call**

Chairwoman Donna Fisher welcomed everyone and called the meeting to order at 1:06 p.m.

*Committee members in attendance:* Donna Fisher, Blair; Dennis Beck, Cambria; Chuck Duritsa, Westmoreland; Kelly Stagen, Pike; Doug Beri, Indiana; Jon Burgess, Allegheny; Jo Ann McCready, Lawrence; Chris Strohmaier, Chester; Chris Thompson, Lancaster.

*Guests in attendance:* Holly Miller, PACD; Molly Burns, PACD; Brenda Shambaugh, PACD; Nathan Brophy, Northumberland; Tammy Bartsch, Berks; Karl Brown, SCC; Willie Null, Clearfield; Sally Tengeres, Perry; Joan McCarty, Columbia; Sandy Thompson, McKean; John Dryzal, Cambria; Linda Mackey, DEP SERO; Jennifer Ramey, Susquehanna.

**Minutes of the Previous Meeting**

The minutes of the previous meeting were provided for review.

*It was moved by Kelly Stagen and seconded by Dennis Beck to approve the minutes of the January 11, 2021, meeting as presented. Motion carried.*

**General Legislative Update**

- PA State Budget  
The FY 2021-22 state budget has passed the General Assembly with level funding for the conservation district lines in both PDA and DEP.
- Third Party Reviewer Legislation (SB 28 and HB 139)  
PACD has opposed these pieces of legislation. SB 28 has passed the Senate and is in the House at the committee level. HB 139 has passed the House and is in the Senate at the committee level. The legislature is out until the end of September. This is the beginning of a two-year session, so these could continue to move.
- Statewide Expedited Review Legislation (SB 535)  
Senator Yaw, Chairman of the Senate Environmental Resources Committee, sponsored this bill and it is currently in his committee. When the legislation was last introduced, PACD worked with Senator Yaw's office to draft some amendments to allow districts who have an expedited review process to keep them in place as they currently exist. We do not know if we



will be successful in getting those amendments added. Even with these added, there may still be pressure to maintain some uniformity across the state.

Districts shared information on expedited review programs:

- The Chester expedited review program promises to process permits in five days for three times the regular permit fee. The application must be administratively complete before the expedited review clock begins and they do not push other permits aside to accommodate expedited reviews.
- Allegheny offers an expedited review process for about twice the normal fee. However, their regular review times generally meet people's needs, so it is not heavily used.
- Cambria does not currently offer expedited reviews. However, most delays they see are individual permits that are required to go to the DEP regional office for approval.

- Agricultural Conservation Assistance Program (SB 465)

This proposed legislation would create a new program, fashioned after the DGLVR program, intended to put more BMPs on the ground. This legislation has cleared the Senate Agriculture Committee and is in the Appropriations Committee. However, the House seems to be inclined to amend an existing program rather than begin a new one. They may look to amend a portion of the Pennsylvania Farm Bill, such as the Conservation Excellence Grants (CEG). PACD has communicated that districts will need adequate, predictable, reliable funding for this to work, which will not be provided by the federal funds currently being discussed. Those funds are limited and must be spent within a limited time. The SCC will also need funding to administrate the program.

- Definition of Pollution (SB 545)

This legislation was introduced by Senator Yaw. It has passed the Senate Environmental Resources Committee and is now in the Senate Appropriations Committee. This legislation would essentially weaken the definition of pollution, creating a threshold below which the polluter would not need to contact DEP. The polluter would be the one to determine whether that threshold was met. The original legislation was linked to federal requirements, whereas this version asks DEP to create the regulations that set the threshold.

- Growing Greener Legislation (SB 525)

This legislation was introduced by Senator Gordner and others in June and proposes creating a new Growing Greener program. This would be a large, one-time-fund based on the current Growing Greener program. The time-limit to spend the proposed funds makes coordinating a new grants program problematic at best.

- Small project NPDES permits (HB 591)

This legislation creates a program for a small-project NPDES permit program. There are no specifics in the legislation, so no-one knows what the criteria will be. Representative Zimmerman is the sponsor of the bill, which has passed the House Environmental Committee and Appropriations Committee and will be on second consideration in the House calendar when they return. The managers discussed this legislation and are very concerned about the lack of specifics. There was also question as to whether this conflicts with EPA regulations.

Lancaster County Conservation District wrote a letter supporting raising the limit to five acres and reported that Representative Zimmerman is very focused on the five-acre limit.

*It was moved by Doug Beri and seconded by Jonathan Burgess to oppose HB 591 as currently written. Motion carried.*

#### Timing/Format of PACD Committee Meetings

Brenda polled the committee to see how committee members would feel about holding PACD committee meeting virtually prior to in-person meetings, once we return to in-person meetings. Everyone who commented was in support of this idea.

#### PA Sunshine Act

The group discussed potential changes to the PA Sunshine Act.

#### Adjournment

The meeting was adjourned at 2:16 p.m.