

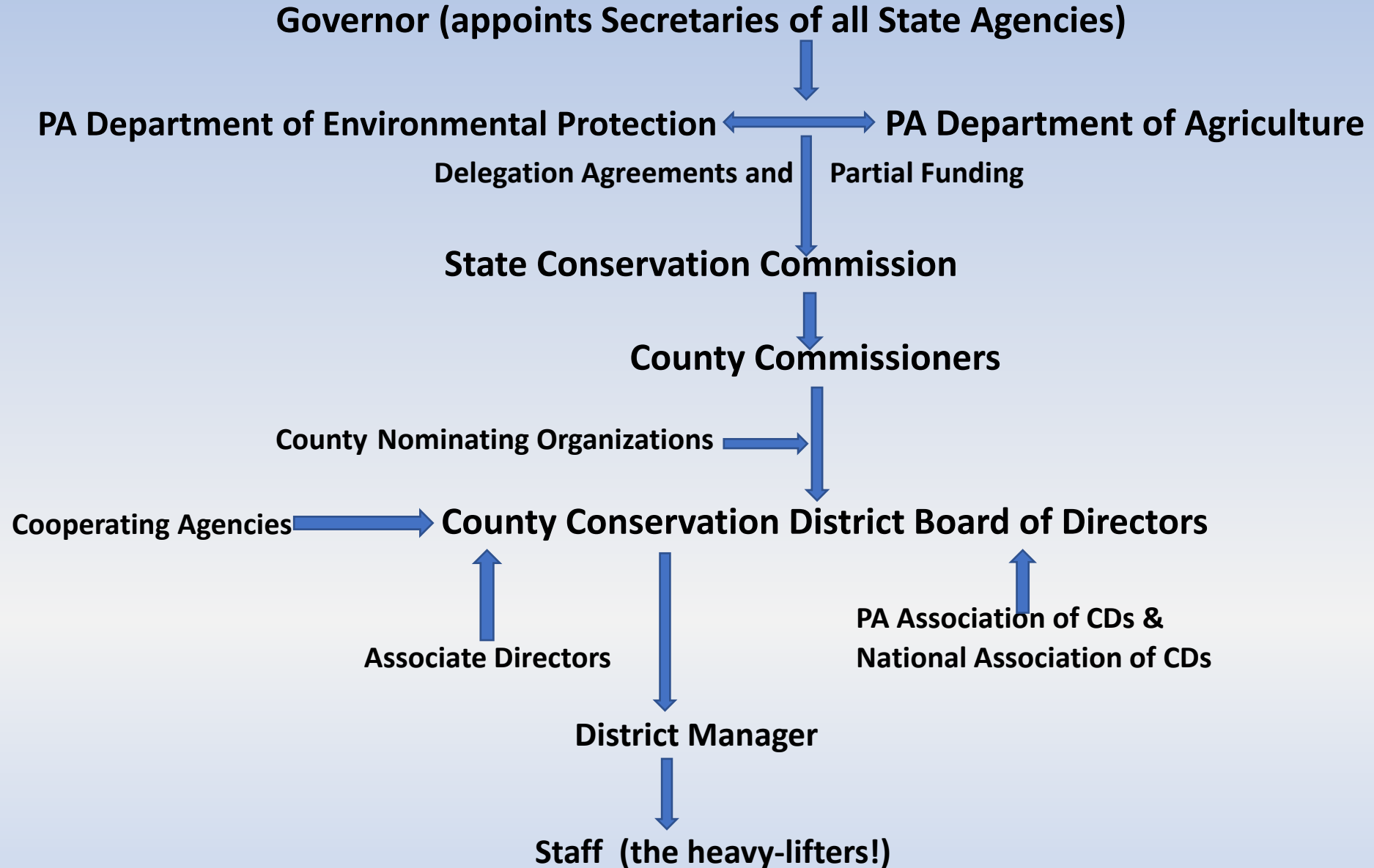
DEP PROGRAMS

Department of Environmental
Protection & Conservation Districts

Program Overview for Directors
June 21, 2023

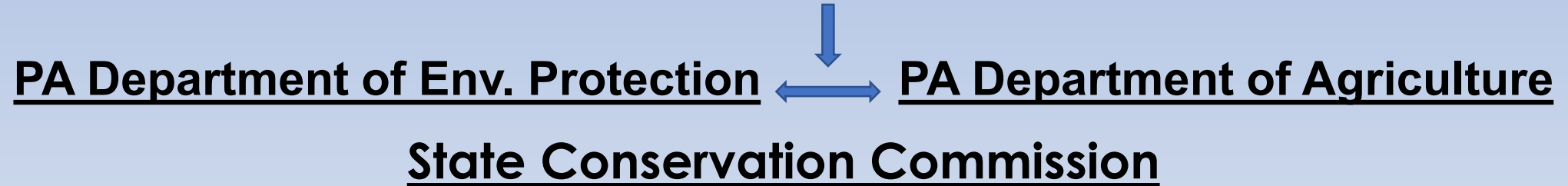


Organizational Flow Chart as applied to Districts



Breaking down the Flow Chart

Governor (appoints Secretaries of all State Agencies)



Contract and Delegation Agreements with Districts to implement various programs:

DEP

Chapter 102 (with NPDES*)
Chapter 105
Post Construction Stormwater Mgmt.
Chesapeake Bay Program
Watershed Specialist

PDA/SCC

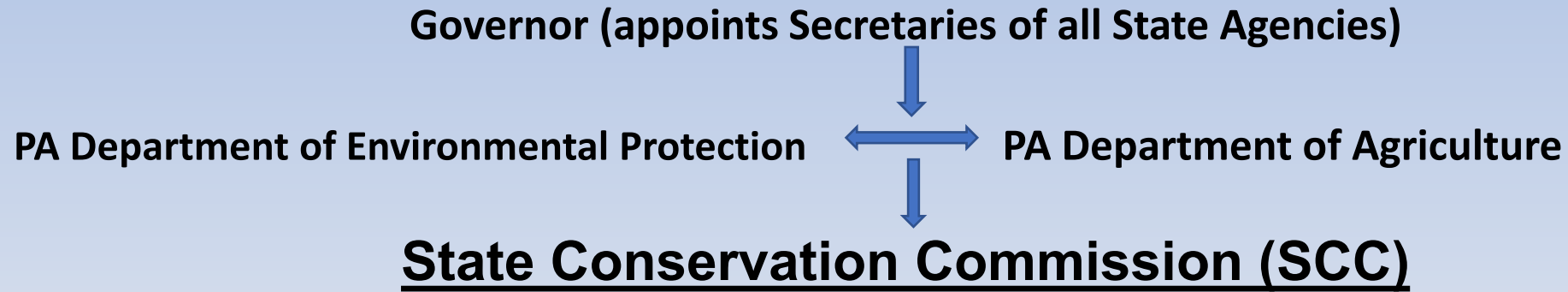
Act 38 Nutrient Management Program
Dirt Gravel, Low Volume Road Program
CDFAP *
ACAP
CEG

* National Pollutant Discharge Elimination System

PA-adopted permitting program designed to meet Federal Clean Water Act (EPA) requirements

*CDFAP – Conservation District Fund Allocation Program – Distribution of state funding allocations

Breaking Down the Flow Chart



- Created under Conservation District Law (Act of May 15, 1945 – amended 2008)
- 14-member Commission which includes:
 - PADEP and PDA Secretaries (alternate as Chair annually)
 - Four Farmer and two public members appointed by Governor, serving 4-year terms
 - Dean of the College of Agriculture or PSU
 - Five non-voting associate members (NRCS, DCED, DCNR, Extension, PACD President)
- Provides Administrative and Policy Oversight to CDs through:
 - Executive Secretary, Doug Wolfgang and staff (24)
 - Administration of Conservation District Fund
 - SCC Policies and Procedures (district operations)
 - Administering of programs and programmatic support to CDs
 - Responsible for the expenditures of funds by the districts



Department of Environmental Protection Programs

- Chapter 102 Program/NPDES/PCSM
- Chapter 105 Program
- Chesapeake Bay Technician/Engineer Program
- Watershed Specialist
- Conservation District Fund Allocation Program

NPDES - National Pollutant Discharge Elimination System

PCSM - Post-Construction Storm Water

Department of Environmental Protection Programs

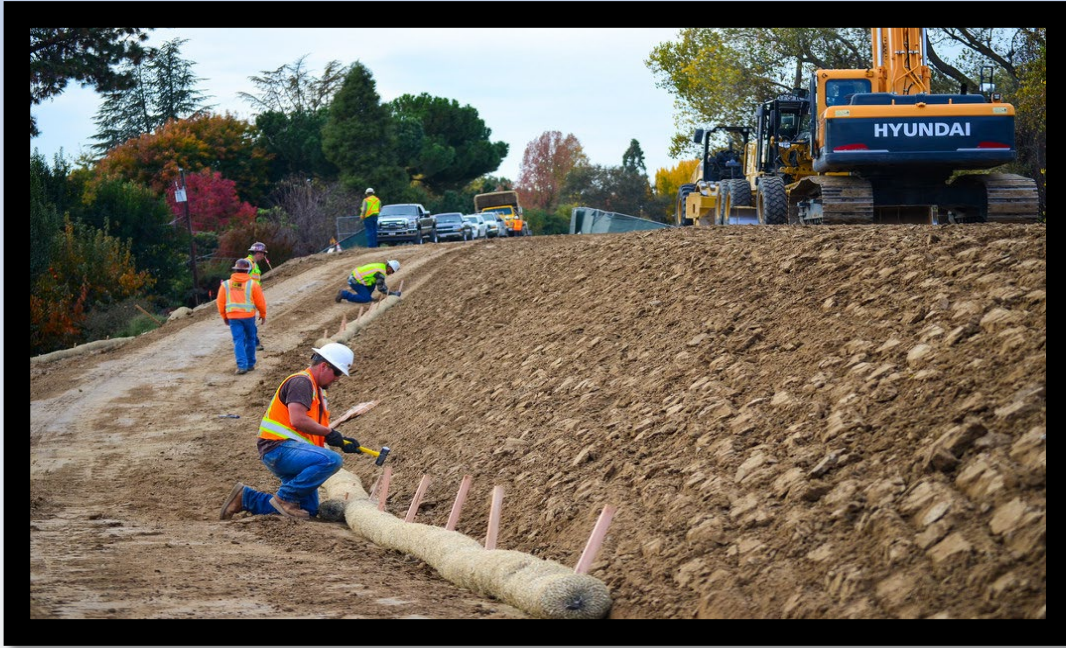
Delegation agreement



Chapter 102 Program



Chapter 102 Program



Chapter 102 – Delegation Agreement



Level I Education/Information and Outreach
Required Output Measures (ROMs)



Level II Administration and Compliance ROMs



Level III Program Enforcement ROM's



Chapter 102 Program

Manager Expectations

- > Active role in Chapter 102.
- > Know the delegation agreement and required output measures.
- > The person who is signing page 1 of permits and permit cover letters. This is not to be done by staff. This is important for DEP's delegation with EPA.
- > Stay up to date on program guidance and initiatives.

Chapter 102 Program

Training:

- **Spring training events**
 - A 3- or 4-day training event, geared toward new hires from the previous year.
 - An advanced training event, over 3 or 4 days, which includes selected specialized topics; chapter 105 topics are typically included in these events as well.
- **Fall regional meetings**
 - A one-day meeting, CD staff travel to their regional office to hear from the Bureau of Clean Water on program updates and other specialized topics.
- **Clean Water Academy**
 - An on-line and on-demand training portal; there are many training courses on the Chapter 102 program
 - CWA is also used to warehouse DEP's internal program guidance and documents such as the E&S and NPDES Administrative Manual, permit and letter templates, and other resources. The Chapter 102 Resource Center is a one-stop shop containing most of the information districts need to implement the Chapter 102 Program.
- **One on one and small group training**
 - Request form on Clean Water Academy submitted by the manager. Due to staff limitations the Bureau may not be able to meet all requests, but we try our best to accommodate. May coordinate multiple one-on-one training requests into a small group training of several CD's, could be in-person or virtual.

Chapter 102 Program

DEP Evaluations

- DEP conducts **periodic evaluations** of district performance under the delegation agreements.
- Ensure duties, responsibilities and **required output measures are being fulfilled**.

Financial Support

- DEP provides **funding via Conservation District Fund Allocation Program (CDFAP)**.
- 1st E&S Tech = **\$20,000.00**.
- **Can add funding** to 1st E&S Tech position and support *additional* E&S Techs using Unconventional Gas Well Funds.
- CDs are allowed to **charge plan review fees**.
- Funding is provided upon receiving approved quarterly reports and reimbursement requests.

Program Contact: Krystal Bloom, Environmental Group Manager: krbloom@pa.gov
717.783.3496

Chapter 105 Program



Chapter 105 Program



Chapter 105 Duties and Required Output Measures (ROMs)

General Permit (GP) Acknowledgement/Completeness Reviews:

Receive, review and acknowledge registration of authorized GP's issued by the Department under 25 Pa. Code Chapter 105.

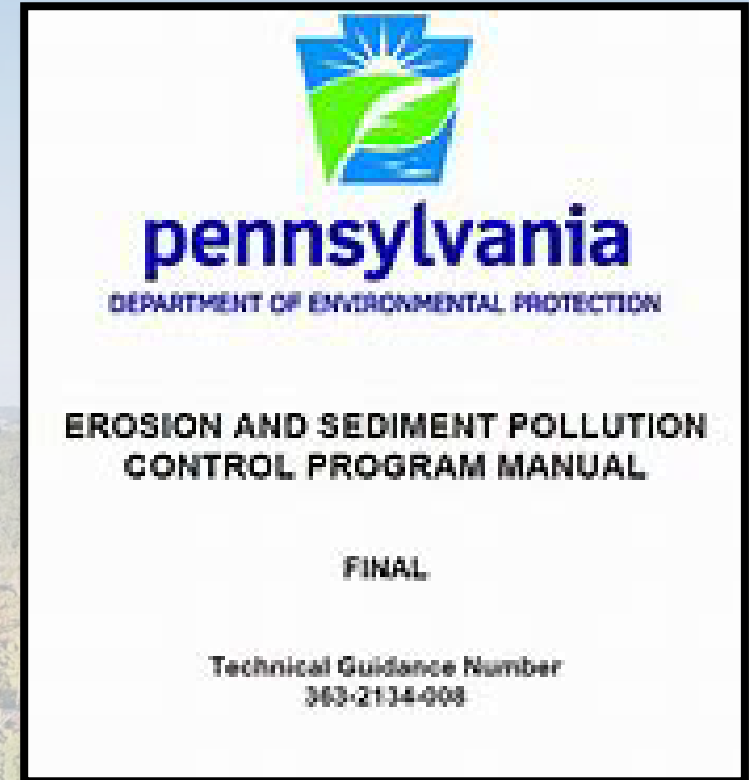
- GP-1 Fish Enhancement Structures
- GP-2 Small Docks and Boat Launching Ramps
- GP-3 Bank Rehabilitation, Bank Protection and Gravel Bar Removal
- GP-4 Intake and Outfall Structures
- GP-5 Utility Line Stream Crossings
- GP-6 Agricultural Crossings and Ramps
- GP-7 Minor Road Crossing
- GP-8 Temporary Road Crossing
- GP-9 Agricultural Activities

Chapter 105 Duties and Required Output Measures (ROMs)

General Permit (GP)

Acknowledgement/Completeness Review

- General Permits will be acknowledged by the District once the District has completed a *review of the required Erosion and Sediment Control Plan (E&S Plan)* and determined the E&S Plan meets the minimum requirements of PA Title 25, Chapter 102, Erosion and Sediment Control.



Chapter 105 Duties and Required Output Measures (ROMs)

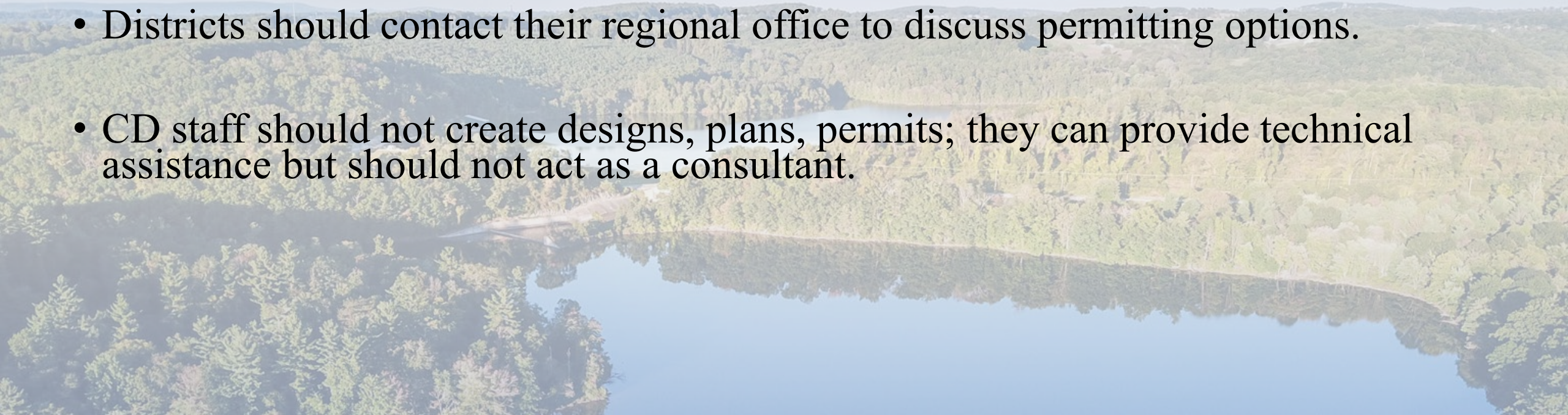
Complaint Investigations and Referrals:

- **Respond to complaints** from the general public within 10 calendar days of receipt. For complaints received from the Department Regional Office, investigate and document the complaint investigation within 15 calendar days of receipt of the complaint. All complaints will be documented on the prescribed Department Chapter 105 inspection report form. All significant violations that cannot be resolved through voluntary compliance after first inspection should be referred to DEP for enforcement.
- **Attempt to achieve voluntary compliance** and site resolution within 30 calendar days of complaint investigation which involves a delegated Chapter 105 related activity. Inspect site after 30 calendar days for compliance. Once compliance is achieved, close the case and notify DEP.
- If unable to achieve voluntary compliance, **refer the complaint to the appropriate Department Regional Office *with appropriate supporting documentation*** including, but not limited to; inspection reports, photographs, and case chronology within 15 calendar days after voluntary compliance attempts have ceased.



Chapter 105 Responsibilities

CD Project Limitations:

- Districts should exercise caution when sponsoring local environmental beneficial projects.
 - Conflicts may occur if permits are authorized by the sponsoring conservation district.
 - To clarify, districts can not acknowledge a permit or a project they are sponsoring.
 - Districts should contact their regional office to discuss permitting options.
 - CD staff should not create designs, plans, permits; they can provide technical assistance but should not act as a consultant.
- 

Chapter 105

DEP Evaluation:

- DEP conducts periodic evaluations of district performance under the delegation agreements.
- Ensure duties, responsibilities and required output measures are being fulfilled.

Financial Support:

- General Permit fees
 - Check payable to “XXXX CD Clean Water Fund”.
- Erosion & Sedimentation (E&S) plan review fee
 - E&S plan must accompany a GP application.
 - Each county can establish their own review fee schedule (and revise/update when necessary).
- PNDI search fee (optional).

Program Contact: Sid Freyermuth, Environmental Program Manager: sfreyermuth@pa.gov
717.772.5977

The slide features a dark blue header with a white triangle on the left and a green horizontal bar below it. The background of the slide is a faded aerial photograph of a river or bay winding through a forested area. The title is centered in the header in white text.

Chesapeake Bay Program Technician Funding Opportunity

- Purpose:
 - Provide technical and compliance assistance to farmers and other landowners to achieve measurable reductions of nutrients and sediment in support of Pennsylvania's Phase 3 Watershed Implementation Plan (WIP) and Countywide Action Plans (CAPs).
- Maximum funding available = \$80,000 per full-time technician.
 - Up to \$8,000 of which may be used for expenses (travel, equipment, supplies, admin.).
- Funding is available to:
 - County Conservation Districts within the PA portion of the Chesapeake Bay Watershed.
- May be used to:
 - Employ technical personnel,
 - Obtain technical services, or
 - Acquire technical equipment and supplies for the purposed of implementing the program.

The slide features a dark blue header with a white triangle on the left and a green horizontal bar below it. The background of the slide is a faded aerial photograph of a river or bay winding through a forested landscape. The title is centered in the header in white text.

Chesapeake Bay Program Technician Required Output Measures

- Participation in the Chesapeake Bay Ag. Inspection Program (CBAIP)
 - Reporting verified cost-shared and non-cost shared best management practices (BMPs)
- Completion of a Training Plan
- MMP, VAO NMP, Ag E&S, and/or NRCS Conservation Plan development
- BMP planning, design, procurement, installation, and maintenance
- Voluntary participation in the PA Agriculture Conservation Stewardship (PACS) Program

PracticeKeeper is to be used to document all work outputs

Chesapeake Bay Agriculture Inspection Program

- What is the Chesapeake Bay Agriculture Inspection Program (CBAIP)?
 - Component of the Chesapeake Bay Technician Contract
 - Ensures farmers are meeting their regulatory requirements under the Clean Streams Law
 - Ag. E&S
 - Manure Management
 - Establishes a workflow for:
 - Verifying existing conservation practices
 - Reporting the associated nutrient and sediment reductions for CAP and WIP progress

CBAIP

=

Ag. E&S &
MMP
compliance
on local farms

BMP
verification
for CAP and
WIP progress

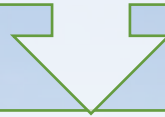
Outreach for
local
initiatives

Solving local
problems
locally

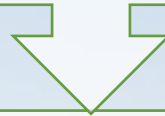
Clean Water
in local
streams and
waterbodies

CBAIP – CCD Roles & Responsibilities

Participate in DEP-led events regarding the SOP



Develop annual inspection strategies



Conduct inspections and follow-up activities

(Not to include enforcement activities)



Quarterly reporting to DEP

CABIP – Summary & Benefits

CBAIP

=

Ag. E&S
compliance
on local farms

BMP
verification
for CAP and
WIP progress

Outreach for
local
initiatives

Solving local
problems
locally

Clean Water
in local
streams and
waterbodies

Kate Bresaw

**Bureau of Watershed Restoration and
Nonpoint Source Management
Agriculture Compliance Section
Environmental Group Manager**

kbresaw@pa.gov

717-772-5650

Carl Deluca

**Bureau of Watershed Restoration and
Nonpoint Source Management
Nonpoint Source Management Division
Environmental Program Manager**

cdeluca@pa.gov

717-772-5832



Watershed Support Section Overview of Programs 2023

Josh Shapiro, Governor

Richard Negrin, Acting Secretary

▶ Conservation District Watershed Specialists

- Program Started 1999 -Funded through the Environmental Stewardship Act.
- Watershed Specialists are to provide technical, informational and organizational assistance that will improve watershed organization development and the quality and quantity of the Commonwealth's surface and groundwater resources.
 - Can work with both public and private sectors
- Current contract being updated and will apply for 5 years; renewal paperwork needed in June of each year.
 - Funding support up to \$50,250 per year
 - 20% matching funds required

▶ Conservation District Watershed Specialists

Requirements -

- Implement protection and restoration activities within priority watersheds.
- Prepare, submit, and administer grants to support watershed improvement projects.
- Enter Growing Greener/Section 319 grant details into Practice Keeper for CD and other county grant projects being implemented (NEW contract requirement).
- Provide trainings/education and outreach to local stakeholders and/or schools.
- Attend trainings, including the Watershed Specialist Meeting held annually in the Fall.
- Submit accomplishments on quarterly progress reports.
- Provide information on any improving waters on the April – June quarterly progress report.



▶ Watershed Support Section

- Section 319 Program:
 - Federal Clean Water Act Section 319
 - Address problems from nonpoint source pollution
 - US Congress appropriates the funds annually
 - Funds are administered through the PA Department of Environmental Protection (DEP) through grants

Watershed Support Section

- Growing Greener Grant Program:
 - Funded through Environmental Stewardship Fund
 - Watershed Restoration and Protection
 - Reduce non-point source pollution
 - Reduce nitrogen, phosphorus and sediment
 - Reduce AMD-related metals and acidity
 - Reduce stormwater runoff
 - Improve streambank stability and other topics
 - Improve water quality and protect healthy waterbodies
 - Submit applications through eGrants



Grant Round
Dates for Section
319 & Growing
Greener:

Grant round opened
on April 21, 2023

Grant round closes
June 23, 2023, at
11:59 PM

Grant Guidance:



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Shane Kleiner
Environmental Group Manager
Watershed Support Section
shkleiner@pa.gov



Conservation District Fund Allocation Program (CDFAP)

“Background and Distribution of Funds”

Bureau of Watershed Restoration and Nonpoint
Source Management

Conservation District Support Section

June 21, 2023

Josh Shapiro, Governor

Richard Negrin, Acting Secretary

▶ Conservation District Fund Allocation Program

- Active Partners:
 - SCC
 - DEP & PDA
 - Conservation Districts
- 'Partner' Program responsibilities
 - **SCC** - establishes program policies and parameters for district oversight and support (financial & policy/administrative), annual allocations and distribution of funds.
 - **DEP & PDA** – administrative management of fund distribution and reporting.



CDFAP Background

CDFAP Statement of Policy

- Annually the Commission will allocate available funding to one or more of the **program elements** identified in the CDFAP SOP and if funds are available, provide an allocation of **non-specific program element funds** (UGWF) to districts for use under this SOP.
- The Commission will provide for the fair and equitable distribution of funds to districts.
- Total funding available for allocation to one or more of the program elements will be determined by the Commission in consultation with the PDA, DEP and other relevant funding sources.



CDFAP Funding Streams

Available CDFAP Funding for FY 2022-23	
DEP 'Line Item' Approp. to CD Fund:	\$ 7,516,000
PDA 'Line Item' Approp. to CD Fund:	\$ 2,669,000
SCC UGWF Approp. to CD Fund:	\$ 4,430,120
Subtotal: \$ 14,615,120	
PUC UGWF Block Grant to CCDs:	\$ 4,430,120
Grand Total: \$ 19,045,240	

CDFAP

- **Conservation District** - implementation of SCC supported program activities and fund management of allocations at the local level.
 - **Manager and Management Positions** – Employ a Conservation District Manager to oversee staff and program implementation (DEP)
 - **1st E&S Tech** – Maintain delegation in the Chapter 102 Program and employ technical staff to carry out the program. (DEP)
 - **Agricultural Conservation Technicians (PDA)** – local implementation of agricultural support programs.
 - (E.g.. – Agricultural Preservation, general technical assistance)
 - **Administrative Assistance Support** – UGW Funds designated for administrative use (DEP & PDA)
 - **Special projects** – implementation of projects meeting CDFAP parameters and guidelines. (PDA & DEP)
 - E.g. – education projects; BMP implementation projects
 - **Reserve Accounts** – long term management of dedicated funds for admin or program functions of the district. (PDA)
 - **State-wide Special Projects** – Leadership Development, Ag Boot Camp, Ombudsman Programs

Allocations

- State Conservation Commission sets Allocations at July Meeting
 - Manager - \$30,000*
 - 1st E&S Tech - \$20,000*
 - Agricultural Conservation Technician - \$20,000*
 - CDFAP UGW to All Districts - \$67,123*
 - CDs with wells – Base \$15,000* + \$1,840.85 per well

*Fiscal year 22-23 allocation amounts



Questions?

**Karen Books, Environmental Group Manager
Conservation District Support Section**

717-772-5649

kbooks@pa.gov

&

**Jaci Kerstetter, Water Program Specialist
Conservation District Support Section**

717-772-5164

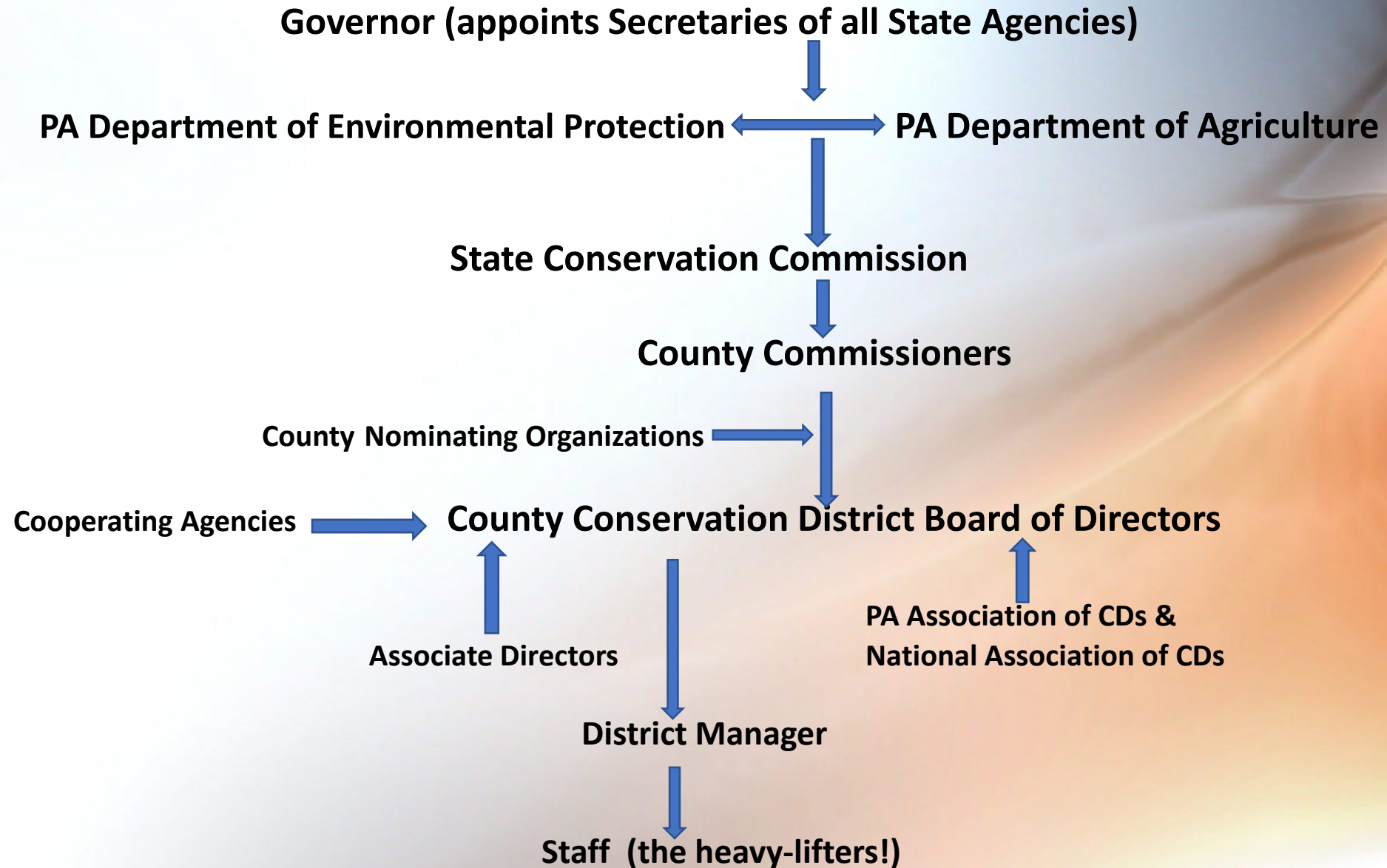
jackerstet@pa.gov

SCC Partner Programs: An Overview & Relationships

State Conservation Commission & Conservation Districts
June 21, 2023



Organizational Flow Chart as applied to Districts





State Conservation Commission Programs

- Act 38 Nutrient Management Program
- Act 38 Odor Management Program
- Resource Enhancement and Protection (REAP)
- Conservation Excellence Grant Program
- Conservation District Fund Allocation Program
 - Agricultural Conservation Technical Assistance
 - Special Projects
 - Leadership Development Program
- Dirt, Gravel and Low Volume Road Maintenance Program
- Agricultural Conservation Assistance Program (ACAP)

Partnership Vehicles & Expectations

- Delegation Agreement vs. Contract/Agreement
 - Delegation agreement
 - Grants authority to a conservation district to carry out a program “on behalf” of the State Conservation Commission or another agency(e.g. DEP)
 - May include ‘required output measures’ for implementation
 - Generally used for ‘regulatory’ programs
 - Funded or unfunded
 - Contract or agreement
 - Conservation district provides services or completes activities according to a project plan or scope of work.
 - Generally used for ‘non-regulatory’ programs
 - Funds provided for expenses associated with completion of agreed activities.



Nutrient Management Program

- Purpose

- Requires ag operations of certain animal density to develop a nutrient management plan for water quality protection according to criteria established by the State Conservation Commission

- Funding :

- Annual appropriation to the Nutrient Management Fund. (~\$4.2M)
- Supports conservation district delegated activities and funding to farmers

- Active partners:

- State Conservation Commission (SCC)
- Conservation District (District),
- Pa Department of Agriculture (PDA)
- Pa Department on Environmental Protection (DEP),
- Penn State Extension,
- USDA NRCS.



Nutrient Management Program

- 'Partner' Program Responsibilities:

- **SCC** – establish program regulations, policies & planning standards for NMPs; annual allocation of funds; conducts program evaluations.
- **PDA** – implementation of education and certification programs for commercial plan writers and conservation district plan reviewers.
- **DEP** – assists the SCC in delegation agreement admin – reporting – data collection & management.
- **PS Extension & NRCS**: provide educational & technical assistance.



Nutrient Management Program

- Conservation District:

- Primary roles:

- Education of regulated (CAO) & volunteer agricultural operations
 - Review & Approval of NMPs submitted by Concentrated Animal Operations (CAOs).
 - Staff completes reviews –recommend for action to Board of Directors (BOD)
 - **BOD TAKES FORMAL ACTION – APPROVAL OR DISAPPROVAL.**
 - Provide technical assistance to farmers in NMP implementation.
 - Conduct annual status reviews and compliance activities of CAOs.



Odor Management Program

- Purpose

- Requires ag operations of certain animal density to develop an odor management plan to mitigate transfer of odors from animal housing or waste management systems according to criteria established by the SCC.

- Active partners:

- SCC
- PDA
- Penn State Extension
- Conservation Districts (limited)



Odor Management Program

- Program responsibilities:

- **SCC** – establish program regulations, policies & planning standards for OMPs; review & approval of OMPs; implementation compliance.
- **PDA** – implementation of education and certification programs for commercial plan writers.
- **PS Extension:** provides technical assistance for planning standards.
- **Conservation District:** local education.
 - Education of regulated agricultural operations (CAOs & CAFOs) in odor management planning regulatory requirements



Resource Enhancement & Protection(REAP)

Purpose

- Provides for the distribution of tax credits to farms and businesses in exchange for the implementation of Best Management Practices and certain equipment purchases on agricultural operations to enhance farm production and protect natural resources.

• Resources:

- Annual appropriation under the state Revenue Code
 - \$13.0 million in tax credits
- Distributed by the Pa Department of Revenue in cooperation with the SCC.



REAP

- Active Partners:

- SCC
- Pa Department of Revenue
- Conservation district

- 'Partner' Program responsibilities

- **SCC** – establishes policies and program parameters for program implementation.

- **Pa Department of Revenue** – issuance of approved tax credits as determined by the SCC.

- **Conservation District** – assistance in the verification of portions of a REAP application submitted by an agricultural producer

- E.g. – existence and implementation status of an Ag E & S Plan, a nutrient management plan
 - **NO ACTION BY BOARD OF DIRECTORS NEEDED**

- Partnership vehicle

- None!



Conservation Excellence Grant Program (CEG Program)

- Purpose

- Provides financial and technical assistance to eligible farms for the implementation of Best Management Practices on agricultural operations in high-priority locations in the Commonwealth

- Resources:

- Annual appropriation to the Nutrient Management Fund and other funding sources (~\$2.0M).
- Supports delegated conservation district activities and funding to farmers



CEG Program

- Active Partners:

- State Conservation Commission (SCC)
- Conservation District (District),
- USDA NRCS.
- Private Sector AG Consultants

- 'Partner' Program responsibilities

- **SCC** – establishes policies and program parameters for program implementation; annual allocation of funds; conduct program evaluations.
- NRCS & Ag Consultants: provide technical assistance.



CEG Program

- 'Partner' Program responsibilities.

- **Conservation District:**

- Primary roles:

- Provide information on the CEG program, REAP tax credit program and the AgriLink low-interest loan program.
 - Accept/Review CEG applications for eligibility and funding for BMP projects.
 - Staff completes reviews –recommend for action to BOD
 - **BOD takes formal action – approval or disapproval.**
 - Assist applicants with REAP and/or AgriLink Program applications
 - Provide technical assistance to farmers in BMP implementation where CEG funding is provided, as resources allow.
 - Provide necessary program progress reports to the SCC



Conservation District Fund Allocation Program (CDFAP)

- Purpose

- Provides for the receipt and distribution of funds dedicated to conservation districts for support of:
 - General district programs & operations (Administrative Assistance)
 - Staff employment costs (District Management, Technicians)
 - Special Projects, Reserve Accounts

- Funding:

- Annual appropriation to the Conservation District Fund (~ \$10.185M - FY2022)
- Annual transfer of funds dedicated in the Unconventional Gas Well Fund (~ \$4.430M – FY2022)



CDFAP

- Active Partners:

- SCC
- DEP & PDA
- Conservation Districts

- 'Partner' Program responsibilities

- **SCC** - establishes program policies and parameters for district oversight and support (financial & policy/administrative), annual allocations and distribution of funds.
- **DEP & PDA** – administrative management of fund distribution and reporting.



CDFAP

- 'Partner' Program responsibilities (cont.)

- **Conservation District** - implementation of SCC supported program activities and fund management of allocations at the local level.
 - Agricultural Conservation Technicians (PDA) – local implementation of agricultural support programs.
 - (E.g.. – Agricultural Preservation, general technical assistance)
 - Special projects (PDA & DEP) – implementation of projects meeting CDFAP parameters and guidelines.
 - E.g. – education projects; BMP implementation projects
 - Reserve Accounts – long term management of dedicated funds for admin or program functions of the district.
 - E.g. - employee separation costs, building/capital improvement projects/scholarship programs



Dirt Gravel/Low Volume Road Program (DGLVR)

- Purpose

- Provides funding for implementation of “Environmentally Sensitive Maintenance” practices to reduce the impact of local ‘unpaved’ public roads, and the long-term maintenance costs of ESM practices.

- Funding:

- Annual appropriation to the Dirt & Gravel Road fund (\$28M)
- Allocated annually by the SCC
 - \$20 M for Dirt and Gravel Roads
 - \$8 M for Low Volume Roads



DGLVR

- Active Partners:

- SCC
- Penn State Center for DGLVR
- Conservation Districts
- Local Quality Assurance Board (QAB)
- Public road owning entities (townships, municipalities PennDOT, Fish and Boat, Game Commission, etc.

- 'Partner' Program responsibilities

- **SCC** - administers statewide program, allocates money to Conservation Districts, oversees the Quality Assurance Quality Control processes.



DGLVR

- 'Partner' Program responsibilities (cont.)

- **Conservation District** – Administer program at the county level, receive money based on roads & worksites.

- Work with applicants to develop work plans.
- Provide grants to successful applicants.
- Inspect projects and ensure Program requirements are met.
- Keep records and report to State quarterly & annually.



Agricultural Conservation Assistance Program (ACAP)

- Purpose

Provides financial and technical assistance to eligible farms for the implementation of Best Management Practices on agricultural operations in the Commonwealth

- Funding:

- Created under the FY 2022-23 General Fund State Budget
- Creates new “Clean Streams Fund” with an initial appropriation of \$220 million
- Seventy percent (70%) or \$154 million of the CSF is dedicated to ACAP



ACAP

- Active Partners:

- SCC
- DEP & PDA
- Conservation Districts
- Penn State Extension
- NRCS

- 'Partner' Program responsibilities

- **SCC** - establishes program policies and parameters for district oversight and support (financial & policy/administrative), annual allocations and distribution of funds.
- **DEP & PDA** – administrative management of fund distribution and reporting.



ACAP

- 'Partner' Program responsibilities (cont.)

- **Conservation District** - implementation of SCC supported program activities and fund management of allocations at the local level.
- PS Extension: provide educational & technical assistance.
- NRCS: provide educational & technical assistance.

Questions?

Justin Challenger

State Conservation Commission

jchallenger@pa.gov

(717)772-4187