

State Conservation Commission Meeting

November 12, 2019

PA Farm Show Complex - Susquehanna Room

(Maclay Street Entrance)

'Draft' Agenda

Briefing Session – November 12, 2019 – 10:00 AM (Susquehanna Room)

- Review of Business Agenda
- Conservation District Advisory Committee proposal

Business Session – November 12, 2019 – 1:00 PM (Susquehanna Room)

A. Opportunity for Public Comment

B. Business and Information Items

1. Approval of Minutes
 - a. September 10, 2019 (A)
 - b. October 8, 2019 (A)
2. Proposed 2020 Meeting Dates and Conference Call Dates
3. Election of Vice-Chairperson 2020
4. Nutrient & Odor Management Program
 - a. Josh Reiff, Nutrient Management Plan Amendment, Northumberland County - Michael Walker, SCC (A)
 - b. Downs Racing, LP. DBA - Mohegan Sun at Pocono Downs, Luzerne County - Michael Walker, SCC (A)
 - c. Northwestern Stables, Inc., Nutrient Management Plan, City of Philadelphia – Michael Brubaker, SCC (A)
5. Conservation District Fund Allocation Program, County Conservation District Requests for Reserve Accounts; FY2019-20 UGWF Allocations– Johan Berger, SCC (A)
6. Resolution for the support of reauthorization for the collection of fees to the federal Abandoned Mine Reclamation Fund - H.R. 4248 Surface Mining Control and Reclamation Act Amendments of 2019 – Andy McCallister, Regional Director, Western Pa Coalition for Abandoned Mine Reclamation, Eric Cavazza, BAMR/DEP, (A)

7. Proposed Memorandum of Understanding between the State Conservation Commission, Pa Department of Agriculture and Pa Department of Environmental Protection – Karl G. Brown, SCC (A)
8. Chesapeake Bay Program Update – Jill Whitcomb, Chesapeake Bay Program Office, DEP (NA)
 - a. Agricultural Inspection Program Annual Summary July 2018 – June 2019, Kate Bresaw, DEP
9. Chapter 105 – Dam Safety and Waterways Regulation Revision Update – Roger Adams, Ken Murin, DEP (NA)
10. Pa Farm Bill Update - Conservation Excellence Grant Program Review of Concepts – Karl G. Brown/ Johan E. Berger, SCC (NA)

C. Written Reports

1. Program Reports
 - a. Act 38 Nutrient and Odor Management Program Measurables Report
 - b. Act 38 Facility Odor Management Program & Status Report on Plan Reviews
 - c. Certification and Education Program Accomplishment Report
 - d. REAP Accomplishment Report
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District) and Lancaster County Conservation District.

D. Cooperating Agency Reports

Adjournment

Next Public Meetings December 10, 2019 Conference Call

January 22, 2020 Public Meeting, State College

**STATE CONSERVATION COMMISSION
MEETING**

**Pennsylvania Department of Agriculture
Harrisburg, PA**

Tuesday, September 10, 2019 1:00 p.m.

Draft Minutes

Members Present: Deputy Secretary Greg Hostetter for Secretary Russell Redding, PDA; Fred Fiscus for Secretary Patrick McDonnell, DEP; Mike Flinchbaugh; Donald Koontz; Ron Rohall; Ron Kopp; MaryAnn Warren (via phone); Pete Vanderstappen, NRCS; Drew Gilchrist, DCNR for Secretary Cindy Adams Dunn (via phone); Adam Walters, DCED; Dennis Calvin, PSU for Dr. Richard Roush (via phone); Brenda Shambaugh, PACD.

Executive Session: Commission members held an Executive Session to consider legal matters related to pending Nutrient Management enforcement cases.

A. Public Input

There were no public comments presented.

B. Business and Information Items

1. a. Approval of Minutes – July 17, 2019 - Public Meeting.

Don Koontz moved to approve the July 17, 2019 public meeting minutes. Motion seconded by Ron Rohall. Motion carried.

b. Approval of Minutes – August 20, 2019 – Conference Call.

Ron Rohall moved to approve the August 20, 2019 conference call minutes. Motion seconded by Ron Kopp. Motion carried.

2. Nutrient and Odor Management Program

- a. Act 38 Nutrient Management Planning Tool, Version 7.0. Frank Schneider, SCC, and Don Orner, PSU, reported that the Commission staff, in cooperation with Penn State Cooperative Extension staff, have developed updates to the Nutrient Management Program Planning Tool. The current Version (6.0) has been in use since October 2017. The proposed updates (Version 7.0) will be required to be used for all plans written for the 2021 crop year and beyond. The following list is a summary of the changes made to NMP Version 7.0:

- Poultry manure production values for layer, broiler, and turkey hens were updated to reflect the updates in the 2019-2020 Agronomy Guide Table 1.2-13.
- The following guidance was added to the whole farm note in the NMP summary: “Fall manure applications require at least 25% cover unless the crop management unit is planted to a cover crop in time to allow for appropriate growth to control runoff until the next growing season, or the

manure is injected or mechanically incorporated within 5 days using minimal soil disturbance techniques consistent with no-till farming practices.”

- Hemp for seed and fiber production was added to the crop list with Penn State AASL soil fertility recommendations.
- Custom ribbon tabs were developed for easier planning tool navigation. With this new feature, planners are never two clicks away from any worksheet and only ever one click away from the index.

In addition to the updated version of NMP planning tool 7.0 (both Excel and Word portions), SCC and Penn State have developed User Guides for the planning tools. In the past, user guide information could be found in the Technical Manual.

SCC staff is asking for approval of the Nutrient Management Planning Tool Version 7.0 (Excel and Word) effective for crop year 2021 NMPs and beyond.

Don Koontz made a motion to approve the Nutrient Management Planning Tool, Version 7.0. Motion seconded by Ron Rohall. Motion carried.

- b. Act 38 Nutrient Balance Sheet Planning Tool, Version 5.0. Frank Schneider, SCC, and Don Orner, PSU, reported that Commission staff, in cooperation with Penn State Cooperative Extension staff, have developed updates to the Nutrient Management Program Nutrient Balance Sheet (NBS) Planning Tool. The current Version (4.0) has been in use since October 2017. The proposed updates (Version 5.0) will be required to be used for all nutrient balance sheets written for the 2021 crop year and beyond. The following list is a summary of the changes made to NBS Version 5.0:

- Elimination of phosphorous banking for two or three years when phosphorous removal planning is used.
- Added the ability to group P Index Part B fields. A separate input sheet was added to complete P Index Part B fields on a field by field basis. The completed Part B fields and field notes are then grouped by crop, P Index ranking and other crop management criteria that affect nutrient balances.
- NBS Cover Page:
 - Importing County of Application was added.
 - Check boxes and text lines were added to clarify the intended use of the Nutrient Balance Sheets. The selections are:
- NMP Summary:
 - Changed the First Column Header from CMU/Field Id to Crop Group
 - The following guidance was added to the whole farm note: “Fall manure applications require at least 25% cover unless the crop management unit is planted to a cover crop in time to allow for appropriate growth to control runoff until the next growing season, or the manure is injected or mechanically incorporated within 5 days using minimal soil disturbance techniques consistent with no-till farming practices.”
 - Part B P index fields will be shown on the NMP Summary based on crop groups that apply to multiple fields. This change is expected to significantly simplify and shorten the Summary table.

- Added “Mixed Vegetables” recommendations to the Crop List, that were approved as part of the Technical Manual update.

In addition to the updated version of NBS planning tool 5.0, SCC and Penn State have developed User Guides for the planning tools. In the past, user guide information could be found in the Technical Manual.

SCC staff is asking for approval of the Nutrient Balance Sheet Version 5.0 effective for crop year 2021 NMPs and beyond.

Ron Kopp moved to approve the Nutrient Management Program Nutrient Balance Sheet Planning Tool 5.0. Motion seconded by Ron Rohall. Motion carried.

3. Jay Stoltzfus, Nutrient Management Plan, Northumberland County. Michael Walker, SCC, reported that the Jay Stoltzfus farm is a new livestock operation in Dornsife, PA, Northumberland County. This plan is before the Commission due to the fact that Northumberland Conservation District does not have a Nutrient Management Program delegation agreement. This farm is a new swine nursery operation with 4,400 swine, as well as assorted other livestock and poultry (sheep, goat, beef, and poultry). The operation is a Concentrated Animal Operation (CAO) under Act 38. Michael Walker, SCC Regional Nutrient Management Program Coordinator has visited the site, reviewed the plan, and determined that the plan meets the requirements of the Nutrient Management Program Regulations.

Don Koontz made a motion to approve the Jay Stoltzfus Nutrient Management Plan. Motion seconded by Fred Fiscus. Motion carried.

4. Proposed Revisions to the FY 2019-20 REAP Guidelines and Application. Joel Semke, SCC, reported that the PA Tax Code was revised in early July as a part of the PA Farm Bill, Act 13 of 2019 which changed the REAP Tax Credit Program in a number of ways, including:

- Increasing the cap from \$150,000 (lifetime) to \$250,000 in any 7-year window
- Allowing a spouse that files jointly to utilize the tax credits
- Increasing the total annual allocation to \$13 million, allowing for a 90% tax credit for certain high priority BMPs within counties with a TMDL
- Increasing legacy sediment BMPs to a 50% tax credit rate

Joel explained each of these changes in detail.

Mary Ann Warren moved to approve the proposed changes to the FY 2019-20 REAP Program Guidelines subject to final legal review. Motion seconded by Ron Rohall. Ron Kopp and Mike Flinchbaugh abstained from voting. Motion carried.

5. Proposed Policy for Removal of a Conservation District Director for Misfeasance or Malfeasance and Comment Response Summary. Karl Brown, SCC, reported that Commission and agency staff have been working with legal counsel over the past six months to finalize a new policy for the removal of a conservation district director for misfeasance or malfeasance while in office. The final draft policy was tabled at the July 2019 meeting in order to consult with the County Commissioners Association of

Pennsylvania (CCAP) regarding this policy. The draft was shared with CCAP and discussed. Based on this discussion, several minor changes were made to the draft policy to provide greater clarity. CCAP has indicated that they support the draft policy as revised.

Ron Rohall made a motion to approve the Proposed Policy for Removal of a District Director for Misfeasance/Malfesance. Motion seconded by Don Koontz. Motion carried.

6. Proposed MOU among the State Conservation Commission (SCC), Department of Environmental Protection (DEP), and Department of Agriculture (PDA). Karl Brown, SCC, reported that the SCC, DEP, and PDA have been working to finalize a three-party MOU since May 2017. Final changes from all parties were recently considered and reviewed by legal counsel for each agency. Final approval by legal counsel is pending. Since the final review was not completed prior to the September 10, 2019 SCC meeting, the MOU discussion was tabled until the November 12, 2019 Commission meeting. At that time, it will be presented to the Commission for final consideration.

Don Koontz made a motion to table the SCC/PDA/DEP MOU discussion until the November 12, 2019 SCC meeting. Motion seconded by Greg Hostetter. Motion carried.

7. Chesapeake Bay Program. Veronica Kasi, DEP, reported that in late August 2019, Pennsylvania's Phase 3 Watershed Implementation Plan (WIP 3) was finalized and sent to the Environmental Protection Agency (EPA) for review. The following are what EPA expects from Pennsylvania:

- Build the financial capacity, technical assistance, regulatory oversight to implement the MS4 programs, stormwater management and agricultural conservation practices.
- Secure legislative, regulatory, cost-share, incentive, voluntary and market-based level pollutant reduction actions across all source sectors
- Build and implement the programmatic infrastructure, tracking system, BMP verification, policies, legislation and regulations necessary to account for growth
- Identification of funding, financing, cost-share, technical assistance, voluntary, policy, programmatic, legislative, and regulatory actions needed to address gaps in programmatic capacity.

When the Phase 3 WIP was opened for comments, there were 152 comments and 40 commenters. The following were the common themes among the comments:

- Support for collaborative approach
- Concern expressed over planning target and funding "gap"
- Clarification needed on how the Countywide Action Plan process will work
- Sector specific suggestions for additional enhancements, initiatives
- Concern over additional requirements, "unfunded mandates"
- Questions over costs for implementation

Success of the final Phase 3 WIP depends on sufficient staff and funding to continue existing state and local programs; meet new State commitments; and support voluntary actions identified in the Countywide Action Plans. In September 2019, the Phase 1 Countywide Action Plan development begins in Bedford, Centre, Lebanon, and Cumberland Counties. Phase 2 CAP development will begin in May 2020.

Action: No action required.

C. Written Reports – Self Explanatory

1. Program Reports
 - a. Act 38 Nutrient and Odor Management Program Measurables Report
 - b. Act 38 Facility Odor Management Program – Status Report on Plan Reviews
2. Ombudsman Program Reports – Southern Allegheny Region (Blair County Conservation District and Lancaster County Conservation District)

D. Cooperating Agency Reports – DCNR, PDA, Penn State, DCED, DEP, NRCS, PACD

DCNR – Drew Gilchrist reported that the DCNR Bureau of Recreation and Conservation (BRC) 2020 grant program for statewide, regional, and local recreation and conservation projects will open on January 15, 2020 and close on April 22, 2020. Opportunities for training and technical assistance on this grant program are being offered through statewide workshops and webinars. Registration is required. DCNR’s in-person grant workshops will be held at six locations across Pennsylvania between November 7 and 26, 2019. These workshops will provide technical assistance to potential applicants on DCNR grants available for recreation, conservation, riparian buffer, trail, and community parks projects. Attendees will have the opportunity to interact with staff and receive information on grant program selection criteria, eligibility, and documents required for various types of applications. Community leaders, municipal officials, consultants, board members, trail managers, land conservation professionals, and park and recreation professionals are encouraged to attend. Participants will learn strategies on how to create a competitive grant application developing ready to go projects. If you are unable to attend one of the statewide grant workshops, you may register for the webinar scheduled for January 29, 2020. Drew thanked Veronica Kasi for her DEP and conservation work and wished her a happy retirement.

PDA – Deputy Secretary Greg Hostetter reported that Secretary Redding is currently at the National Association of State Departments of Agriculture (NASDA) conference in New Mexico. The REAP program was being recognized at this national conference. The Dairy Futures Committee met on September 3, 2019 and will continue to meet until all deadlines are met. The All-American Dairy Show starts on September 14, 2019. Keystone International Livestock Expo (KILE) will begin on October 3, 2019. Farm City Day will occur at the Farm Show complex on October 4, 2019. Around 2,000 school children are expected to be in attendance. The Hemp Summit will occur on October 8, 2019 in Lancaster, PA.

PSU – Dennis Calvin reported that a finalist was recommended to the Dean for the Assistant Research Professor position. A PA in the Balance video, highlighting BMPs, was created that features stories of Pennsylvania farmers and what conservation means to them. There is a pilot of Lancaster’s Watershed Leadership Academy, which supports the personal leadership development of individuals involved in the collective effort for clean water in Lancaster County. This 12-month program consists of watershed education, field investigations, an overnight retreat on the Chesapeake Bay, 10 single day sessions that include field components, and 5 self-selected electives hosted by partner organizations throughout the year. Applications for this academy are due on September 12, 2019. On August 7 and 8, 2019, the [Penn State Agriculture and Environment Center](#) and Penn State Extension offered a two-day training (Read the Farm Conservation Training Workshop) on

a whole-farm perspective for conservation planning, with an emphasis on Manure Management plans and Agriculture Erosion and Sediment Control plans. Sponsors for this training were DEP, NRCS, Lancaster County Conservation District, and Red Barn Consulting. Climate change impact studies are being led by Jim Shortle, where climate change impacts on the Chesapeake Bay are being analyzed. Twenty-five researchers at Penn State are studying Spotted Lanternfly genetics and behavior. The lanternflies are mostly in the adult stage at this time. It was noted that male and female Spotted Lanternflies host on different plants. It was also determined which insecticides work well on these pests.

DCED – no report.

DEP – Fred Fiscus reported that there is a new Division Chief, Kristina Peacock-Jones, for the DEP Water Programs. She is an environmental engineer and will oversee the State water plan. The Ag Planning Reimbursement Program is open to receive plans through April 1, 2020. This program started two years ago. Currently, there are 1,700 plans and 325,000 acres involved. There are \$1 million available for plan reimbursements. There are currently \$80,000 in the Clean Water Fund to support the Strategic Watershed Action Teams.

NRCS – Pete Vanderstappen reported that there are \$21 million in BMP implementation contracts plus an extra \$5 million this year. Legacy sediment tours are now in progress at Chiques Creek in Lancaster County, PA.

PACD – Brenda Shambaugh reported that the Leadership Development Program Management Summit, held in State College on September 4 and 5, 2019, was very successful. Brenda thanked the SCC for funding the Summit. There were around seventy people in attendance. The Chapter 102 Regional meetings will occur in October 2019. There will be six meetings across the state. Participants will include technicians and managers from various districts. Regional Conservation Partnership Program (RCPP) grant applications are due on December 3, 2019. Enhanced BMPs are being explored. The General Assembly will be returning in mid-September 2019, holding several hearings on MS4. During the week of September 16, 2019, PACD will hold a workshop for the Boroughs Association via webinar. On September 20, 2019, a PACD team will participate in the York County Clay Pigeon Shoot.

Adjournment: Meeting adjourned at 2:55 p.m.

Next Public Meeting: October 8, 2019 – Conference Call
November 12, 2019 – Public Meeting, PA Farm Show Complex,
Harrisburg

STATE CONSERVATION COMMISSION CONFERENCE CALL
PA Department of Agriculture, Room 405
Tuesday, October 8, 2019 @ 8:30 am

DRAFT MINUTES

Members Present: Deputy Secretary Greg Hostetter for Secretary Russell Redding, PDA; Fred Fiscus for Secretary Patrick McDonnell, DEP; Drew Gilchrist for Secretary Cindy Adams-Dunn, DCNR; Denise Coleman, NRCS; Chris Houser for Dr. Richard Roush, Penn State; Ross Orner; Ron Kopp; Ron Rohall; Mike Flinchbaugh; Mary Ann Warren; and Brenda Shambaugh, PACD.

A. Public Input: None.

B. Agency/Organization Updates

1. DCNR – Drew Gilchrist

Drew reported that every five years, DCNR updates its Statewide Outdoor Recreation Plan, which establishes priorities for DCNR in the near future and guides its grant making. This update is required for the Commonwealth to receive Federal funding through the Land and Water Conservation Fund. Last year, Pennsylvania received over \$5 million in funding. In Southeast Pennsylvania, this will help preserve over 265 acres of open space and will build a playground on reclaimed superfund brown field site. Governor Wolf and Secretary Dunn invite the public to give us input of these priorities by participating in three statewide webinars to be held in October 2019 and/or in an online survey that can be found on the Pennsylvania Outdoor Recreation Plan website.

2. PACD – Brenda Shambaugh

Brenda reported that PACD is in the midst of the Fall Regional meetings. She hopes to see SCC members at some of the meetings.

3. Pennsylvania Department of Agriculture – Deputy Secretary Greg Hostetter

Deputy Secretary Hostetter reported that there are two international shows coming to the Farm Show Complex in October 2019...All American Dairy Show and Keystone International Livestock Expo. Farm City Day will also take place, involving 3,000 school children. The Pennsylvania National Horse Show will occur in mid-October. The Urban Ag Grant application period (under the Farm Bill) is closed. Twenty-eight projects were awarded, involving \$500,000. Meat Processors Grants are currently being scored. The Pennsylvania Dairy Investment Program (PDIP) is now taking applications. The Ag and Youth Advisory Board will be meeting in October. The Hemp Summit will be held on October 8, 2019.

4. Penn State – Chris Houser

Chris Houser reported that the 2020 BMP Farmer Survey, collecting information on voluntary BMP implementation, is starting soon. This same survey was done in 2016. Around one-hundred Extension agents are out looking for Spotted Lanternflies. The Extension’s new Director, Brent Hales, is looking forward to working with the SCC.

5. DEP – Fred Fiscus

Fred Fiscus reported that the Fall Chapter 102 Regional trainings have begun. Northwest and Southwest were already completed. The Beaver Chapter 105 evaluation, at the Beaver County Conservation District, was completed the week of September 30, 2019.

6. NRCS – Denise Coleman

Denise Coleman reported that NRCS closed out their fiscal year on September 30, 2019 with 300,000 conservation acres treated. NRCS is also continuing to accept applications for the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP). Four counties applied for PL 566 watershed grants– Westmoreland, Wyoming, Lancaster, and Chester. Each of the four counties received \$500,000. The Watershed Protection and Flood Prevention Act (**PL-566**) authorizes the USDA Natural Resources Conservation Service to help local organizations and units of government plan and implement watershed projects.

7. DCED – no report.

C. Information and Discussion Items

1. **2020 Proposed Meeting Dates – Karl Brown**

The following are proposed 2020 Commission meeting and conference call dates. These dates are being cleared with the Secretary’s Offices at DEP and PDA and will be presented to the Commission for consideration in November.

Proposed 2020 Meeting Dates and Locations:

January 22 nd (PACD Winter Meeting)	State College – Wyndham Garden
March 10 th	Harrisburg
May 12 th	Harrisburg
July 22 nd (Joint Annual Conference)	State College – Wyndham Garden
September 15 th	Harrisburg
November 10 th	Harrisburg

Proposed 2020 Conference Call Dates (8:30 – 10:00 a.m.)

February 11th
 April 14th
 June 9th
 August 11th
 October 13th
 December 8th

2. Conservation District Director Appointment Process Ongoing – Karl Brown

The annual process for nominating and appointing conservation district directors for 2020 is currently underway. Conservation district managers are encouraged to be in contact with their county chief clerk's office and their county commissioners regarding vacancies that will occur on their conservation district board for 2020, and to offer any assistance needed to help ensure a successful appointment process. Something as simple as providing up-to-date mailing addresses for nominating organizations can help ensure that nominating organizations have an opportunity to nominate possible director candidates for the board.

3. 2018 Annual Financial Audit Report Due December 31, 2019 – Fred Fiscus

Conservation district 2018 financial audit reports are due no later than December 31, 2019. As of October 2, 2019, thirty-seven conservation districts have submitted their financial audit reports. Remaining districts are encouraged to ensure that their auditor is working on the audit and knows the deadline. If there are extenuating circumstances, a district may request an extension. Request for extension must be received by Karen Books by December 1, 2019 and must be submitted on district letterhead or through a district email account. Districts must include the reason for requesting the extension and the expected audit submission date. Failure to have an audit report in on time may result in DEP and PDA withholding all CDFAP payments to the district until the audit is received.

4. FY 2019 Revised REAP Guidelines and Application Packet – Joel Semke

The Commission approved revised REAP guidelines and a revised Application packet at its September 10, 2019 business meeting. The Pennsylvania Tax Code, which includes a provision for the establishment of the REAP Tax Credit Program, was revised in early-July (Act 13 of 2019) as part of the Pennsylvania Farm Bill slate of legislation - resulting in some significant changes to the REAP program. The Commission began accepting new REAP Applications on September 18, 2019 and has received more than fifty applications in the first two weeks. A webinar for interested parties was held on October 3, 2019 to explain the changes made in the REAP Program in 2019-20. The following is an overview of what's new for the 2019-20 REAP Program:

- a. **REAP Funding** – REAP’s allocation of tax credits was increased from \$10 million to \$13 million. The increase will allow the program to approve more applications from farmers for the 2019-20 round of REAP. REAP’s \$10 million allocation in 2018 was exhausted by 232 approved applications.
- b. **REAP Credit Cap** – The REAP credit cap was raised from \$150K/ag operation (lifetime limit) to \$250K/ag operation in any 7-year period.
- c. **Filing Status** – REAP participants may now file jointly with a spouse when claiming the credit. REAP credits can now be used against all income of the credit recipient and the spouse. This makes the credit much easier to use and much more valuable to farm families.
- d. **Legacy Sediment** – Legacy sediment projects are eligible for REAP credits at 50% of out-of-pocket installation costs. Previously, the REAP law set the reimbursement rate 25%.
- e. **90% Option** – The SCC now has the option to implement a 90% REAP tax credit option for certain high-priority BMPs within watersheds covered by a TMDL. These practices include: riparian forest buffers; livestock exclusion from streams and supporting practices; stream crossings; cover crops; soil health BMPs; and other BMPs determined appropriate by the SCC.

5. **PA Supreme Court Supports Broad Interpretation of PA Nutrient Management Act Local Preemption – Frank Schneider**

The Nutrient Management Act (Act) requires certain agricultural operations to comply with various standards regarding the management of livestock manure and nutrients. The Act also contains a provision outlining the manner in which the Act, the regulations and guidelines promulgated pursuant to it, preempt local regulation of nutrient management. In April 2013, Scott Sponenberg filed an application for a special exception with the Montour Township Zoning Hearing Board (ZHB), Columbia County, based on his desire to build a swine nursery barn with under building concrete manure storage on his property. The ZHB initially granted Sponenberg’s special exception application subject to conditions. Following two appeals filed by various objectors, the matter returned to the ZHB by way of order from the Commonwealth Court for the ZHB to render findings regarding Applicant’s compliance with the Ordinance’s special exception requirements. The ZHB concluded that the Act and its regulations preempted the local Ordinance’s adverse impact requirement, rendering it unnecessary for Applicant to comply with local Ordinance’s adverse impact requirement. The Objectors appealed this ZHB decision and the trial court affirmed the ZHB’s decision without taking additional evidence. Objectors then appealed to the Commonwealth Court, which concluded in a unanimous, published opinion that the ZHB erred in finding the Ordinance’s adverse impact requirement preempted by the Act and its regulations. The Commonwealth Court concluded that the Act and its regulations did not preempt the Ordinance’s adverse impact requirement under the circumstances presented, where there was no NMP subjecting Applicant’s use to the state law requirements. Scott Sponenberg then filed a petition for review with the Pennsylvania Supreme Court.

The majority (5-1) disagreed with the Commonwealth Court's conclusion and reversed the order of the Commonwealth Court, thus ruling that the preemption language in the Act is for agricultural operations. The Office of Attorney General, along with DEP and PDA, filed briefings supporting the final decision of the Supreme Court.

6. **Chapter 102 Program Evaluations (Fred Fiscus)**

DEP's Bureau of Clean Water has initiated a new cycle of Chapter 102 (E & S NPDES) Program evaluations, with a goal to complete a program evaluation of every Conservation District over the next five years. These evaluations are being done to ensure the statewide program remains strong and credible. DEP's goal is to work with conservation districts to strengthen their capabilities to complete the delegated activities and responsibilities. Districts, at a minimum, should have the following information ready and available for DEP during the evaluation: the outreach/education programs performed, the news releases performed, notification of staffing information (i.e., Attachment B from the Delegation Agreement was sent) and access to files (paper and electronic). The conservation district will also be given an opportunity to provide an evaluation of DEP as it relates to the Chapter 102 Program. In the future, approximately 10-15 Districts will be contacted each year to arrange for an evaluation.

7. **Draft NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01) – Fred Fiscus**

A draft NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01) was published in the PA Bulletin on September 28, 2019 for a 30-day comment period. Conservation districts received advanced notice of this publication through a September 26, 2019 email from the Department. The following is a general overview of the eligible criteria for this proposed permit:

- Earth disturbance of less than five acres including off-site support activities
- Cannot be used with pipeline-related construction
- Run-off cannot discharge to HQ or EV waters
- Applicant cannot be in violation of DEP or EPA standards
- Meets PNDI requirements (see NOI instructions)
- Earth disturbance contains no contaminated soils
- Projects must be on contiguous tax parcels except for off-site support activities
- Must have an approved E&S plan
- Must use BMPs from DEP's E&S Manual with the exception of sediment traps and basins which cannot be used
- No chemical introduction to stormwater during construction
- Must use prescribed PCSM BMPs
- Meet post-construction impervious surface limitations

- No stormwater from off-site impervious areas
- Stormwater discharges during and post construction cannot be directed to a combined sewer system
- Fill requiring a Waste Management permit may not be used.

The PA Bulletin notice is found at: <https://www.pabulletin.com/secure/data/vol49/49-39/1446.html> and the draft NOI with instructions, check list, sample permit and fact sheet can be found at <http://www.depgreenport.state.pa.us/elibrary/GetFolder/FolderID=94658>

8. **New Nutrient Management Program Staff Hired – Frank Schneider**

The Commission recently hired Brady Seeley as a Conservation Program Specialist for the Nutrient Management Program working out of its Harrisburg office. Brady comes to the SCC with experience in the Chesapeake Bay and Nutrient/Manure Management Programs, working at the Cumberland County Conservation District as a Chesapeake Bay Technician. Brady has previous experience in environmental education and customer service. These experiences have him well-equipped to move into this important position. Brady will be responsible for providing technical assistance in regards to nutrient and manure management, will assist with the odor management program, and will provide staff support to the Nutrient Management Advisory Board. Brady may be contacted at the State Conservation Commission at : braseeley@pa.gov or 717-772-4188.

9. **New Chesapeake Bay Program Office Director – Fred Fiscus**

Jill Whitcomb succeeded Nicki Kasi as the new Chesapeake Bay Program Office Director effective October 1, 2019. She will oversee the Chesapeake Bay Program coordination, administration, implementation, and reporting efforts and will continue to oversee statewide agriculture programs, working closely with the State Conservation Commission. Jill holds a Bachelor of Science in Biology from Lebanon Valley College and a Master of Environmental Pollution Control from Penn State University. She most recently served as the Environmental Group Manager of the Nonpoint Source Compliance Section in the Bureau of Clean Water, where she managed statewide agriculture and stormwater compliance, inspection, and enforcement programs. Her previous roles with the Department were with the Chesapeake Bay Program Office and the Bureau of Waterways Engineering and Wetlands. Prior to coming to the Department, Jill worked for the Lancaster County Conservation District and is a certified Nutrient Management Specialist.

10. **Pennsylvania Chesapeake Bay Agricultural Planning Reimbursement Program – Fred Fiscus**

Over its first two years of operation, the Pennsylvania Chesapeake Bay Agricultural Planning Reimbursement Program has provided farmers

approximately \$1.4 million in compensation for more than 1,700 plans encompassing approximately 325,000 planned acres in Pennsylvania's Chesapeake Bay Watershed. Extended for a third year, this program is open to all agricultural operators/landowners in Pennsylvania's Chesapeake Bay Watershed. There are over \$1 million available for this third round. Through this program, agricultural operators/landowners can be reimbursed for fees they've paid to consultants to create manure management plans, nutrient management plans, and agricultural erosion and sediment control plans. Reimbursement funds are available on a first-come, first-served basis. The registration deadline is April 1, 2020. There's a \$6,000 limit per framing operation in this program cycle. Planned acres reimbursed previously are not eligible to be reimbursed again. Information is available on DEP's website.

11. **Next Meeting** – November 12, 2019 at the Pennsylvania Farm Show Complex (Susquehanna Room).
12. **Adjournment** - The meeting was adjourned at 9:18 a.m.



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

November 1, 2019

To: State Conservation Commission Members
From: Karl G. Brown
Executive Secretary
RE: Tentative 2020 Meeting Dates and Conference Call Dates

The following are proposed 2020 Commission meeting dates.

2020 Proposed Meeting Dates

<u>Date</u>	<u>Location</u>
January 22nd (PACD Winter Meeting)	State College– Wyndham Garden
March 10 th	Harrisburg
May 12 th	Harrisburg
July 22nd (Joint Annual Conference)	State College- Wyndham Garden
September 15 th	Harrisburg
November 10 th	Harrisburg

2020 Proposed Conference Call Dates

(8:30-10:00AM)

February 11th
April 14th
June 9th
August 11th
October 13th
December 8th



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

Date: November 1, 2019

To: State Conservation Commission Members

From: Karl G. Brown
Executive Secretary

RE: Election of Vice-Chairperson 2020

Background:

Section 4(1) of the Conservation District Law, Act 217, states in part that, “at the last regular meeting of the Commission in the calendar year, a vice-chairperson shall be elected by the members of the Commission and shall serve in that capacity for the ensuing year.”

Since the November 12, 2019 is the last regularly scheduled meeting of the State Conservation Commission for 2019, action to fill the position of vice-chairperson for 2020 is necessary. Mr. Michael Flinchbaugh currently serves as the vice-chairperson of the Commission, and he has expressed an interest in accepting the nomination for election as Vice-Chairperson, of the Commission, for 2020.

Responsibility of the vice-chairperson is to preside over any business meetings of the Commission in the absence of the Chairman.

Action Required:

A motion to nominate and elect Mr. Michael Flinchbaugh as Commission vice-chairperson for 2020 is necessary.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 23, 2019

TO: Karl G. Brown, Executive Secretary
State Conservation Commission

FROM: Michael J. Walker, NM Regional Coordinator
State Conservation Commission

SUBJECT: Nutrient Management Plan Review (1)
Northumberland County, Pennsylvania

Action Requested

Action on a Nutrient Management Plan for the following operation in Northumberland County:

1. Josh Reiff, 71 Wieand Road, Milton, PA 17847 (crop years 2020, 2021 & 2022)

Background

I have completed the required review of the subject nutrient management plan listed above. Final corrections to the plan were received at the PDA Region 2 office on October 23, 2019. As of that date, the plan was considered to be in its final form. The operation, located in Northumberland County, is considered to be a concentrated animal operation (CAO) under the PA Nutrient and Odor Management Act. The Commission is the proper authority to take action on this plan, because Northumberland County Conservation District is not delegated administration authority under the Act 38 program.

A brief description of the operation, concluding with the staff recommendation, is attached. Also attached is a copy of the complete nutrient management plan for the operation.

Thank you for considering this plan for Commission action.

Farm Descriptions

Josh Reiff, CAO, NMP Amendment, Northumberland County – Josh Reiff operates a concentrated animal operation consisting of two turkey barns and one horse. All manure generated on Reiff animal operation is handled as a solid. Each turkey barn holds approximately 8,500 Tom turkeys. There are 2.6 flocks grown per barn per year. The barns are operated as a two-stage setup, where the starter end of the barn is utilized for the first 6 weeks the turkeys are on the operation and then the barn is opened, so the flock has access to the entire building or barn the remaining 18-week cycle. The starter end of the barns are cleaned after each flock. The entire barns are cleaned twice a year. Manure from the turkey barns is either loaded directly onto an importer or broker's trucks or it is hauled and placed into the manure storage located to the east of the buildings. The horse has access to pasture throughout the entire year. All collected manure is exported to two known landowners and a manure broker. Mortalities are composted in the manure storage on the operation and the composted material is exported with the manure.

There is a total of 24.9 acres on the Josh Reiff operation with 3.36 acres in row crops, 4.5 acres of hay, 1.15 in permanent pasture. The remaining 15.89 acres is split between the farmstead and woodland. Reiff only has control over the 1.15 acres pasture for the horse and rents the remaining crop acres to neighboring farmers.

The combined animal equivalent units on Josh Reiff animal operation are planned at 228.28. The animal equivalent units per acre for the proposed Josh Reiff animal operation equals 198.5, classifying the operation as a concentrated animal operation under Act 38 of 2005.

Approximately 500 tons of turkey litter and 11 tons of horse manure will be generated at the Josh Reiff animal operation. Approximately 6.8 tons of horse manure is animal applied to the pasture and the remaining 4.2 tons is exported with the 500 tons of turkey litter. All collected manure is exported from Reiff operation to two known importers and one known manure broker. The proposed NMP has signed agreements and associated nutrient balance sheets for the known importers and signed agreement with commercial manure broker.

There are no BMPs listed to be implemented on this operation at this time. The operator has been operating and maintaining the existing BMPs on the operation.

Based on my review, the NMP developed for Josh Reiff proposed animal operation meets the requirements of the PA Nutrient and Odor Management Act and Regulations, and I therefore recommend Commission approval.

NON-FINAL FORM

Version 3.0

This NMP may be revised prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

October 9, 2019
Month, Day and Year

Nutrient Management Plan

For Crop Year(s)

2020-2022

Prepared For

Operator's Name, Mailing Address, Telephone Number(s)

Josh Reiff
71 Wieand Rd
Milton, PA 17847
570-713-4724

Operation's Location Address (if different than above)

Site Name (CAFOs)

Prepared By

Nutrient Management Specialist's Name, Address, Telephone Number(s)

Josh Keister
245 Walnut St, Milton PA 17847
570-898-1466

Nutrient Management Specialist's Program Certification Number

965 NMC

Administratively Complete Date

August 12, 2019

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

NON-FINAL FORM

Version 1.0

This NMP may be revised prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

August 12, 2019
Month, Day and Year

NON-FINAL FORM

Version 2.0

This NMP may be revised prior to a formal action by the Conservation District Board. The final form of the plan will be available at least 7 days prior to Board action. You may contact the Conservation District to determine the current status of the NMP

September 12, 2019
Month, Day and Year

FINAL FORM

This version of the plan will be considered for action by the Conservation District Board at their November, 2019 meeting *see*

October 23, 2019
MONTH, DAY AND YEAR



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 28, 2019

TO: Karl G. Brown, Executive Secretary
State Conservation Commission

FROM: Michael J. Walker, NM Regional Coordinator
State Conservation Commission

SUBJECT: Nutrient Management Plan Review (1)
Luzerne County, Pennsylvania

Action Requested

Action on a Nutrient Management Plan for the following operation in Luzerne County:

1. Downs Racing, LP. DBA - Mohegan Sun at Pocono Downs, 1280 Highway 315, Wilkes-Barre, PA 1870 (crop year 2019, 2020 and 2021)

Background

I have completed the required review of the subject nutrient management plan listed above. Final corrections to the plan were received at the PDA Region 2 office on October 28, 2019. As of that date, the plan is considered to be in its final form. The operation is located in Luzerne County and considered to be a concentrated animal operation (CAO) under the PA Nutrient and Odor Management Act. This operation is classified as a Concentrated Animal Feeding Operation (CAFO) under DEP regulatory authority and is required to hold an approved Act 38 NMP. The Commission is the proper authority to take action on this plan, because Luzerne Conservation District is not delegated plan review and action responsibilities under the PA Nutrient and Odor Management Act Program.

A brief description of the operation, concluding with the staff recommendation, is attached. Also attached is a copy of the complete nutrient management plan for the operation.

Thank you for considering this plan for Commission action.

Farm Descriptions

Downs Racing LP, NMP, Luzerne County – The Downs Racing animal operation is a harness racing facility with live horse races from February through November. Horses begin arriving the first week of February for training and races begin in the middle of February. Harness races are held 4 days per week with 140 races per year. The NMP was written at maximum capacity of 174 standard breed horses for the entire 140 day race season.

Horses are stabled on the operation the majority of the time, except for approximately 126 horses that are racing on the horse race track. A maximum of 48 horses' practice on the main track 7 hours two days per week. The practice track was removed as well as the stables in the back part of the operation. Horses are not planned to be housed overnight at Downs Racing facilities. Straw is the primary bedding material for the horses. All collected manure is planned to be transferred to either the manure storage or roll-off boxes supply by the importer. An estimate volume of manure being collected is 737 tons. All the collected manure and waste bedding at Downs Racing is loaded in roll-off containers and exported by Silvana Trucking, Inc. – Franco Giorgio, President (a certified as a Manure Broker 1) and transported to the mushroom industry.

There are no crops, pastureland, or hayland on this operation or under management control of Downs Racing.

The combined animal equivalent units on Downs Racing operation is 73.41. The animal equivalent units per acre for Downs Racing operation are 73.41, classifying this operation as a concentrated animal operation (CAO) under Act 38 of 2005. This operation is also considered a CAFO under DEP authority.

Needed BMPs listed to be implemented on the Downs Racing include: Waste Transfer, Waste Storage Facility, Phase 1A -Removal of half of the stables and practice track, Phase 1B – Removal of other associated buildings/structures, Phase 1C – Removal of remainder of stables and practice track and stormwater basin, Phase 1D- installing stormwater outlet to Mill Creek, Phase 2 – installing new Receiving Barn & Manure Storage, Critical Area Planting of all disturbed areas and Stormwater Runoff Control of new Receiving barn & Manure Storage. All horse showers will be discharging to the public sanitary sewer and approximately 5.27 acres will be covert to meadow grasses. All the listed BMPs are planned to be completed by the Winter 2020.

Based on my review, the NMP developed for Downs Racing, LP. – DBA Mohegan Sun at Pocono Downs operation meets the requirements of the PA Nutrient and Odor Management Act and Regulations, and I therefore recommend Commission approval.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 30, 2019

TO: Karl G. Brown, Executive Secretary
State Conservation Commission

FROM: Mike Brubaker
Nutrient Management Regional Program Coordinator

SUBJECT: Nutrient Management Plan Review, and Requested Action

Action Requested

Action is requested on the Northwestern Stables, Inc. Nutrient Management Plan for their Concentrated Animal Operation (CAO) located in the city of Philadelphia.

Background

I have finalized the required review of the subject Nutrient Management Plan (NMP, or plan) listed above. Final corrections to the plan were received at the State Conservation Commission's (SCC) Harrisburg office on October 30, 2019. As of that date, the plan was considered to be in its final form. The operation, located within the city of Philadelphia, is considered to be a Concentrated Animal Operation (CAO) under the PA Nutrient and Odor Management Act (Act 38 of 2005). The Commission is the proper authority to take action on this plan, because Philadelphia County does not have a conservation district, nor is the city delegated plan review and action responsibilities under Act 38.

A brief description of the operation, including my staff recommendation, is attached. Also attached is a copy of the complete Nutrient Management Plan for the operation.

Thank you for considering this plan for Commission action.

Farm Description

Northwestern Stables, Inc. is a non-profit equestrian facility located within the city of Philadelphia that both owns and boards horses. The Stable's primary function is to teach horsemanship and provide trail rides within Fairmont Park. Northwestern Stables is a year-round equine facility that houses 35 horses. The operation includes no crop, hayland, or pasture acres. Several earthen sacrifice lots are used to let horse exercise for a few hours per day, with each lot being "picked" to remove manure daily. The total animal equivalent units (AEUs) housed at Northwestern Stables is 38.4 AEUs. With no acres available for manure application, Northwestern Stables' animal density calculation works out to 38.4 AEUs / acre, classifying the operation as a Concentrated Animal Operation (CAO) under Act 38 of 2005.

All manure is collected, stored in an existing 3-sided concrete manure stacking structure, and exported off the operation weekly to a known importer for an alternative use. Northwestern Stables' sole importer (Guizzetti Mushrooms) uses the manure to make mushroom compost material. Approximately 490 tons of manure is generated per year on the operation, with all being exported off site. The NMP does include the proper signed Exporter / Importer Agreement.

The receiving stream for the operation is the Wissahickon Creek, which is a Trout Stocked Fishery, and a Migratory Fishery.

The NMP calls for the earthen lots to be replaced with stabilized gravel lots meeting NRCS's Heavy Use Area Protection standard. Additionally, with the help of an NRCS EQIP contract, Structures for Water Controls, Roof Runoff Structures, Underground Outlets, and Vegetated Treatment Ares are planned to be installed. Also, improvements are planned for the storage structure to eliminate ponding of stormwater and filter runoff. I completed the required onsite inspection of the operation on October 3, 2019, concurring with the BMPs listed in the final form plan.

Based on my review, the NMP developed for Northwestern Stables meets the requirements of the PA Act 38 Nutrient Management Regulations, and I therefore recommend Commission approval.

FINAL FORM

This version of the plan will be considered for action by the Conservation District Board their 11/12, 2019 meeting

Nutrient Management Plan

November 12, 2019

MONTH, DAY AND YEAR

For Crop Year(s)

2020 - 2021 - 2022

Prepared For

Operator's Name, Mailing Address, Telephone Number(s)

Northwestern Stables, Inc
120 W. Northwestern Ave.
Philadelphia, PA 19118
Office 215.242.8892 (Mason Barnett)

State Conservation
Commission Members

Operation's Location Address (if different than above)

Site Name (CAFOs)

Prepared By

Nutrient Management Specialist's Name, Address, Telephone Number(s)

Sarah Crooke
883 Deep Run Road
Perkasie, PA 18944
Sarah.CrookeFarms@gmail.com

Nutrient Management Specialist's Program Certification Number

1912 - NMC

Administratively Complete Date

9/12/19

- version 2 submitted
10/30/19

gmfB

Plan Approval Date

Plan Update Submission Date(s)

(updates to the approved plan not requiring board action)

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Appendix 8: Importer/Broker Agreements & Nutrient Balance Sheets (Word & Excel)

Appendix 9: Operation Maps (Mapping Program)

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Appendix 10: Supporting Information & Documentation (Excel)

(List below the required documents included in the plan.)



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: October 29, 2019

TO: Members,
State Conservation Commission

THROUGH: Karl G. Brown, Executive Secretary
State Conservation Commission

FROM: Johan E. Berger, Conservation Program Specialist
Financial Administration, Policy, Certification & Conservation District Programs

RE: Request for designation of allocated FY2019-20 CDFAP/UGW funds to Reserve
Accounts - Lycoming County Conservation District and Susquehanna County
Conservation District.

Action Requested:

Approval of requests from the Lycoming County and Susquehanna County conservation districts for the designation of FY2019-20 allocated Unconventional Gas Well funds to ‘Scholarship Program’ or ‘Building Fund’ reserve accounts as noted in each respective request.

Background:

The State Conservation Commission, through the *Conservation District Fund Allocation Program Statement of Policy*, created the opportunity for a conservation district to designate funds allocated by the Commission to ‘reserve accounts’ for certain administrative and programmatic functions of the district. Examples of designated uses for reserve accounts include: scholarship programs, employee separation costs and building fund/capital improvement projects. Designation of CDFAP funds to ‘reserve accounts’ must be approved by the Commission

The Commission recently received two (2) applications for designation of FY2019-20 CDFAP/UGW funds to ‘reserve accounts’ from the Lycoming County Conservation District (Lycoming CCD - Attachment 1) and the Susquehanna County Conservation District (Susquehanna CCD - Attachment 2).

The first application, from the Lycoming CCD, requests to designate \$2,500 in allocated FY2019-20 UGW funds to the District’s Envirothon Education Scholarship fund. The Lycoming CCD Board of Director’s acted to designate the FY2019-20 UFW funds at its September 18, 2019 public meeting.

Background: At its September 12, 2017, public meeting, the State Conservation Commission approved the creation of a ‘Scholarship Reserve Account’, at the request of the Lycoming CCD, for use of UGW funds allocated to the district. The approved request placed \$2,500 of UGW funds into the new scholarship fund with the intent to award each of the 5 members of the winning team, from the county’s local Envirothon competition, with a \$500 scholarship award as per the county’s scholarship policy. Subsequently UGW funds from FY2018-19 allocations in the amount of \$2,500 were requested by the Lycoming CCD for designation to its scholarship reserve account and approved by the Commission.

The second application, from the Susquehanna CCD requests to designate \$99,984.90 in allocated FY2019-20 UGW funds into an existing ‘Building Reserve Account’. The Susquehanna CCD Board of Director’s acted to designate the FY2019-20 UGW funds at its September 19, 2019 public meeting.

Background: At its March 17, 2015, public meeting, the State Conservation Commission approved the creation of a ‘Building Reserve Account’ for Susquehanna CCD. The approved request placed \$108,254 of UGW funds in a reserve account for a new office building project. Subsequently UGW funds from FY2015-16, FY2016-17, FY2017-18 and FY2018-19 allocations in an amount totaling \$323,893 were requested by the Susquehanna CCD for designation to the Building Reserve account and approved by the Commission. The building project is completed with the exception of some exterior property improvements that are planned for completion in 2020 including landscaping, parking lot paving and the construction of an interpretive trail and rain gardens around the building.

Recommendation:

Staff recommends approval of the Lycoming CCD’s request to designate \$2,500 to its ‘Scholarship Reserve Account’ to support the district’s Envirothon scholarship program and the Susquehanna CCD to designate \$99,984.90 to a ‘Building Reserve Account’ for completion of several residual property improvement projects associated with building construction.

Attachments (2)

Proposed Building Reserve Account
using SCC Allocated UGW Funds

District Name Susquehanna

Date Board took action on creating this proposed account: 9/19/19
(Please provide a copy of district board minutes)

Name of Proposed Reserve Account: External Building Needs

Purpose/description of account and the overall building project:

Paving of parking lot, Landscaping.
Educational features - interpretive trail, rain garden
Principal mortgage payments.

Length of time you expect account to remain active: 1 yr. (ex. 1 yr, 2 yr, permanent)

Who owns the property: SCCD

If the property is not owned by the District, how long of a lease do you have: NA

Will the District have a mortgage and how long will it be for after the building is complete: Sept 2038
Loan maturity date

Fiscal management policy relating to the account:

How will you document expenditures in the account: documentation will be made in Quickbooks with every transaction for accurate record keeping

Will the board take action on each transaction: Yes

Who will have signature authority on the account: Manager, Chair, Vice Chair, Treasurer
Manager, chair)

Expected Size of Account: 99,984.90

Will this account be replenished and if so how: No

**Susquehanna County Conservation District
Board Meeting
September 19, 2019
8:30 AM
89 Industrial Drive, Montrose, PA 18801
Approved Minutes**

Attendance:

Directors- Ray Warriner, MaryAnn Warren, Ed Price, Brian Severcool, Jim Kessler, Lillian Theophanis, Curt Hepler and Doug Wood.

Staff- Jen Ramey and Adrian Gregory

Agency- Peter Tarby and John Benscoter

Pledge to the flag

Comments from the public

- Thank you letter from E&S Tech, Don Hibbard was read

Agency Report

- Written and oral report given by Pete Tarby for DEP
- Written and oral report given by John Benscoter for NRCS

Action Items

- Action on previous minutes - no motion was made
 - Change Shane Loomis to Joe Loomis.
 - Add Commissioner's Report.
- Treasurer's Report- motion made by MaryAnn to accept. Second by Lillian. Motion passed.
- Monthly Expenses- Motion made by MaryAnn to accept. Second by Lillian. Motion passed.
- UGWF- A reserve account in the amount of \$99,984.90 pending SCC approval. We then can relabel the account and use it for maintenance, education, building needs, etc.
 - Motion made by MaryAnn to accept the UGWF reserve account for business needs. Second by Lillian. Motion passes.

QAB recommendations -

Project Extensions:

Silver Lake Township McComick Road until January 1, 2020

Forest Lake Township Cole Road until October 15, 2019

Forest Lake Township School House Road October 15, 2019

Susquehanna County Conservation District
 Board Meeting
 September 19, 2019
 8:30 AM
 89 Industrial Drive, Montrose, PA 18801
 Approved Minutes

New Dirt and Gravel Grant Proposals:

Springville	Herb Button Road	\$78,491.00
Dimock	Peterson Road	\$165,000.00
Rush	Bedford Road	\$99,168.00
Forest Lake	Green Road	\$137,866.04
Apolacon	Canada Road	\$160,914.60
Choconut	Mattes Road	\$100,068.00
Silver Lake	Snow Hollow Road	\$165,725.84
Liberty	Shadow Brook Drive	\$71,805.00
Clifford	Wildenburg Road	\$67,845.00
Brooklyn	Zicks Hill	\$50,000.00

*The price on Choconut Township Mattes Road is subject to change slightly when Maria Dreese from CDGRS visits the site on 9/18. It is a stream crossing and modifications might need to be made on pipe size.

Total: 1,096,883.48

New Low Volume Grant Proposals

Silver Lake	Kelly Road	\$95,033.33
Oakland Borough	3rd & Pierce	\$31,390.00

Total: \$126,423.33

- **Recommendations from the Personnel Committee**
 - Recommend hiring Michael Kolessar to open Resource Conservation Specialist position. Fulltime position with a starting pay of \$15.50. After a successful 90-probationary period, pay will increase to \$16/hr. Peter Tarby commented on Michael's experience of working with him at DEP as an intern and complimented us on hiring him.
 - Brian motioned to hire Michael Kolessar as the Resource Conservation Specialist. Lillian second. Motion passed.
 - Recommend hiring Erica Sidorowicz as Watershed Specialist. Fulltime position with a starting pay of \$15.50/hr. After a successful 90-day probationary period, pay will increase to \$16/hr.

**Proposed Reserve Account
using SCC Allocated UGW Funds**

District Name _____ Lycoming County _____

Date Board took action on creating this proposed account: _____ September 18, 2019 _____
(Please provide a copy of district board minutes)

Name of Proposed Reserve Account: _____ Lycoming Envirothon Education Scholarships _____

Purpose/description of account and the overall project:

Purpose is to recognize the winning team members from our local Envirothon competition. Each of the 5 winning team members will be eligible to receive a \$500 scholarship according to the guidelines adopted by the Conservation District Board of Directors. Funds for the scholarships will be kept in the Conservation District's "Special Projects" account which is primarily used for Environmental Education efforts. Recipients and disbursements will be tracked separately for reporting purposes.

Length of time you expect account to remain active: _____ Permanent _____ (ex. 1 yr, 2 yr, permanent)

Scholarship Accounts

Does your district have an established Scholarship policy? _____ Yes _____ if yes, please attach

Separation Accounts

Do you have a district policy in regard to leave payout when staff retires or leaves district employment? _____
If yes, please attach.

Do you expect staff retirements in the next 5 years? _____ If so how many? _____

Other Type of Account: (Please describe)

Fiscal management policy relating to the account:

How will you document expenditures in the account: _____ According to existing accounting principles _____

Will the board take action on each transaction: _____ Yes _____

Who will have signature authority on the account: _____ Continue our current requirement of 2 signatures for any District Check/payment (currently Manager & 3 Directors are eligible to sign).

Expected Size of Account: _____ \$2,500/year _____

Will these funds be in an interest bearing account? _____ Yes _____

Will this account be replenished and if so how: _____ Tree Sales, UGWF, and Donations _____

MINUTES OF LYCOMING COUNTY CONSERVATION DISTRICT
BOARD MEETING
September 18, 2019

CALL TO ORDER: Chairperson Carl Schlappi called the meeting to order at 7 PM and asked for any public comment on the agenda items.

DIRECTORS PRESENT:

Carl Schlappi	Chairman
Bill Kahler	Director
Cameron Koons	Director
William Messersmith	Director
Joe Radley	Director
Paul Wentzler	Vice Chairman

ASSOCIATE DIRECTORS ABSENT: Richard Mirabito Commissioner/Director

ASSOCIATE DIRECTORS PRESENT: Paul Kremser Associate Director

ASSOCIATE DIRECTORS ABSENT:

Larry Fry	Associate Director
Russ Reitz	Associate Director
Chalmer VanHorn	Associate Director

STAFF PRESENT:

Mark Davidson	District Manager
Carey Entz-Rine	Watershed Specialist
Tim Heyler	Ag Conservation Technician
Kellen Krape	E&S Technician
Matthew Long	District Technician
Rod Morehart	Chesapeake Bay Technician
Denise Moser	Secretary/Treasurer

COOPERATING AGENCIES PRESENT: Jason Smith Bureau of Forestry

COOPERATING AGENCIES ABSENT:

Josh Billings	Planning & Community Development
Renee Carey	Northcentral PA Conservancy
Jaci Kerstetter	DEP – Conservation & Restoration
Ryan Koch	NRCS
Jake Bennett	PA Fish and Boat Commission
Rodney Mee	PA Game Commission
Ken Pochatko	Penn Dot
Mike Sherman	Farm Service Agency
Mike Walker	SCC

INTRODUCTION OF GUESTS: None in attendance

ACTION ON MINUTES: One correction was noted in the August's minutes. **With the correction noted, the motion was made by Joe Radley to approve June's Board minutes. Seconded by Paul Wentzler. Motion passed unanimously.**

TREASURER'S REPORT

ACCOUNT BALANCES 9/6/19

COUNTY APPROPRIATION (balance remaining)	\$ 1,278.81
SPECIAL PROJECTS CHECKING/SAVINGS	\$ 82,216.68
SPECIAL PROJECTS INVEST	\$ 16,899.64
UGWFA/ACT 13	\$281,160.20
CLEAN WATER CHECKING/SAVINGS	\$312,819.67
CHESAPEAKE BAY COST SHARE CHECKING/SAVINGS	\$ 93.91
CHESAPEAKE BAY INVEST	\$ 11,209.50
CHESAPEAKE BAY INTEREST CHECKING/SAVINGS	\$ 9,031.35

NUTRIENT MGT/ACT 6 CHECKING/SAVINGS	\$ 9,918.07
WATERSHED SPECIALIST CHECKING/SAVINGS	\$ 19,985.31
GRAVEL ROADS CHECKING/SAVINGS	\$581,117.85
LOW VOLUME ROADS	\$129,262.37

Receiving no additional comments on the Treasurer's Report, it will be filed as part of the District audit

CORRESPONDENCE None.

COMMITTEE REPORTS:

There was a committee meeting prior to the District Board meeting to discuss two items: 1) 2020 Goals & Objectives for the District and 2) Review Fee Schedule updates. The committee findings were brought to the Board meeting for the Board's review and/or approval.

OLD BUSINESS: None

NEW BUSINESS:

- District Christmas Dinner: It was asked of the Board for their recommendations on location sites for the District's Christmas dinner, which is scheduled for Wednesday, December 18th. The Board favored returning to the Silverthorne Tavern in Muncy and arrangements will be made.
- 2020 Goals & Objectives: There were several recommendations made to the 2020 Goals & Objectives. These will be incorporated and a draft presented to the Board at the October District meeting for their review/approval.
- Review Fee Schedule: Based on the committee's recommendations, **the motion was made by Paul Wentzler approve the revised Review Fee Schedule as presented. Seconded by Joe Radley. Motion passed unanimously.**
- Allocation of remaining 2019/2020 Dirt & Gravel and Low Volume Roads funds: Kellen provided the Board with the QAB Committee's project recommendations for this funding. After a brief discussion, **the motion was made by Joe Radley to this allocation as presented. Seconded by Bill Kahler. Motion passed unanimously.** This allocation is listed under Kellen's staff report.

STAFF REPORTS

CONSERVATION DISTRICT MANAGER'S REPORT

Mark Davidson

(In addition to his written report)

Mark reviewed his report and answered questions.

Mark reviewed with the Board the FY 2019/20 Conservation District UGWF Act 13 Allocation Worksheet and CDFAP Administrative Report for their approval. Following a discussion, **the motion was made by Joe Radley to approve the submission of these documents as presented. Seconded by Cameron Koons. Motion passed unanimously.**

Mark also reviewed with the Board the PUC Act 13 Report and Act 13 Special Project Application for their approval. Following a discussion, **the motion was made by Cameron Koons to approve the submission of these documents as presented. Seconded by Bill Messersmith. Motion passed unanimously.**

A proposal for a reserve account to use \$2,500 of UGWF funds for Envirothon Scholarships was reviewed with the Board. Following a discussion, **the motion was made by Paul Wentzler to approve the Reserve Account Action as presented. Seconded by Joe Radley. Motion passed unanimously.**



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

November 6, 2019

To: Members

**From: Karl G. Brown
Executive Secretary**

RE: Reauthorization of the Federal Abandoned Mine Reclamation Fund

Action Requested: Consideration of a resolution in support of the reauthorization of the Federal Abandoned Mine Land Program.

Background: Substantial coal mining has occurred in Pennsylvania for more than 130 years resulting in a significant number of “abandoned” mines throughout 44 of 67 Pennsylvania counties. These abandoned mine sites contain numerous hazards including dangerous shafts and high walls, waste piles and acidic drainages polluting more than 5,500 miles of our streams. These hazards threaten the health and safety of our citizens and have a depressing effect on our local economies. At least 1.4 million Pennsylvanians live within one mile of abandoned mine lands, and the estimated cleanup cost for these Pennsylvania sites is approximately \$15 billion.

Congress established the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 (Act) to reclaim areas abandoned before 1977 and the modern environmental standards requiring mine operators to reclaim their sites. This Act imposed on coal operators a fee of 35 cents per ton on surface mined coal, 15 cents per ton on underground mined coal, and 10 cents on lignite to provide a source of revenue for the Abandoned Mine Land (AML) Reclamation Fund to help finance the reclamation and remediation of lands mined prior to 1977. The Scope of the abandoned mine problem continues to outpace available resources. The fees collected and deposited into the federal AML Fund are derived from a per-ton fee assessed on each ton of coal mined by the active mining industry and can only be used for purposes authorized under Title IV of the Surface Mining Control and Reclamation Act. The AML Fund is not derived from a tax and is not funded from the US Treasury.

The collection of fees on mined coal under the Act is set to expire in 2021. House Resolution 4248 has been introduced to reauthorize the Surface Mining Control and Reclamation Act (SMCRA) and extends the collection and distribution of current fees until 2036. Attached is a resolution that the Commission is being asked to consider and adopt in support of HR 4248 and the reauthorization of the federal abandoned mine land program. Also attached is a copy of HR 4248 and a letter sent by Governor Wolf to several Congressmen asking them to support HR 4248 and the reauthorization of the federal abandoned mine land program.

DRAFT
(11-12-19)

**RESOLUTION URGING THE REAUTHORIZATION OF COLLECTION OF FEES TO THE ABANDONED
MINE LAND RECLAMATION FUND**

WHEREAS, Substantial coal mining has occurred in Pennsylvania for more than 130 years, and the industry has been a significant employer of our citizens for most of these years; and

WHEREAS, Abandoned mines pose hazards in Pennsylvania of dangerous shafts, mountains of black waste, scarred landscapes, acidic drainages polluting more than 5,500 miles of our streams and other hazards threatening human health and safety and depressing local economies; and

WHEREAS, At least 44 of Pennsylvania's 67 counties are affected by abandoned coal mines; and

WHEREAS, At least 1.4 million Pennsylvanians live within one mile of abandoned mine lands; and Pennsylvania's estimated cleanup cost is \$15 billion; and

WHEREAS, Abandoned mines and abandoned mine lands create negative impacts on local economies by destroying recreational opportunities, lowering land values, leaving desolate communities once the mines are exhausted and ruining sites for further residential, forestry, commercial or agricultural uses, and threaten the human health and safety of people living in our coal field communities; and

WHEREAS, Reclamation of abandoned mine sites can add to the economy by creating jobs, increasing community pride, increasing property values, decreasing stress-related costs through stream-based recreation, restoring the health of the environment and providing future sites for commercial or industrial endeavors; and

WHEREAS, Congress established the Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 to reclaim areas abandoned before 1977 and the modern environmental standards requiring mine operators to reclaim their sites; and

WHEREAS, The Surface Mining Control and Reclamation Act of 1977 imposed on coal operators a fee of 35 cents per ton on surface mined coal, 15 cents per ton on underground mined coal, and 10 cents on lignite to provide a source of revenue for the Abandoned Mine Reclamation Fund to help finance the reclamation and remediation of lands mined prior to 1977; and

WHEREAS, The Scope of the abandoned mine problem continues to outpace available resources; and

WHEREAS, In 2006, the Congress of the United States re-authorized the Surface Mining Control and Reclamation Act of 1977 to extend fee collection through 2021, increase the "Set Aside" for acid mine drainage from 10% to 30%, and provide for mandatory distribution of AML funds; and

WHEREAS, The fees collected and deposited into the federal AML Fund are derived from a per-ton fee assessed on each ton of coal mined by the active mining industry and can only be used for purposes authorized under Title IV of the Surface Mining Control and Reclamation Act. The AML Fund is not derived from a tax and is not funded from the US Treasury; and

WHEREAS, The collection of fees on mined coal applied to Abandoned Mine Reclamation Fund under Title IV of the Surface Mining Control and Reclamation Act of 1977 is set to expire in 2021; and

WHEREAS, Pennsylvania has relied upon the Abandoned Mine Reclamation Fund as a Primary source of money to clean up toxic mine water in our water supplies, restore land, extinguish mine fires and eliminate other dangerous abandoned mine hazards.

NOW THEREFORE BE IT RESOLVED: The Pennsylvania State Conservation Commission urges Congress of the United States to reauthorize the collection of fees on mined coal; and

FURTHER: That the collection of fees be for at least 15 additional years and through 2036; and

FURTHER: The SMCRA Title IV grants should be exempt from sequestration and all Title IV sequestered funds should be given back to the states, retroactive to FY 2013; and

FURTHER: That the mandatory distribution for minimum program states be raised to \$5 million; and

FURTHER: That a direct line item for emergency projects be established in OSMRE's budget to reflect the need for remediating AML emergencies in all states and tribes; and

FURTHER: That mandatory distribution of future allocated reclamation fees continue for the intended purpose of cleaning up abandoned mine problems; and

FURTHER: That the annual distribution of funds continue to be formulated to adequately address the abandoned mine problems of all states and to allow the states with the most problems to correct them much more quickly; and

FURTHER: That the current definitions of Reclamation Priorities be maintained to adequately correct all land and water problems created by abandoned mines including water polluted by acid mine drainage; and

FURTHER: That future allocations from the Abandoned Mine Reclamation Fund be used by the states in ways that promote reclamation, leverage private investment, and encourage development where appropriate, and to be used to complement or match other funds available for redevelopment of abandoned mine land sites; and

FURTHER: That transfer of interests generated on the Fund be maintained to the Combined Benefit Fund to defray health costs for retired miners and their dependents whose companies have bankrupt or are no longer in business.

FURTHER: That the SMCRA 30% Set-Aside option be maintained.

NOW, THEREFORE BE IT RESOLVED that:

The Pennsylvania State Conservation Commission urges Congress to reauthorize SMCRA Title IV fees and provide those funds to the Commonwealth for the purposes for which they were collected.

Resolution adopted by the Pennsylvania State Conservation Commission on
_____ (Date)_____.

_____ (Signature)_____

Karl G. Brown
Executive Secretary
Pennsylvania State Conservation Commission

2301 North Cameron Street
Room 311
Harrisburg, Pennsylvania 17110

116TH CONGRESS
1ST SESSION

H. R. 4248

To amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2019

Mr. CARTWRIGHT (for himself, Mr. THOMPSON of Pennsylvania, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. KELLY of Pennsylvania, Ms. JACKSON LEE, Mr. FLEISCHMANN, Mr. GRIJALVA, Mr. RYAN, and Mr. MEUSER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to allow the Secretary of the Interior to delegate certain emergency reclamation activities to the States and Tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Mining Con-
5 trol and Reclamation Act Amendments of 2019”.

1 **SEC. 2. ABANDONED MINE LAND RECLAMATION FUND.**

2 Section 401(f)(2) of the Surface Mining Control and
3 Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is
4 amended—

5 (1) in subparagraph (A)—

6 (A) in the heading, by striking “2022” and
7 inserting “2037”; and

8 (B) by striking “2022” and substituting
9 “2037”; and

10 (2) in subparagraph (B)—

11 (A) in the heading, by striking “2023” and
12 inserting “2038”;

13 (B) by striking “2023” and substituting
14 “2038”; and

15 (C) by striking “2022” and inserting
16 “2037”.

17 **SEC. 3. EMERGENCY POWERS.**

18 (a) STATE RECLAMATION PROGRAM.—Section
19 405(d) of the Surface Mining Control and Reclamation
20 Act of 1977 (30 U.S.C. 1235(d)) is amended by striking
21 “sections 402 and 410 excepted” and inserting “section
22 402 excepted”.

23 (b) DELEGATION.—Section 410 of the Surface Min-
24 ing Control and Reclamation Act of 1977 (30 U.S.C.
25 1240) is amended—

1 (1) in subsection (a), by inserting “, including
2 through reimbursement to a State or Tribal Govern-
3 ment described in subsection (c),” after “moneys”;
4 and

5 (2) by adding at the end the following:

6 “(c) STATE OR TRIBAL GOVERNMENT.—A. State or
7 Tribal Government is eligible to receive reimbursement
8 from the Secretary under subsection (a) if such State or
9 Tribal Government has submitted, and the Secretary has
10 approved, an Abandoned Mine Land Emergency Program
11 as part of an approved State or Tribal Reclamation Plan
12 under section 405.”.

13 **SEC. 4. RECLAMATION FEE.**

14 (a) DURATION.—Effective 90 days after the date of
15 enactment of this Act, section 402(b) of the Surface Min-
16 ing Control and Reclamation Act of 1977 (30 U.S.C.
17 1232(b)) is amended by striking “September 30, 2021”
18 and inserting “September 30, 2036”.

19 (b) ALLOCATION OF FUNDS.—Effective September
20 30, 2019, section 402(g) of the Surface Mining Control
21 and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is
22 amended—

23 (1) in paragraph (6)(A), by striking “para-
24 graphs (1) and (5)” inserting “paragraphs (1), (5),
25 and (8)”;

1 (2) in paragraph (8)(A), by striking
2 “\$3,000,000” and inserting “\$5,000,000”; and

3 (3) by adding at the end the following:

4 “(9) From amounts withheld pursuant to the
5 Budget Control Act of 2011 (2 U.S.C. 901(a)) from
6 payments to States under title IV of the Surface
7 Mining Control and Reclamation Act (30 U.S.C.
8 1232(g)) during fiscal years 2013 through 2018, the
9 Secretary shall distribute for fiscal year 2019 an
10 amount to each State equal to the total amount so
11 withheld.”.

12 **SEC. 5. EXEMPT PROGRAMS AND ACTIVITIES.**

13 Section 255(g)(1)(A) of the Balanced Budget and
14 Emergency Deficit Control Act (2 U.S.C. 905(g)(1)(A))
15 is amended by adding at the end the following: “Payments
16 to States and Indian Tribes from the Abandoned Mine
17 Reclamation Fund, mandatory grants to States and In-
18 dian Tribes (12-50q5-0-2-999).”.

○



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

October 23, 2019

The Honorable Brendan Boyle
United States House of Representatives
1133 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Boyle:

I write to encourage your support of H.R. 4248 – The Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2019 – which seeks to reauthorize the federal abandoned mine land (AML) program. The AML programs across the country, including Pennsylvania’s program, are funded through a per ton fee on the active coal mining industry authorized under Title IV of SMCRA. The authority to collect that fee is set to expire on September 30, 2021, if not extended by Congress.

The primary sponsor of H. R. 4248 is Congressman Matt Cartwright. Several other members of the Pennsylvania delegation have signed on as co-sponsors including: Congressman Glenn Thompson, Congressman Michael Doyle, Congressman Mike Kelly, Congressman Daniel Meuser, Congressman Conor Lamb, and Congressman Guy Reschenthaler.

Pennsylvania has the largest remaining inventory of unaddressed abandoned mine land features in the country and over 5,500 miles of streams impaired by abandoned mine drainage. H.R. 4248 extends the AML fee collection authority outlined under Title IV of SMCRA on current coal mine production at the same rate (\$0.28 for surface mined coal; \$0.12 for deep mined coal; and \$0.08 for lignite) for an additional 15 years to September 30, 2036. The current fee authorization is set to expire on September 30, 2021. This extension is critical for Pennsylvania to continue making progress in reclaiming the state’s nearly 100,000 acres of legacy AML, to address AML emergencies, and to work to restore our many streams impaired by abandoned mine drainage.

The bill allows state and tribal AML programs to formally establish AML Emergency Programs under their approved reclamation plans and requires the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to reimburse the states/tribes for the costs of addressing those AML Emergencies. The funding for the reimbursements would come the federal share of the AML Trust Fund. Pennsylvania addresses around 80 AML Emergencies each year with an average annual construction cost of \$4-5 million.



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

The bill will also reimburse states for AML fees that were sequestered since Fiscal Year 2013 and will exempt future AML grants from sequestration. For Pennsylvania, nearly \$32 million has been sequestered since FY2013.

This bill would ensure continued funding for addressing legacy coal mine hazards, treating and/or abating abandoned mine drainage, and addressing AML emergencies. My administration strongly supports this bill and the effort to reauthorize the AML Program.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf".

TOM WOLF
Governor



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

November 6, 2019

To: Members

From: Karl G. Brown
Executive Secretary

RE: Memorandum of Understanding (SCC/DEP/PDA)

Attached is a revised Memorandum of Understanding between the State Conservation Commission (Commission), the Department of Environmental Protection (DEP) and the Department of Agriculture (PDA).

This Memorandum of Understanding is intended to define and delineate the roles and responsibilities of each agency in assisting the Commission in fulfilling its duties. These duties include a general duty to support and provide oversight to county conservation districts, as well as a duty to develop, implement and enforce programs assigned by law to the Commission.

The attached Memorandum of Understanding and its addendums have completed all final legal reviews and are ready for signature by the parties. Staff recommends the adoption of this agreement.

MEMORANDUM OF UNDERSTANDING

Between the State Conservation Commission
and the
Pennsylvania Department of Agriculture
and the
Pennsylvania Department of Environmental Protection

This Memorandum of Understanding (“MOU”) is entered into this ____ day of _____, 2019 by and between the State Conservation Commission (“Commission”), the Pennsylvania Department of Agriculture (“PDA”), and the Pennsylvania Department of Environmental Protection (“DEP”).

B A C K G R O U N D

WHEREAS, the PDA is the Commonwealth agency responsible for the development of programs to encourage and promote agriculture and related industries throughout the Commonwealth;

WHEREAS, the DEP is the Commonwealth agency responsible for protecting and preserving the land, air, water, and public health through the implementation and enforcement of state environmental laws;

WHEREAS, the Commission is a departmental administrative commission under the concurrent authority of both the DEP and the PDA, that is responsible for the protection and restoration of the Commonwealth of Pennsylvania’s natural environment through the conservation of soil, water, and related resources and is assigned certain legal, policy and administrative responsibilities related to the Commonwealth’s: Nutrient and Odor Management Program; Manure Hauler and Broker Certification Program; Conservation District Fund Allocation Program; Dirt, Gravel and Low Volume Roads Program; Resource Enhancement and Protection (REAP) Tax Credit Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program and Unconventional Gas Well funds;

WHEREAS, Sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182) require Commonwealth departments and agencies to coordinate their work and activities with other Commonwealth departments and agencies;

WHEREAS, the Conservation District Law, 3 P.S. §§ 849 et seq., allows the DEP, the PDA and the Commission to: establish joint offices to facilitate cooperation; cooperate in the use of employees, land, building facilities and equipment; and establish a single point of contact for the support, funding, administration and oversight of county conservation districts;

WHEREAS, the Conservation District Law, 3 P.S. §§ 849 et seq., directs the DEP, the PDA and the Commission to develop an agreement to define and delineate the roles and responsibility of

each agency in assisting the Commission in fulfilling its duties, which generally include the Commission's duty to support and provide oversight to county conservation districts; and

WHEREAS, the DEP, the PDA, and the Commission desire to execute a MOU that clearly defines and delineates the roles, responsibilities and duties of each party, generally, and as they relate to the administration of the Commonwealth's: Nutrient and Odor Management Program; Manure Hauler and Broker Certification Program; Conservation District Fund Allocation Program; Dirt, Gravel and Low Volume Roads Program; Resource Enhancement and Protection (REAP) Tax Credit Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program and Unconventional Gas Well funds.

NOW, THEREFORE, the parties to this MOU set forth the following as the terms and conditions of their understanding.

1. PDA Duties and Responsibilities. To the extent feasible, the PDA will:
 - a. administratively house the Commission, as provided for in Section 852(1)(a) of the Conservation District Law, 3 P.S. § 852(1)(a);
 - b. pay the Commission's administrative expenses and the salaries of the Commission's Executive Secretary and administrative/clerical support staff as a part of PDA's general government operating budget or other available funds;
 - c. provide staff, and pay the salaries and expenses of staff directly assigned to programs administered by the Commission, including: Nutrient (NM) and Odor Management (OM) Program; Dirt, Gravel and Low Volume Roads Program (DGLVRP); Resource Enhancement and Protection (REAP) Tax Credit Program; technical certification programs (NM, OM, Manure Hauler and Broker); Conservation District Fund Allocation Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program; and other programs intended to support and/or oversee county conservation districts, as outlined in Addenda A and C-F;
 - d. provide technical and administrative support to the Commission in the development, implementation, and enforcement of those programs administered by the Commission, including: Nutrient (NM) and Odor Management (OM) Program; Dirt, Gravel and Low Volume Roads Program (DGLVRP); Resource Enhancement and Protection (REAP) Tax Credit Program; technical certification programs (NM, OM, Manure Hauler and Broker); Conservation District Fund Allocation Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program; and other programs intended to support and/or oversee county conservation districts, as outlined in Addenda A and C-F. Funds to support these staff salaries and expenses may be drawn out of appropriate funds (i.e. NM Fund, DGLVRP Fund, PDA General Government Operations, etc.) consistent with law and Commission policies;

- e. provide office space and support services to the Commission's Executive Secretary, clerical support, and all other staff positions directly assigned or detailed to the Commission;
- f. provide staff and other resources to assist the Commission in carrying out its obligations under the Conservation District Law, 3 P.S. §§ 849 et seq., for PDA programs, including:
 - i. developing and implementing initiatives to increase the technical and administrative capabilities of county conservation district directors and staff;
 - ii. providing program information to county conservation districts;
 - iii. transferring available funds to county conservation districts as approved by the Commission through the Conservation District Fund Allocation Program Statement of Policy and other appropriate mechanisms; and
 - iv. providing oversight to district utilization of funds provided by PDA;
- g. in cooperation with the Commission, define specific expectations and services to be provided under this MOU by:
 - i. maintaining a list of program responsibilities and associated core functions to be performed by PDA staff (Addenda A, C-F) and appropriately incorporating these in PDA staff job responsibilities and performance expectations;
 - ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU;
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and
 - iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
- h. meet with the Commission as requested to discuss progress on shared priority objectives and the programs delegated to or contracted out to county conservation districts;
- i. ensure that its central and regional offices work cooperatively with county conservation districts to administer delegated programs in an efficient and consistent manner;

- j. identify PDA programs and responsibilities that may be delegated to or contracted out to the county conservation districts for local administration;
- k. provide state funding to reimburse county conservation districts for their efforts in administering PDA program responsibilities delegated to county conservation districts, consistent with Section 859(2)(d) of the Conservation District Law, 3 P.S. § 859(2)(d);
- l. consult with the Commission and the DEP in the administration of the Nutrient and Odor Management Program and the Manure Hauler and Broker Certification Program;
- m. promote the installation of conservation, nutrient and odor management, invasive species control and integrated pest management practices on agricultural land;
- n. collaborate with the Commission, the DEP, and county conservation districts on studies, pilot projects or surveys related to agricultural wastes, erosion and sedimentation control, nutrient and odor management, pesticide usage, sustainable agriculture, invasive species control and integrated pest management;
- o. ensure and document, where necessary, the installation and implementation of conservation plans or agricultural erosion and sediment control plans, and nutrient management or manure management plans, if applicable, on all agricultural production lands owned or administered by PDA;
- p. keep county conservation districts apprised of impending issues or legislation of mutual concern to PDA and county conservation districts;
- q. cooperate with all parties in the administration of programs that involve PDA, DEP and the Commission, such as soil survey, non-point source pollution control, geographic information systems, farmland mapping, and prime agricultural land policy development and implementation;
- r. cooperate with the DEP and the county conservation districts with regard to Pennsylvania's Chesapeake Bay Program (CBP), including;
 - i. providing technical advice and support to DEP on CBP matters related to agriculture;
 - ii. serving on CBP workgroups and committees that involve agriculturally related issues and concerns;
 - iii. consulting with DEP and the Commission regarding CBP issues involving agriculture and conservation districts; and

- iv. encouraging farmers, farm organizations and agri-businesses to be actively engaged in the development and implementation of the Phase III Watershed Implementation Plan (WIP), as well as other aspects of the CBP; and
 - s. provide representation at Commission meetings by the Secretary of PDA, as outlined in the Conservation District Law, 3 P.S. §§ 849 *et seq.* If the Secretary is unable to attend, a Deputy Secretary or other proxy designee will represent PDA.
 - t. provide legal representation to the Commission through PDA's Office of Chief Counsel as required by law and requested by the Commission as outlined in Addenda A and C-F. In the event of an ethical conflict in such legal representation, PDA's Office of Chief Counsel will coordinate with DEP's Office of Chief Counsel to ensure appropriate representation.
2. DEP Duties and Responsibilities. To the extent feasible, the DEP will:
- a. pay per-diem and meeting-related expenses of appointed Commission members for carrying out the official business of the Commission;
 - b. provide funding and reimbursement to county conservation districts for their efforts, including the provision for assessing fees, in administering DEP contracted and delegated program responsibilities, consistent with Section 859(2)(d) of the Conservation District Law, 3 P.S. § 859(2)(d);
 - c. provide sufficient DEP central and regional office staff to assist the Commission in carrying out its obligations under the Conservation District Law, 3 P.S. §§ 849 *et seq.*, including, the core responsibilities listed in Addendum B hereto;
 - d. in cooperation with the Commission, define specific expectations and services to be provided under this MOU by:
 - i. maintaining a list of program responsibilities and associated core functions to be performed by DEP staff (Addenda B and C) and appropriately incorporating these in DEP staff job responsibilities and performance expectations;
 - ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU;
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and

- iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
 - e. meet with the Commission as requested to discuss progress on shared priority objectives and the programs delegated to or contracted out to conservation districts;
 - f. provide staff for technical, legal and administrative support to the Commission in the development, implementation and enforcement of those portions of the Nutrient and Odor Management Program as outlined in Addenda B and C;
 - g. with regard to Pennsylvania's CBP, through its Chesapeake Bay Office ;
 - i. serve as PA state lead regulatory, administrative and Executive branch agency regarding CBP matters and serve as the primary liaison with US EPA on matters related to the CBP, including legal agreements and WIPs;
 - ii. consult with the PDA and the Commission on a regular basis regarding policy and administrative decisions related to CBP that directly affect county conservation districts and agricultural producers; and
 - iii. provide the Commission with a draft copy of the contracts or delegation agreements that DEP intends to enter into with county conservation districts to implement the CBP and allow the Commission a reasonable opportunity to comment on these draft documents; and
 - h. provide representation at Commission meetings by the Secretary of DEP, as outlined in the Conservation District Law, 3 P.S. §§ 849 et seq. If the Secretary is unable to attend, a Deputy Secretary or other proxy may be designated by the Secretary to represent DEP.
 - i. provide legal representation to the Commission through DEP's Office of Chief Counsel as required by law and requested by the Commission as outlined in Addenda B and C. In the event of an ethical conflict in such legal representation, DEP's Office of Chief Counsel will coordinate with PDA's Office of Chief Counsel to ensure appropriate representation.
- 3. Commission Duties and Responsibilities. To the extent feasible, the Commission will:
 - a. in cooperation with PDA and DEP, define specific expectations and services to be provided under this MOU by:
 - i. maintaining a list of program responsibilities and associated core functions to be performed by PDA staff (Addenda A, C-F) and DEP staff (Addenda B and C) under this MOU;

- ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU; and
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and
 - iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
- b. cooperate with PDA and DEP staff in developing and administering programs to increase the technical and administrative capabilities of county conservation district directors and staff;
- c. coordinate and cooperate with PDA and DEP in the development, administration, and support of programs as authorized by the Conservation District Law, 3 P.S. §§ 849 et seq.;
- d. administer the Nutrient and Odor Management Program created by the Nutrient Management and Odor Management Act, 3 Pa. C.S.A. §§ 501 et seq., and coordinate resources between PDA and DEP to effectively and efficiently carry out the program, as outlined in Addendum C.
- e. administer the Dirt, Gravel and Low Volume Road Maintenance Program created by Section 9106 of the Motor Vehicle Code, 75 Pa.C.S.A. § 9106, and coordinate resources with DEP and PDA to effectively and efficiently carry out the program as outlined in Addendum D;
- f. provide oversight for and assistance in the administration of the Nutrient and Odor Management Specialists Certification Program and Manure Hauler Broker Certification Program as outlined in Addendum E;
- g. administer the Resource Enhancement and Protection (REAP) Tax Credit Program established under the Resource Enhancement and Protection Program, 72 P.S. § 8703-E, and coordinate resources with DEP and PDA to effectively and efficiently carry out the program as outlined in Addendum F;
- h. administer the Conservation Excellence Grant Program created by § 3102, 3 Pa.C.S.A. §§ 3101 et seq., as outlined in Addendum F;
- i. administer the Agriculture-Link Investment Program created § 1721, 3 P.S. §§ 1721 et seq., as outlined in Addendum F;

- j. coordinate program needs with appropriate program managers and staff in DEP and PDA central and regional offices;
- k. cooperate with PDA, DEP and county conservation districts on studies, pilot projects or surveys related to agricultural wastes, nutrient and odor management, erosion and sedimentation control, pesticide usage, invasive species control and integrated pest management;
- l. cooperate with all parties in mutually beneficial programs such as soil survey, non-point source pollution control, geographic information systems, farmland mapping, and prime agricultural land policy development and implementation;
- m. with regard to Pennsylvania's CBP:
 - i. review and consider for approval any proposed contract related to CBP that will be entered into between the DEP and county conservation districts,
 - ii. review and consider for approval any proposed delegation agreement related to CBP that will be entered into between DEP and county conservation districts;
 - iii. provide technical and policy advice and support to DEP and PDA on CBP matters related to agriculture, conservation, and non-point source pollution control,
 - iv. provide advice and support to DEP and PDA regarding matters related to county conservation district administrative authority and technical capacity, and
 - v. where appropriate, serve on CBP workgroups to represent Pennsylvania's agricultural, conservation and environmental interests;
- n. review and consider for approval any proposed delegation of PDA or DEP programs and responsibilities through a delegation agreement to county conservation districts under the Conservation District Law, 3 P.S. §§ 849 et seq.;
- o. review and consider for approval where appropriate, any proposed contract between PDA and/or DEP and county conservation districts under the Conservation District Law, 3 P.S. §§ 849 et seq.; and
- p. report annually to the Secretary of PDA and the Secretary of DEP on accomplishments, problems and concerns related to the Commission, its annual work plan or county conservation district programs.

4. General Provisions.

- a. This MOU is not intended to, and does not create, any contractual rights or obligations with respect to the signatory agencies, or other parties.
- b. The parties may modify this MOU only by means of a written amendment executed in the same manner as this original MOU, except that the parties may amend Exhibits A through F annually utilizing a less formal form of written mutual consent of the parties.
- c. This MOU will become effective on the date first indicated above and will remain in effect until terminated by any party upon sixty (60) days prior written notice of the termination to the other parties.
- d. Issues or disputes that arise under this MOU shall be resolved at the lowest appropriate level. Where such disagreements cannot be resolved by the parties, such disputes shall be submitted to the Office of General Counsel for final resolution.
- e. This MOU represents the entire understanding between the parties. All representations, understandings, promises and agreements pertaining to the subject matter of this MOU made prior to or at the time this MOU is executed are superseded by this MOU unless specifically accepted by any other term or provision of this MOU. There are no conditions precedent to the performance of this MOU except as expressly set forth herein.
- f. This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- g. The contact person for the Commission shall be: Executive Secretary for the State Conservation Commission, 2301 N. Cameron Street, Harrisburg, PA 17110, Telephone Number (717) 787-8821.
- h. The contact person for the PDA shall be: Deputy Secretary for Animal Health and Food Safety, 2301 N. Cameron Street, Harrisburg, PA 17110, Telephone Number (717) 705-8895.
- i. The contact person for the DEP shall be: Deputy Secretary for Water Programs, 400 Market Street, Harrisburg, PA 17105-2063, Telephone Number (717) 787-6490.
- j. Any party may change its designated contact person by providing written notice to the other parties.
- k. This MOU shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any

conflict of laws provisions) and the decisions of the Pennsylvania courts. The parties consent to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The parties agree that any such court shall have in personam jurisdiction over them, and consent to service of process in any manner authorized by Pennsylvania law.

[SIGNATURE PAGE FOLLOWS.]

11.12.19

IN WITNESS THAT, the parties have duly executed this MOU on the date first indicated above.

DEPARTMENT OF AGRICULTURE

By: _____

Title _____

Date: _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____

Title _____

Date: _____

STATE CONSERVATION COMMISSION

By: _____
Executive Secretary

Date: _____

The signing of this memorandum of understanding on behalf of the State Conservation Commission was authorized by a resolution at its meeting on November 12, 2019.

Approved as to legality and form:

Chief Counsel
Department of Agriculture

Chief Counsel
Department of Environmental Protection

11.12.19

Office of General Counsel

ADDENDUM A

CORE RESPONSIBILITIES

DEPARTMENT OF AGRICULTURE (PDA)

Administrative Assistance to the State Conservation Commission (“Commission”). The Pennsylvania Department of Agriculture (“PDA”) will:

1. assist the Commission’s Executive Secretary and staff with scheduling meetings, developing agendas, duplicating meeting materials, managing audio visual aids, recording minutes upon request, and other necessary tasks related to the meeting;
2. assist the Commission and its Executive Secretary with developing long-range plans, annual work plans and reports, policy and position statements, contracts, agreements, and Memoranda of Understanding with agencies;
3. develop budget proposals for the Commission to consider when managing funds under the Conservation District Fund Allocation Program, the Nutrient and Odor Management Program, and the Dirt, Gravel and Low Volume Road Program;
4. processes claims and monitor the submission of accompanying reports under the programs mentioned in 3;
5. provide assistance with County, Pennsylvania and North American Envirothons, if requested;
6. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested;
7. develop, process and administer contractual agreements that support the Nutrient and Odor Management Program, the Commercial Manure Hauler and Broker Program, the Conservation District Funding Allocation Program, the Dirt, Gravel and Low Volume Roads Program, Conservation Excellence Grant Program, Agriculture-Linked Investment Program, and other Commission approved programs;
8. provide assistance to the Leadership Development Program through: staffing; coordinating and preparing for Leadership Development Committee meetings, which may include the duplication and distribution of meeting materials; developing plans and programs; and preparing for training programs and conferences;
9. assist the Commission and Department of Environmental Protection in obtaining state funds to reimburse county conservation districts for the services provided under the Conservation District Fund Allocation Program and contracted or delegated programs to the extent funds are available;

10. assist in developing and implementing the Resource Enhancement and Protection Program, 72 P.S. §§ 8703-E et seq.;
11. assist the Commission in planning and conducting the Joint Annual Conference of the Commission and the Pennsylvania Association of Conservation Districts;
12. consult the Commission's Executive Secretary through the PDA's Bureau of Administrative Services, Office of the Budget on matters related to funds in PDA's budget where the Commission has been designated by law, regulation or policy as the administering agency;
13. provide legal representation to the Commission through PDA's Office of Chief Counsel as required by law and requested by the Commission; and
14. assist county conservation district directors and staff in understanding the requirements of the Conservation District Fund Allocation Program and other PDA funding and cost-share assistance programs, including related policies and procedures for participation, application criteria for grants and funds, and the submission of quarterly reports.

ADDENDUM B

CORE RESPONSIBILITIES

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

Administrative and Program Assistance to the State Conservation Commission (“Commission”).
The Department of Environmental Protection (“DEP”), through its staff located in its Central Office and regional offices, as outlined below, will:

CENTRAL OFFICE - GENERAL SUPPORT AND ASSISTANCE

1. work with the Commission on improving the Commonwealth’s conservation efforts, including offering support services and oversight to county conservation districts;
2. work with the Commission on administrative procedures that improve efficiency, including standardized forms, and computerized reports and invoices;
3. work with the Commission to develop and enhance program and funding opportunities for delegated county conservation districts, including the receipt of fees for services rendered;
4. assist the Commission and Pennsylvania Department of Agriculture in obtaining state funds to reimburse county conservation districts for the services provided under the Conservation District Fund Allocation Program and contracted or delegated programs to the extent funds are available;

CENTRAL OFFICE –WATER PROGRAMS

Administrative Assistance to the Commission

5. process reimbursement requests of Commission member expenses and per-diem;
6. assist the Commission and its Executive Secretary with developing long-range plans, annual work plans and reports, policy and position statements, contracts, agreements, and Memoranda of Understanding with agencies;
7. monitor the submission of required reports by county conservation districts, including budgets and financial reports, audits, and annual reports;
8. assist the Commission with its annual conservation recognition awards;

Program Assistance to the Commission

9. provide assistance with County, Pennsylvania and North American Envirothons, if requested;

10. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested;
11. provide assistance to the Commission for the Dirt, Gravel and Low Volume Road Program, including providing appropriate staff assistance with Dirt, Gravel and Low Volume Road committees and workgroups;
12. develop program funding proposals for the Commission's consideration and approval, and allocate funds to county conservation districts for administration, technical assistance and cost-sharing, and the implementation of best management practices for the Chesapeake Bay Program;
13. consult with the Commission on the development of Chesapeake Bay Program grant applications and budgets;
14. monitor and supervise the administration and implementation of the Chesapeake Bay Program by county conservation districts by conducting periodic evaluations;
15. at the request of the Commission, assist in the administration of the Nutrient and Odor Management Program, including planning, policy development, program assessment, and financial and technical assistance;
16. provide assistance to the Leadership Development Program through: staffing; coordinating and preparing for Leadership Development Committee meetings, which may include the duplication and distribution of meeting materials; developing plans and programs; and preparing for training programs and conferences;
17. assist the Commission in planning and conducting the Joint Annual Conference of the Commission and the Pennsylvania Association of Conservation Districts;
18. provide administrative and technical assistance in budgeting, project evaluation, contracting and implementation under the Landowner Reclamation Program;

Support to Conservation Districts

19. provide assistance and support in the development of information technology systems for county conservation districts;
20. provide technical assistance and training as described in program delegation and contract agreements;
21. serve as a resource for informational programs and workshops;

CENTRAL AND REGIONAL OFFICES – BUREAU OF FISCAL MANAGEMENT AND OFFICE OF CHIEF COUNSEL

22. consult the Commission’s Executive Secretary through the DEP’s Bureau of Fiscal Management and Office of Chief Counsel on matters related to funds in DEP’s budget where the Commission has been designated by law, regulation or policy as the administering agency;
23. provide legal representation to the Commission through DEP’s Office of Chief Counsel as required by law and requested by the Commission;

REGIONAL OFFICES

General Support and Assistance

24. provide assistance to the Commission and to county conservation districts through regional office staff including Program Managers, Conservation District Field Representatives, and other staff as deemed appropriate by the DEP;
25. provide assistance to the Commission and to county conservation districts through Conservation District Field Representatives (“CDFR”), Chesapeake Bay Field Representatives (“CBFR”) or other regional office staff, as deemed appropriate by DEP;

Assistance to State Conservation Commission

- a. assist with the implementation and adherence to the policies and procedures of the Commission including district director appointments, submission of annual reports, financial audit reports, budgets, financial statements, and other required items (CDFR or other regional office staff as deemed appropriate by DEP);
- b. serve as requested as a communication link between the Commission and county conservation districts (CDFR or other regional office staff as deemed appropriate by DEP);
- c. assist in the dissemination of information on memoranda between the Commission, county conservation districts and other agencies (CDFR or other regional office staff as deemed appropriate by DEP);
- d. provide guidance and assistance to county conservation districts on Commission requirements (CDFR or other regional office staff as deemed appropriate by DEP);
- e. provide monthly reports on county conservation district activities, issues and results to Central Office and the Commission during the regularly scheduled

DEP CO/SCC/CDFR monthly conference calls or sooner by telephone or email if circumstances warrant. (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);

- f. provide assistance to the Leadership Development Program (CDFR or other regional office staff as deemed appropriate by DEP);

Assistance to Conservation District Directors and Staff

- g. assist in facilitating the nomination, appointment and swearing in of new district directors;
- h. meet with and provide guidance and direction to county commissioners and chief clerks on the director nomination and appointment process (CDFR or other regional office staff as deemed appropriate by DEP);
- i. provide orientations and assist in the training of district directors (CDFR or other regional office staff as deemed appropriate by DEP);
- j. assist county conservation districts with the facilitation and development of strategic plans, priority objectives, action plans and budgets including contracted or delegated program commitments, and coordinate these activities with DEP programs, priorities and funding (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);
- k. provide assistance and advice to district directors on program development, budget preparation, financial accounting, auditing, and the preparation of grant proposals and management of personnel in accordance with DEP program delegations, applicable regulations and Commonwealth policies (CDFR or other regional office staff as deemed appropriate by DEP);
- l. provide assistance to district directors and managers concerning the hiring of staff, which may include assisting the district in the preparation of job descriptions, standards and specifications, review of job vacancy advertisements, and training in conducting interviews for DEP delegated work or positions. DEP regional staff may, upon request of the district, participate in the interview and selection process for managers and staff, but may not direct or have a vote in the selection (CDFR or other regional office staff as deemed appropriate by DEP);
- m. provide guidance, advice, consultation, and direction in the development of training programs for district directors and district staff (CDFR or other regional office staff as deemed appropriate by DEP);

- n. assist the district directors in the development of proper field work and implementation policies and procedures related to DEP delegated program administration and field work including: staff evaluation and position descriptions in delegated programs; staff retention, discipline and termination policies in delegated programs; and proper documentation of DEP delegated actions and activity procedures (CDFR or other regional office staff as deemed appropriate by DEP);

Funding and Cost-Share Assistance Programs

- o. assist county conservation district directors and staff in understanding the Conservation District Fund Allocation Program and other DEP funding and cost-share assistance programs, including the policies and procedures for participation, application for grants and funds, and the submission of quarterly reports (CDFR or other regional office staff as deemed appropriate by DEP);

Program Coordination

- p. assist in providing training to the county conservation districts on the administration and implementation of delegated or contracted programs (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);
- q. provide technical assistance and training as described in program delegation or contract agreements (Appropriate regional office staff);
- r. assist with the implementation of the Dirt, Gravel and Low Volume Road Maintenance Program, including training, QA/QC evaluations, and serving on the Dirt, Gravel and Low Volume Road Maintenance Program committees as requested (CDFR or other regional office staff as deemed appropriate by DEP);
- s. provide assistance with County, Pennsylvania, and North American Envirothons upon request (Appropriate regional office staff);
- t. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested (Appropriate central or regional office staff);
- u. coordinate DEP actions and activities that relate to county conservation district programs, delegated and contracted functions (Appropriate regional office staff);
- v. serve as a resource for informational programs and workshops (Appropriate regional office staff);
- w. assist in conducting on-site inspections in a training role with county conservation district staff (Appropriate regional office staff);

- x. provide assistance in the evaluation of delegated and contracted programs including the preparation, conducting the evaluation, and follow-up (Appropriate regional office staff);
- y. provide assistance, guidance and coordination of compliance activities and oversee enforcement actions as described in delegation or contract agreements (Appropriate regional office staff);
- z. provide timely and appropriate responses to compliance and enforcement cases referred by county conservation districts for DEP action (Appropriate regional office staff); and
- aa. provide legal services as described in delegation or contract agreements (Appropriate regional office staff).
- bb. assist the Commission and county conservation districts with public information and public relation activities and events (Appropriate regional office staff)

Addendum C

Agency Support Roles for the Nutrient and Odor Management Program

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Nutrient and Odor Management Program. The Pennsylvania Department of Environmental Protection (“DEP”) and the Pennsylvania Department of Agriculture (“PDA”) will assign staff to assist the Commission in administering the various aspects of the Nutrient Management and Odor Management Program and the support activities outlined below.

The following list identifies the major program support activities for DEP and PDA. These responsibilities are identified as primary support functions (“lead agency”), and secondary support functions (“assisting agency”). The Commission will coordinate regular interagency meetings between DEP, PDA and Commission staff to evaluate program priorities and the success of the program.

PDA’s Primary Support Responsibilities of the Nutrient and Odor Management Program

1. assist the Commission and its Nutrient Management Advisory Board (“NMAB”) in formulating regulations and policies;
2. provide administrative support for the Nutrient Management Fund;
3. implement nutrient management and odor management education programs in cooperation with the NMAB, the Pennsylvania State University Cooperative Extension, the United States Department of Agriculture, Natural Resources Conservation Service, DEP and county conservation districts, and provide outreach activities to farm organizations, agribusiness, general public and the banking industry;
4. develop, implement and monitor certification programs for nutrient and odor management specialists;
5. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Nutrient Management and Odor Management Program. This includes the legal interpretation of the Nutrient Management and Odor Management Act, Act, 3 Pa. C.S.A. §§ 501 *et seq.*, (“Act 38”) and its regulations; review of Commission policies; review of contracts and agreements entered into by the Commission or county conservation districts; and defense in actions brought against PDA related to Act 38 certifications;
6. develop and promote alternative uses of excess manure, in cooperation with the NMAB, and through coordination with DEP for applicable environmental and regulatory considerations;
7. assist the Commission in providing outreach and technical services to farmers where county conservation districts are not involved;

8. when a farmer is aggrieved, assist the Commission in reviewing the county conservation district's implementation of the Nutrient and Odor Management Program;
9. develop, implement, and monitor the Commission's financial assistance programs associated with the Nutrient and Odor Management Act Program, including the Plan Development Incentives Program, the Agriculture Linked Investment Program, and the Nutrient Management Plan Implementation Grants Program;
10. provide and oversee training on regulations and technical issues as part of the certification and education programs;
11. support the Commission in all enforcement activities relating to the implementation of Act 38;
12. assist the Commission in providing technical and program information to interested persons, including certified nutrient management and odor management specialists and county conservation districts;
13. assist with the development, implementation, and any future revisions of the delegation agreements, administrative and technical manuals;
14. assist the Commission in evaluating the county conservation district's performance of duties under the Nutrient and Odor Management Program delegation agreements;
15. provide support to the Commission in developing and maintaining computer software ("PaPlants") that tracks certification program participants and other related information, and software that manages reporting data and other information related to the Nutrient and Odor Management Program;

DEP's Primary Support Responsibilities of the Nutrient and Odor Management Program

16. provide administrative support for the Nutrient and Odor Management Program, including planning, policy development, program assessment, and financial and technical assistance;
17. assist with the development and management of delegation agreements related to nutrient, odor and manure management;
18. coordinate the Nutrient and Odor Management Program with other DEP programs to promote efficient and effective use of program resources. These programs include: National Pollutant Discharge Elimination System, Concentrated Animal Feeding Operation; Manure Management; and Chesapeake Bay (central and regional office staff);
19. support the Commission in its enforcement of the Clean Streams Law, 35 P.S. §§ 691.1 et seq. (central and regional office staff);

20. DEP's Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Nutrient and Odor Management Program. This includes the legal interpretation of Act 38 and its regulations, the promulgation of Act 38 regulations, review of Commission policies, review of contracts and agreements entered into by the Commission or county conservation districts, legal support for appeals and enforcement actions of the Commission consistent with the provisions of the Conservation District Law, 3 P.S. §§ 849 *et seq.*, and Act 38, and defense in actions brought against the Commission (central and regional office staff);

DEP's Secondary Support Responsibilities of the Nutrient and Odor Management Program

21. assist with the maintenance of regulations and policies by providing input on environmental considerations, including water quality impacts (Central Office staff);
22. assist in education and outreach activities (central and regional office staff);
23. assist the Commission and PDA in evaluating county conservation district Nutrient and Odor Management Programs (central and regional office staff); and
24. assist in identifying best management practices ("BMPs") for proper nutrient management, provide technical assistance to conservation districts and the agricultural community on BMPs, and provide continuing evaluation of the BMPs sustainability and effectiveness (central office staff).

Addendum D

Agency Support Roles for the Dirt, Gravel and Low Volume Road Maintenance Program

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Dirt, Gravel and Low Volume Road Maintenance Program under § 9106 of the Motor Vehicle Code, 75 Pa.C.S.A. § 9106. The Pennsylvania Department of Agriculture (“PDA”) will assign staff to support activities outlined below. The following list identifies the major program support activities for PDA.

PDA’s Support Responsibilities of the Dirt, Gravel and Low Volume Road Maintenance Program

1. assign staff positions to the Commission reporting to the Executive Secretary and funded under the Dirt, Gravel and Low Volume Road Maintenance Program. The primary function of the staff members is to provide oversight and administration of the program;
2. provide staff participation in the Dirt, Gravel and Low Volume Road Maintenance Program meetings, including Quality Assurance Board advisory meetings and other advisory committees, as requested (central and regional office staff);
3. assist the Commission in the development and implementation of Quality Assurance and Quality Control evaluations;
4. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Dirt, Gravel and Low Volume Maintenance Program. This includes the legal interpretation of Section 9106 of the Motor Vehicle Code and its regulations, review of Commission policies, review of contracts and agreements entered into by the Commission and county conservation districts, and defense in actions brought against the Commission;
5. assist in the planning and implementation of the annual training conference;
6. assist in the planning of regional Environmentally Sensitive Maintenance Training; and
7. promote the Dirt, Gravel and Low Volume Road Maintenance Program to townships and municipalities, as needed (central and regional office staff).

Addendum E

Agency Support roles for Certification Programs

The Pennsylvania Department of Agriculture (“PDA”) is charged with the authority to develop and implement the Nutrient Management Specialist and Odor Management Specialist certification programs under the Nutrient Management and Odor Management Act, 3 Pa. C.S.A. §§ 501 *et seq.* (“Act 38”) and the Commercial Manure Hauler and Broker Certification program under the Commercial Manure Hauler and Broker Certification Act, 3 P.S. §§ 2010.1 *et seq.* (“Act 49”). The State Conservation Commission (“Commission”) assists PDA in the implementation and administration of these programs. PDA will assign staff to support activities outlined below. The following list identifies the major program support activities for PDA:

PDA’s Support Responsibilities of the Nutrient Management Specialist and Odor Management Specialist certification programs.

1. develop, implement and monitor certification programs for nutrient management specialists and odor management specialists;
2. implement nutrient management specialist and odor management specialist education programs in cooperation with the Pennsylvania State University Cooperative Extension, the United States Department of Agriculture, Natural Resources Conservation Service and the Department of Environmental Protection, and provide outreach materials and activities to county conservation districts, agribusiness (i.e. private sector consultants) and agricultural organizations;
3. assist in the development of regulations and policies related to certification programs;
4. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the Nutrient Management Specialist and Odor Management Specialist certification programs. This includes the legal interpretation of Act 38 and its regulations, review of Commission policies, and defense in actions brought against PDA; and
5. provide support to the Commission in developing and maintaining computer software (“PaPlants”) to track certification program participants and other information related to the programs.

PDA’s Support Responsibilities of the Commercial Manure Hauler and Broker Certification Program.

1. develop, implement and monitor a certification program for commercial manure haulers and brokers;
2. implement commercial manure hauler and broker education programs in cooperation with the Pennsylvania State University Cooperative Extension, the United States Department

of Agriculture, Natural Resources Conservation Service and the Department of Environmental Protection, and provide outreach materials and activities to the commercial hauler and broker industry, agribusiness and agricultural organizations;

3. assist in the development of regulations and policies related to certification programs;
4. PDA's Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the Commercial Manure Hauler and Broker Certification Program. This includes the legal interpretation of Act 49 and its regulations, review of Commission policies, and defense in actions brought against PDA; and
5. provide support to the Commission in developing and maintaining computer software ("PaPlants") to track certification program participants and other information related to the program.

Addendum F

Agency Support roles for Financial Assistance Programs

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Resource Enhancement Protection Program (“REAP”), 72 P.S. §§ 8703-E et seq. and the Conservation Excellence Grant Program (“CEG”), 3 Pa C.S. A. §§ 3101 et seq. and assist the Pennsylvania Office of the State Treasurer (Pa Treasury) in the implementation of the Agriculture-Linked Investment Program (“AgriLink”), 3 P.S. §§ 601 et seq. The Pennsylvania Department of Agriculture (“PDA”) will assign PDA staff to support activities outlined below. The following list identifies the major program support activities for PDA:

1. assist the Commission in developing policy and procedures to administer, implement and maintain the REAP tax credit program in conjunction with the Department of Revenue; the AgriLink loan program in conjunction with the Pa Treasury; and the CEG grant program consistent with enabling legislation;
2. assist the Commission in developing and maintaining a financial management and budget management system to track all approved tax credits, CEG grants and AgriLink loans and monitor funds available for tax credits, grants and subsidy support of AgriLink loans;
3. function as the liaison between the Commission and the Department of Revenue to efficiently communicate information from the Commission to the Department of Revenue to ensure tax credits are properly applied to taxpayer accounts;
4. function as the liaison between the Commission and the Pa Treasury to efficiently communicate information from the Commission to the Pa Treasury to ensure AgriLink loans are properly applied to eligible applicants through approved state depositories and the Farm Credit Bank;
5. assist the Commission in developing promotional and educational materials describing the benefits of the REAP tax credit program, the CEG grant program and the AgriLink loan program for distribution throughout the state;
6. provide support to the Commission in developing and maintaining computer software to track program applicants, tax credit awards, grant awards, loan support and other information related to these programs;
7. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the REAP tax credit program consistent with 72 P.S. §§ 8701-E et seq.; the CEG program consistent with 3 Pa C.S. A. §§ 3101 et seq.; and the AgriLink loan program consistent with 3 P.S. §§ 601 et seq. This includes the legal interpretation of the statutes and regulations for each program; review of Commission policies; review of contracts and agreements entered by the Commission or county conservation district; and defense in actions brought against PDA.

Agricultural Inspections
July 1, 2018 through June 30, 2019

This document summarizes the accomplishments of the expanded agricultural inspection program from the timeframe July 1, 2018 through June 30, 2019. There were not many changes to the program in 2018-2019; however, 2018-2019 was the first full year the centralized geospatial database was used as the method of data collection and the historic tabular data was added to the application for enhanced analysis. Reporting of Act 38 Nutrient Management Plan Approval data was also added to the centralized geospatial database.

Table 1. Total number of PA farms in the Chesapeake Bay Watershed as identified in the 2017 USDA Agriculture Census and total PA acres in agriculture land use as identified by the Bay Program.

2017 USDA Ag Census Farms in PA Chesapeake Bay Watershed	30,193
2018 Ag Land Use Acres in PA Chesapeake Bay Watershed	3,067,629

Table 2. Farms and agriculture acres inspected within Pennsylvania’s portion of the Chesapeake Bay Watershed Since the Inception of the Expanded Agricultural Inspection Program

	2016-2017	2017-2018	2018-2019
Total Farms Inspected	2,823	2,924	2,951
Total Acres Inspected	393,426 (12.7%)	329,468 (10.6%)	315,823 (10.3%)
PA Bay Farms Inspected under the Act 38 Program	743	814	886
PA Bay Ag Acres Inspected under the Act 38 Program	147,762	145,680	138,139
PA Farms Inspected under the CB Ag Inspection Program	2,080	2,110	2,065
PA Acres inspected under the CB Ag Inspection Program	245,664	183,788	177,684

The total number of farms inspected in 2018-2019 increased by 27 over the previous year’s total number of farms inspected, while the acreage inspected decreased by 13,645 acres compared to the previous year. Additional comparisons between past years’ inspection summaries show that the average farm size inspected under the Chesapeake Bay Ag Inspection program was about 86 acres as compared to 87 acres in 2017-2018 and 118 acres in 2016-2017.

County Analysis

To identify localized trends, a county-by-county analysis was completed across the Chesapeake Bay Watershed for all Chesapeake Bay Agricultural Initial Inspections completed for the life of the program. The compliance data collected during inspections conducted in 2018-2019 were analyzed to demonstrate that the work performed at the county conservation districts and DEP Regional Offices facilitated prompt resolution to violations noted on the inspection report. Additionally, the county-by-county analysis will inform the evaluation process as we continue to improve program implementation strategies.

County Analysis: Demographics

Chesapeake Bay Program land use-land cover data shows that the top five counties with the greatest acreage of agricultural land use are as follows: Lancaster, Bradford, Franklin, York, and Bedford¹. By the number of estimated farms in the Chesapeake Bay Watershed, the top five counties are as follows: Lancaster, York, Franklin, Bradford, and Cumberland².

Table 3: Number of Farms and Agricultural Land Use Acres in the Chesapeake Bay Watershed by PA County

Pennsylvania County	Estimated Number of Farms in CBWS ²	Agricultural Land Use Acres in CBWS ¹
Adams	1146	132,851.74
Bedford	1158	134,482.64
Berks	18	20,506.90
Blair	496	66,225.97
Bradford	1447	209,213.98
Cambria	240	29,502.21
Cameron	37	2,543.11
Carbon	(less than 1)	32.60
Centre	1023	100,414.23
Chester	311	38,429.52
Clearfield	450	44,945.67
Clinton	267	35,658.63
Columbia	779	97,203.30
Cumberland	1260	121,325.09
Dauphin	692	65,938.87
Elk	78	3,838.12
Franklin	1580	203,800.23
Fulton	544	66,500.73
Huntingdon	714	91,798.68
Indiana	75	7,219.35
Jefferson	(less than 1)	248.99
Juniata	670	61,830.20
Lackawanna	229	20,799.35
Lancaster	5082	311,103.41
Lebanon	995	75,463.14
Luzerne	386	44,482.57
Lycoming	1043	92,987.25
McKean	7	196.50
Mifflin	711	61,261.56
Montour	356	36,273.90
Northumberland	728	93,983.60
Perry	759	89,802.77
Potter	284	21,777.13
Schuylkill	344	45,419.99
Snyder	864	65,039.71
Somerset	160	13,278.35
Sullivan	190	23,275.69
Susquehanna	908	111,140.94
Tioga	1055	128,995.86
Union	574	54,127.42
Wayne	55	4,682.04
Wyoming	410	38,588.00
York	2067	200,438.80
TOTALS	30,193	3,067,628.73

¹ Chesapeake Assessment and Scenario Tool (CAST)

² Number of farms in the Chesapeake Bay Watershed (CBWS) in each county is estimated by taking total county farm number identified in the 2017 USDA Agriculture Census by the percentage of county acres in the CBWS.

Figure 1: Total Acres in Agricultural Land Use in Chesapeake Bay by County
(Chesapeake Assessment and Scenario Tool (CAST) - 2018)

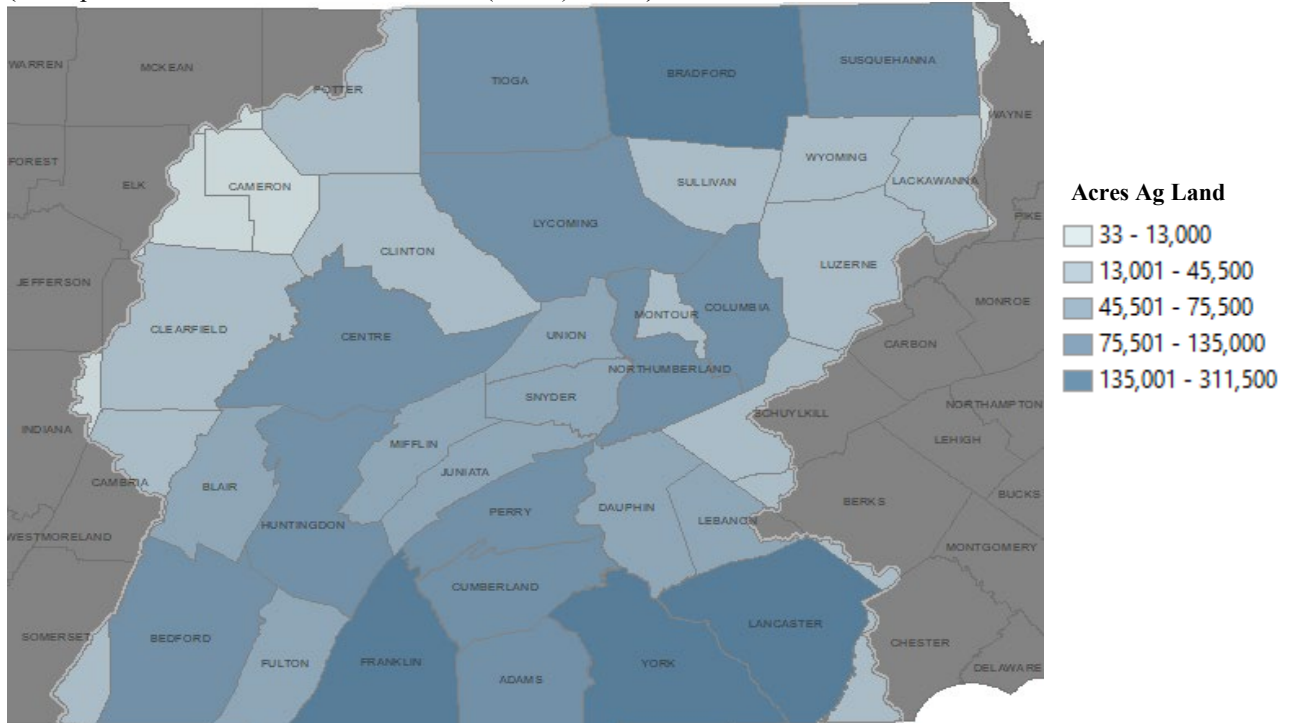
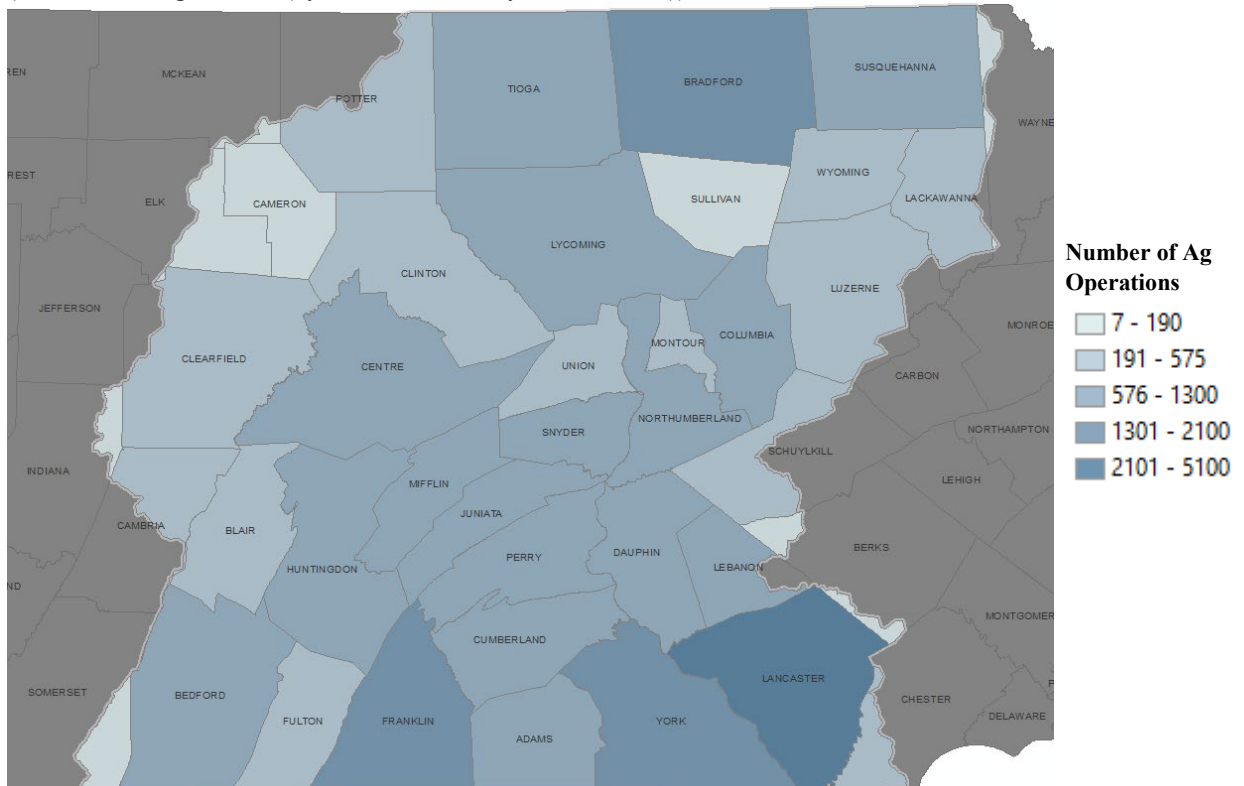


Figure 2: Total Number of Farm Operations in the Chesapeake Bay Watershed by County
(2017 USDA Ag. Census (by Percent of County in Watershed))



consistently ranked in the top 5 counties for acres inspected, and Chester County (Tier 4) has consistently ranked in the top 5 counties for number of inspections completed. As DEP has shifted inspection strategies, both the number of inspections completed and the total acres inspected in York County (Tier 1) have continued to increase over time.

Figure 4: Total Number of Inspections Completed in Chesapeake Bay by County

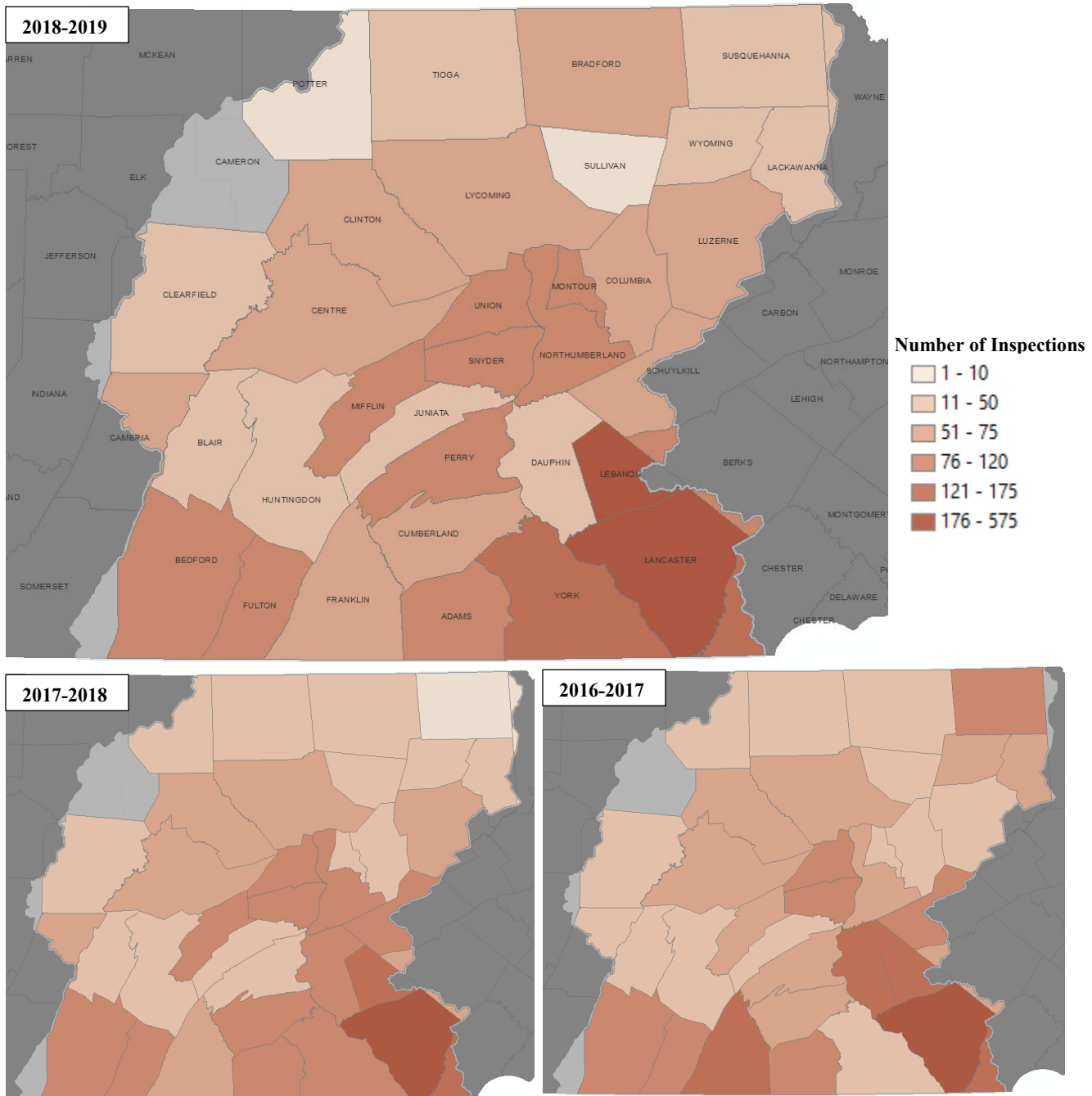


Figure 5: Total Acres Inspected in the Chesapeake Bay by County

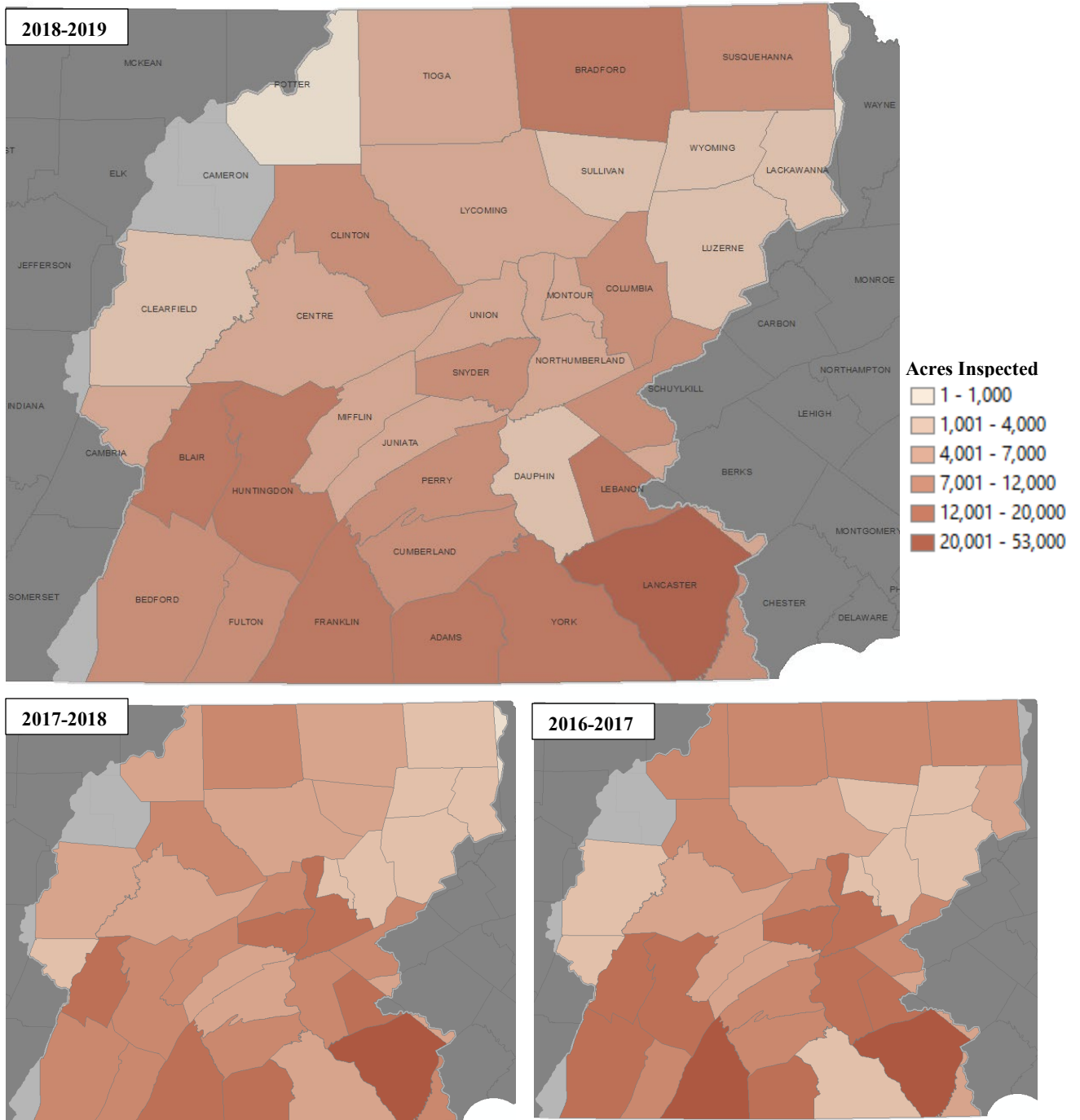
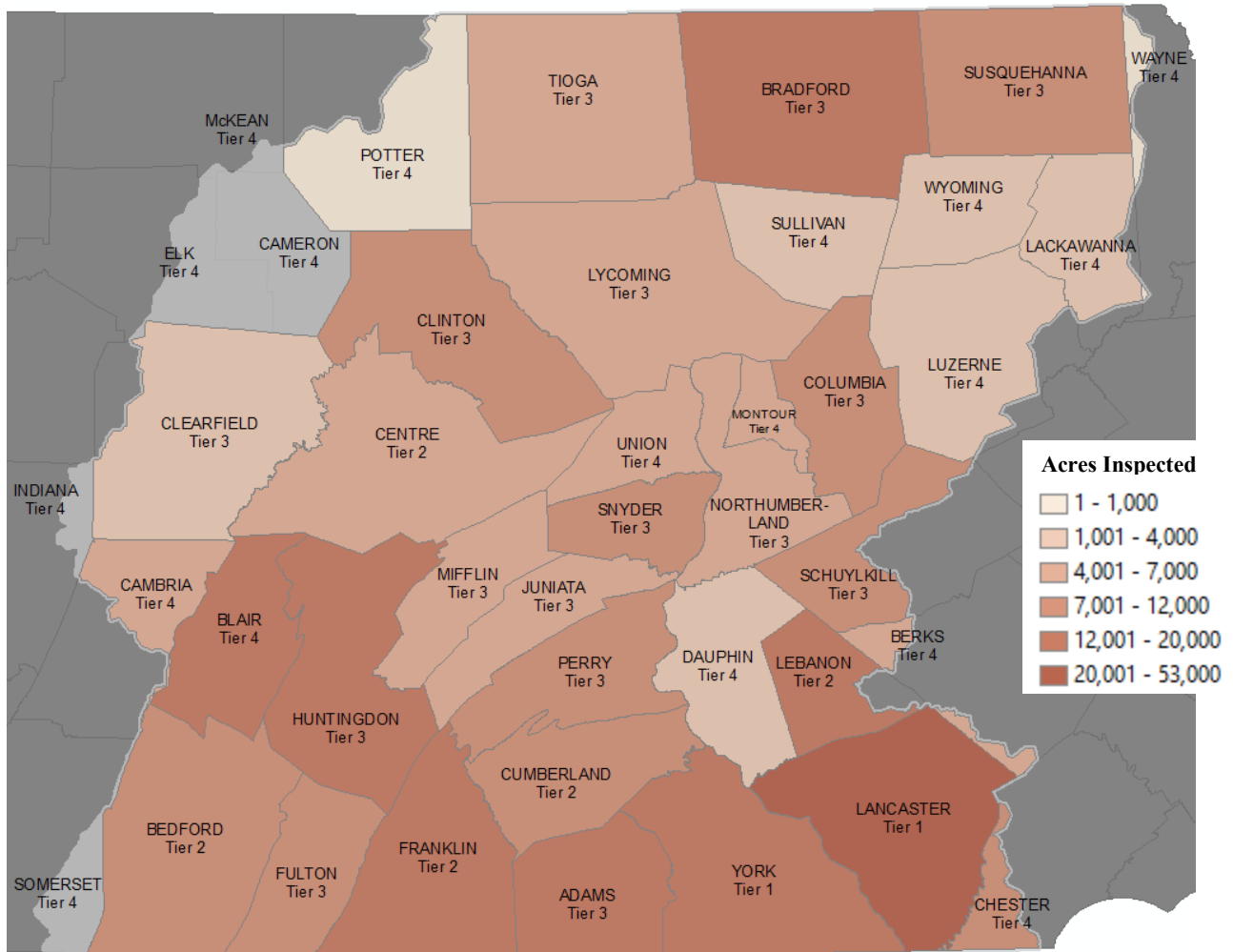


Figure 6: Total Acres Inspected 2018-2019 by Phase 3 WIP County Tiers



Compliance

The compliance rate for Act 38 plan development and implementation for the Chesapeake Bay Watershed was found to be 86% at the time of inspection. For agricultural operations that were inspected as part of the Chesapeake Bay Agriculture Initial Inspection Program, farm planning compliance rates at the time of the initial inspection were found to be 63% for MMPs and 64% for Ag E&S plans. With follow-up from the conservation districts and DEP, the compliance rate for these operations increased to 97%.

Not included in the above results are the verifications performed via the Resource Enhancement and Protection (REAP) Program, which is administered by the State Conservation Commission. Since 2007, REAP has approved over 3,300 applications from almost 2,600 farmers (farmers can apply more than once to the program). A farmer must have their environmental compliance status verified each time they apply.

Chesapeake Bay Agricultural Inspection Program: Compliance and Enforcement

Compliance rates at the time of initial inspection for Manure Management and Agricultural Erosion and Sediment Control (Ag E&S) Plans are comparable to the previous years. It is important to note the

percentage found to have had planning and/or technical assistance provided by another party (agency or private consultant) to develop the plan.

Table 3. The percent of administratively complete plans found at the time of initial inspection for farms required to have and implement the plan(s).

Manure Management Plan	Percent of Total Required
Administratively Complete at the time of Initial Inspection	63%
Planning/Technical Assistance Provided	85%
Agricultural Erosion and Sediment Control (Ag E&S) Plan	Percent of Total Required
Administratively Complete at the time of Initial Inspection	64%
Planning/Technical Assistance Provided	92%

It should be noted that 97% of all farms inspected in 2018 – 2019 met the planning obligations by the end of the state fiscal year.

Table 4. The total referrals to the DEP Bureau of Clean Water for continued non-compliance for plan violations, along with further enforcement actions taken on those operations.

	2016-2017	2017-2018	2018-2019	Total
Referrals to DEP Bureau of Clean Water	21	87	66	174
Notices of Violation	21	87	66	174
Field Orders	0	22	47	69
Consent Order and Agreement	0	1	2	3
Closed Cases	7	42	64	113

BMP Data Collection and Tracking

The Chesapeake Bay Agricultural Inspection Program will again report the best management practices identified at the time of inspection to the Chesapeake Bay Program for annual progress. These best management practices include reporting the implementation of Manure Management Plans, manure storages, barnyard runoff controls, forested and grassed buffers, stream fencing, and rotational and prescribed grazing. Other practices may be collected by the inspector if the farmer has implemented those practices and is willing to provide the information.

The Chesapeake Bay Program Partnership has instituted credit durations for all best management practices reported for the states' annual progress. The Nutrient Management best management practices for nitrogen and phosphorus are considered annual credits, therefore the states must report progress toward meeting those goals annually. While those farms and acres inspected via the Act 38 Nutrient Management Program typically remain constant over time, compliance is assessed annually. The rate of compliance for Act 38 Nutrient Management plan implementation was approximately 86% at the time of the inspection. Further follow-up activities are required as part of the compliance assessment of Act 38 regulated farms, with the vast majority of those found to be out of compliance coming into compliance within 6 months after the annual inspection.

The farms and acres inspected under the Chesapeake Bay Agricultural Inspection Program are unique operations. This means that the operations had not been re-visited, unless a follow-up inspection was needed. Out of the total 2,065 farms inspected, 1,617 were inspected by conservation districts and 448 were inspected by DEP regional offices.

Since November of 2017, we have included a voluntary records check for farms which indicate if they are following their Manure Management Plans. From the farms inspected 2018-2019 the Chesapeake Bay Inspection Program will be reporting over 29,450 acres of implemented Manure Management Plans, which meets the requirements of the Nutrient Management Core Nitrogen best management practice. Between 2017-2018 and 2018-2019, we have increased the total acres of implemented Manure Management Plans documented and reported through the Chesapeake Bay Ag Inspection Program by almost 30%.

Manure Storage Facilities have a 15-year credit duration in the Chesapeake Bay Program modeling tools. As such, if the facilities are not re-verified to show that it is existing and functioning every 15 years, the practice is removed from the system. Through the Chesapeake Bay Ag Inspection Program, we can report for progress 129 existing liquid manure storage facilities that are equal to or greater than 15 years of age going back to 1985. The total capacity of these reported liquid manure storage facilities is over 35,992,700 gallons.

According to the Pennsylvania Phase 3 Chesapeake Bay Watershed Implementation Plan, Table 2.2 Modeled Existing Programs Resulting in Reductions, the Act 38 Nutrient Management Program contributed nitrogen reductions of 867,000 pounds and phosphorous reductions of 14,000 pounds in 2017-2018. The Chesapeake Bay Inspection Program contributed nitrogen reductions of 487,000 pounds, phosphorous reductions of 13,400 pounds, and sediment reductions of 31,959,000 pounds. It is anticipated that the programs will show similar reductions for 2018-2019.

Conclusion

Another successful year of the expanded agricultural inspection program has shown that most farmers are getting the plans they need. A large part of the inspection program is education. Conservation district and DEP staff are using inspections as a catalyst to help farmers understand what is needed and to get them on track to implement their plans. Implementing best management practices on the land helps to ensure long-term farm sustainability and environmental protection.

Planning and technical assistance are of paramount importance. The development and implementation of plans hinges on the professionals who provide assistance. Funding resources continue to be needed as well. State programs like the Agricultural Plan Reimbursement Program, Small Business Advantage Grants, Resource Enhancement and Protection (REAP) Program, and Growing Greener as well as federal programs like NRCS Environmental Quality Incentives Program (EQIP), EPA Chesapeake Bay Implementation Grant (CBIG), and EPA Chesapeake Bay Regulatory Accountability Program (CBRAP) are critical for the continued improvements made to our local waters.

Acknowledgements

This work would not be accomplished without the active participation of conservation district and DEP staff. Their efforts are much appreciated and the individuals performing inspections and enforcement actions are recognized for the professional and effective way they continue to carry out these activities.

November 1, 2019

To: Members
State Conservation Commission

From: Karl G. Brown
Executive Secretary

RE: Chapter 105 - Dam Safety and Waterways Regulation Revision Update

Additional information pertaining to this agenda item will be provided at our November 12, 2019 Commission Meeting.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

November 10, 2019

To: Members
State Conservation Commission

From: Karl G. Brown
Executive Secretary

RE: Pennsylvania Farm Bill Update - Conservation Excellence Grant Program Review of Concepts

Additional information pertaining to this agenda item will be provided at our November 12, 2019 Commission Meeting.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 23, 2019

TO: State Conservation Commission Members

FROM: Frank X. Schneider, Director
Nutrient and Odor Management Programs

THROUGH: Karl G. Brown
Executive Secretary

RE: Nutrient and Odor Management Programs Report

The Nutrient and Odor Management Program Staff of the State Conservation Commission offer the following report of measurable results for the time-period of September / October 2019.

For the months of September and October 2019, staff and delegated conservation districts have:

1. Odor Management Plans:
 - a. 7 OMPs in the review process
 - b. 6 OMPs Approved
 - c. 3 OMP approval Rescinded
2. Reviewed and approved 161 Nutrient Management (NM) Plans in the 3rd quarter of 2019.
 - a. Those approved NM plans covered 25,855 acres
 - b. Those approved NM plans included 94,134 Animal Equivalent Units (AEUs), generating 1,431,485.5 tons of manure.
3. Managing eighteen (18) enforcement or compliance actions, currently in various stages of the compliance or enforcement process.
4. Managed one OMP Appeal and continue to deal with the previous NMP appeal
5. Continue to daily answer questions for NMP and OMP writers, NMP reviewers, delegated Conservation Districts, and others.
6. Assisted DEP with various functions and as workgroup members in Federal and State settings for the Chesapeake Bay Program.
7. Worked on preparing and administering the following:
 - a. NM Technical Conferences in two locations.
 - b. NM/MM Administrative Conferences in 4 locations.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 28, 2019

TO: Members
State Conservation Commission

FROM: Karl J. Dymond
State Conservation Commission *KJ Dymond*

SUBJECT: November 2019 Status Report on Facility Odor Management Plan Reviews

Detailed Report of Recent Odor Management Plan Actions

In accordance with Commission policy, attached is the Odor Management Plans (OMPs) actions report for your review. No formal action is needed on this report unless the Commission would choose to revise any of the plan actions shown on this list at this time. This recent plan actions report details the OMPs that have been acted on by the Commission and the Commission's Executive Secretary since the last program status report provided to the Commission at the September 2019 Commission meeting.

Program Statistics

Below are the overall program statistics relating to the Commission's Odor Management Program, representing the activities of the program from its inception in March of 2009, to October 25, 2019.

The table below summarizes approved plans grouped by the Nutrient Management Program Coordinator

	Central	NE/NC	SE/SC	West	Totals
2009	7	6	28	1	42
2010	5	7	25	2	39
2011	10	12	15	2	39
2012	9	17	16	2	44
2013	10	11	38	3	62
2014	13	16	44	2	75
2015	15	15	61	2	93
2016	19	16	59	4	98
2017	25	24	44	3	96
2018	14	13	40	1	68
2019	9	8	12		29
Total	136	145	382	22	
Grand Total					685

As of October 25, 2019, there are six hundred eighty-five **approved** plans and/or amendments, nine plans have been **denied**, twelve plans/ amendments have been **withdrawn** without action taken, sixty-nine plans/ amendments were **rescinded**, and eight plans/ amendments are going through the **plan review process**.

OMP Actions Status Report

Action	OMP Name	County	Municipality	Species	AEUs	OSI Score	Status	Amended
8/28/2019	Wenger, Paul - Chicken Barn	Cumberland	Southampton Twp	Layers	80.60	28.9	Approved	
9/11/2019	Brubaker, James	Snyder	Union Twp	Broilers	186.23	21.4	Rescinded	
9/11/2019	Miller, Johnny	Jefferson	McCalmont Twp	Veal	92.91	67.7	Rescinded	
9/16/2019	Stoltzfus, Ben Jr	Lancaster	Caernarvon Twp	Cattle	42.10	24.7	Approved	
9/23/2019	Foster, Tyler C	Schuylkill	W Penn Twp	Layers	147.50	36.6	Approved	A
9/27/2019	Oberholtzer, Jay - Turkey Barn	Union	Buffalo Twp	Turkey	239.96	39.9	Approved	
9/27/2019	Weaver, Roy - Home Farm	Lebanon	Cornwall Twp	Layers	147.67	34.8	Approved	
10/1/2019	Akers, Joshua T	Lancaster	E Drumore Twp	Duck	85.17	40.9	Approved	A
10/1/2019	Nolt, Jeff	Lancaster	Rapho Twp	Broilers	122.33	65.2	Rescinded	
10/2/2019	Zimmerman, Lavon J	Juniata	Walker & Delaware Twps	Swine	358.00	75.4	Approved	
10/24/2019	Beiler, Christian & Malinda	Montour	Derry Twp	Veal	52.16	84.5	Approved	A

As of October 25, 2019



COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION

DATE: October 29, 2019
TO: State Conservation Commission
FROM: Johan E. Berger
 Financial, Certification and Conservation District Programs
SUBJ: 2019 Program Accomplishments: Nutrient and Odor Management Specialist;
 Commercial Manure Hauler & Broker Certification programs

Certification Program Summary

State Conservation Commission staff facilitate training and certification programs for persons interested in ‘commercial’ or ‘public’ certification to develop or review nutrient management or odor management plans under the Act 38 *Nutrient Management and Facility Odor Management* programs. Training is also facilitated for commercial manure haulers and brokers seeking certification under the Act 49 *Commercial Manure Hauler and Broker Certification* program.

Program Accomplishments (January 1, 2019 to September 30, 2019)

1. Program staff facilitated two certification cycles of course work for the Nutrient Management Specialist certification program beginning in March and August 2019. Each cycle includes twelve (12) days of training in eight (8) courses.

Twenty-nine (29) individuals completed or are in the process of completing the necessary certification coursework to achieve provisional certification in commercial and public certification categories.

2. Two certification cycles of coursework for the Commercial Manure Hauler and Broker certification program was offered in March and October 2019. Each cycle contains two (2) days of coursework.

Thirty-five (35) commercial manure haulers or brokers completed their required coursework and certification requirements.

3. Program staff issued the following licenses to individuals who successfully completed certification requirements and/or continuing education requirements for license renewals:

- a. Nutrient Management and Odor Management Specialists:.....35
- b. Nutrient Management Specialist (Provisional License) (pending completion of current certification cycle)21
- c. Commercial Manure Haulers and Brokers:.....294

Total licenses monitored and maintained by the Commission on behalf of PDA:

- a. Nutrient Management Specialists..... 285
 - b. Odor Management Specialists35
 - c. Commercial Manure Haulers and Brokers 876
4. Approved credits for eligible continuing education programs scheduled from January 1 to September 30, 2019:
- a. Nutrient Management & Odor Management Specialist certification: 50 events
 - b. Commercial Manure Hauler and Broker certification:..... 60 events
5. Program staff performed six (6) site inspections regarding record keeping requirements under the Act 49 Commercial Manure Hauler and Broker Certification Program.



**COMMONWEALTH OF PENNSYLVANIA
STATE CONSERVATION COMMISSION**

DATE: October 29, 2019
TO: State Conservation Commission
FROM: Johan E. Berger
 Financial, Certification and Conservation District Programs
SUBJ: 2018 -2019 Program Accomplishments (January 2019 to October 2019)
 Resource Protection and Enhancement Program (REAP)

REAP Program Summary

The Resource Enhancement and Protection (REAP) Program allows farmers, businesses, and landowners to earn state tax credits in exchange for the implementation of conservation Best Management Practices (BMPs) on Pennsylvania farms. REAP is a “first-come, first-served” program – no rankings. The program is administered by the State Conservation Commission and the tax credits are awarded by the Pennsylvania Department of Revenue. Eligible applicants receive between 50% and 75% of project costs in the form of State tax credits for up to \$250,000 per agricultural operation. *Special Note: As of July 1, 2019 the REAP Tax Credit program was revised as part of the 2019 Tax Code amendments. This increased the ‘lifetime’ tax credit limit of \$150,000 per eligible applicant to a tax credit limit of \$250,000 in a 7-year period.*

Program Accomplishments

The FY2019 REAP application period opened on September 18, 2019. Below is a summary of the FY2018 round of REAP applications and a summary of the FY2019 round, to date (1.) and, a summary of REAP activities from January 1, 2019 to October 31, 2019 (2). Approximately sixteen (16) applications received in program year 2018, representing approximately \$500 thousand, could not be considered under the FY2018 allocation. These applications were held for consideration in the FY2019-20 round of applications for REAP.

(1.) FY 2018 & FY 2019

Applications		Total Cost	Other Public Funds	REAP Requests	Credits Granted
2018	234	\$26.2 million	\$5.0 million	\$10.2 million	\$6.2 million
2019	69	\$7.8 million	\$1.2 million	\$2.9 million	\$0.0

a) REAP Request – project types	FY2018	FY2019
1) Proposed.....	\$3.8 million	NA*
2) Completed Projects	\$6.4 million	NA*
b) No-Till Equipment.....	\$3.7 million	NA*
c) Structural BMPs (including cover crops)	\$5.9 million	NA*
d) Plans (Ag E&S, Conservation, Manure Management, Nutr. Mgmt.)	\$127,500	NA*
e) Low Disturbance Residue Management Equipment	\$329,000	NA*
f) Precision Ag Equipment	\$92,800	NA*

NA* - Information Not Available at this time.

(2.) January 01, 2019 – October 31, 2019

1. Tax Credits issued to applicants for completed projects\$5.2 million
2. Number of BMPs completed associated with issued tax credits..... 260
3. Number of new tax credit ‘sales’ completed.....185 sale transactions
4. Value of new tax credits processed through ‘sales’.....\$4.2 million
5. Number of site inspections conducted on completed projects12
6. Educational and promotional activities included one press release:
 - 2 Press releases
 - 1 Instructional Webinar
 - 6 Speaking events (E.g. Pa Farm Bureau, Banks workshops)



BUILDING BRIDGES

Farmers Municipalities* Citizens
Conservation Districts* Agribusiness*

To: Members October 31, 2019
 State Conservation Commission
 From: Beth Futrick
 Agriculture/Public Liaison
 Through: Karl G. Brown, Executive Secretary
 State Conservation Commission
 Re: Ombudsman Program Update – Southern Alleghenies Region

Activities: September-October 2019

- Organize 3 twilight pasturewalks hosted by 3 local farmer-mentors. These events are developed for new/beginning grazers.
 - June 27 – Rodney Davis Farm, August 22 – Bob Whittaker Farm, and September 19 – George Lake Farm
 - 31-36 producers attended each event with two new producers contacting NRCS for follow up farm visits
- Developing “multi-functional buffer” workshops to highlight growing: nut trees, herbs, fruit, cut flowers, etc. in a riparian buffer. the multi-functional riparian buffer at Natureworks Park (Planned for this fall at BCCD property)
 - September 7 – Cut Flower Workshop and Floriculture Buffer planting
 - September 21 – Spotted Lantern Fly Workshop and Edible Buffer planting
 - October 12 - Growing Mushrooms in a Buffer and Agroforest Buffer planting
- Planning a “marketing” local food workshop to be held this fall/early winter
- Assisting SCC with hosting the 2019 Nutrient Management Conference- West
- Preparing webinar presentations to be delivered at PSATS meetings

Meetings/Trainings/Events

- Local Food meeting w/ Penn State University – Sept 10
- Pasturewalk prep meeting - Sept 11
- Multi-functional buffer meeting w/ Penn State University & DCNR – Sept 11
- Venango County farm visit with the conservation district. Follow up on an odor complaint – Sept 30
- Pasturewalk at George Lake Farm in Huntingdon Co – September 19
 - 36 producers attended
- Buffer Planting and Spotted Lantern Fly event – September 21
 - 12 attended
- Buffer Planting and Mushroom Growing event – October 12
- PSATS lunchtime webinar presentation – October 16
 - 21 attended
- Southern Alleghenies RC&D and Conservancy meetings – October 25

Conflict Issues/Municipal Assistance –

- Venango County – manure/odor complaint

Reports & Grant Applications

--BCCD Board Report

--PACD/CREP grant mid-term report



BUILDING BRIDGES

Farmers * Municipalities * Citizens
Conservation Districts * Agribusiness

To: Members
State Conservation Commission

From: Shelly Dehoff
Agriculture/Public Liaison

Through: Karl G. Brown, Executive Secretary
State Conservation Commission

Re: Agricultural Ombudsman Program Update

November 12, 2019

Activities: Since mid-September 2019, I have taken part or assisted in a number of events, including the following:

- Called in to Mushroom Farmers of PA meeting in Chester Co
- Planning Lancaster Co Ag Week and Denim & Pearls dinner gala
- Working with American Farmland Trust to help create Women for the Land Learning Circle; attended actual event on Nov 6.
- Events as South Central Task Force Agriculture Subcommittee Planning Specialist
 - hosted Adams and Franklin Counties grain bin rescue training for first responders in each county
 - ran monthly Ag Subcommittee meetings
 - arranging speakers for monthly meetings
 - working with Kay Moyer to finalize farm safety collectible cards for Plain Sect; planning to use SCTF money to print them, and distribute through 8 county region
 - starting efforts to offer "Stop the Bleed" training to the Plain Sect and English farming communities in 8-county region
 - attend monthly Exercise Working Group meetings to plan events, trainings, network with fellow planning specialists
- Presented during webinar for PSATS with Beth Futrick to remind municipal officials of Ombudsman Program
- Wrote LCCD newsletter article
- Attended and assisted at Lancaster Co. Agriculture Council meetings
- Attended yearly meeting with Secretary Redding, SCC, PDA staff and eastern and western Ag Ombudsman program reps
- Processing registrations for NMA Conference in November

Local Government Interaction: I have been asked to provide educational input regarding agriculture:

Adams Co—made aware of concerns, reviewed proposals, but later made aware municipality tabled the decision indefinitely and will re-work proposed wording; offered to help municipality if they are interested.

Lancaster Co—talked to attorney working on situation; will write letter to document situation

Moderation or Liaison Activities: I have been asked to provide moderation or liaison assistance with a particular situation:

None currently

Research and Education Activities:

Farm & Home Center—still working with building manager to look at safety/security preparedness and communication options for all tenants at Farm & Home Center

Fly Complaint Response Coordination: I have taken complaints or am coordinating fly-related issues in:

None currently