

Appendix C - Conservation District Levels of Program Delegation Responsibilities and Required Output Measures

Chapter 102 - Level I- Education/Information and Outreach

The CCD Will:

Provide education and outreach services for the Erosion and Sediment Control (E&S) Program, the Post Construction Stormwater Management (PCSM) Program, and the National Pollutions Discharge Elimination System (NPDES) Program.

Required Output Measures:

- Develop and conduct programs concerning the E&S, PCSM and NPDES programs. This also includes Agriculture E&S.
 - Conduct a minimum of two informational and/or educational programs per calendar year on: general programs for school students, watershed groups, agricultural producer groups, civic groups or the general public; and specialized educational programs for the regulated community, training seminars on the correct procedures for completing NPDES and E&S Control Permit applications, etc. (joint programs with neighboring CCDs will count as one credit for each sponsoring CCD).
 - Issue minimum of two news releases per calendar year (includes newsletters, newspaper articles, television, and radio announcements).
- Maintain an adequate supply of up-to-date applications and other forms developed by DEP on the E&S, PCSM and NPDES programs.
- Maintain and update all E&S, PCSM, and NPDES Program agreements in affect between the CCD and municipalities and/or other governmental agencies.
- Provide DEP with quarterly reports that detail accomplishments under their level of delegation. The CCD will submit forms to DEP by the 15th day following the end of each quarter. Failure to provide timely report information to DEP may result in Program payment being withheld by DEP until the required information has been submitted.
- Provide DEP with other reporting data as required.
- Refer complaints received to the appropriate agency within eight business days of receipt.

Chapter 102 - Level II- Program Administration and Compliance

The CCD Will:

- Perform all Level I responsibilities and required output measures.
- Maintain a system, developed by DEP with input from CCDs, including appropriate files for the receipt, assessment, and resolution of complaints. This system shall include complaints regarding agricultural operations.
- Receive, process, and review all permit application forms/NOIs, GIFs, and E&S plans for new or renewed general and individual NPDES permits involving equal to or greater than one acre of earth disturbance, and for E&S control permits. Complete the review process and timeframes in accordance with the items listed below or as specified in the Standard Operation Procedures (SOPs).
 - Conduct completeness reviews of all permits, including a completeness review of the PCSM components of the permit applications, within 15 business days of receipt. Pro-

vide notification to the applicant of completeness/incompleteness within the 20 business day timeframe. CCDs are required to verify that the items listed under the PCSM plan in the NOI Checklist are present in the plan and narrative. As per the SOP, delegated CCDs are expected to confirm that the required information is complete and adequate in the application package. Delegated CCDs may consult with the appropriate DEP regional office and elevate when necessary, inconsistencies related to the technical elements of the PCSM plan and narrative.

- o Conduct initial technical review of the E&S plan for **general** NPDES permits within 22 business days after the 20 business day completeness timeframe lapses. Notify the regional office of permit coverage or of technical E&S plan deficiencies within the 22 business days. Total processing time for a general NPDES permit is 71 business days.
- o Conduct a second technical review of the E&S plan, where necessary, within 17 business days from receipt of E&S plan resubmittal. If the E&S plan meets the technical requirements, approve coverage under the general NPDES permit within 17 business days. If the E&S plan is deemed inadequate, make a recommendation to deny permit coverage to the appropriate DEP regional office.
- o Conduct an initial technical review of the E&S plan for NPDES **individual** permits and E&S control permits within 47 business days after the 20 business day completeness timeframe lapses. Total processing time for an individual NPDES permit is 107 business days.
- o If the E&S plan meets the technical requirements, make a permit recommendation to the DEP regional office to issue the permit within the 47 business day timeframe. If the E&S plan does not meet the technical requirements, notify the regional office of the deficiencies within the 47 business days, and request resubmission of the E&S plan within 60 calendar days of the date that the deficiency letter is sent out by the CCD.
- o Conduct a second technical review of the E&S plan, where necessary, within 22 business days of receipt of E&S plan resubmittal. Notify the regional office if the E&S plan is adequate or inadequate, and recommend issuance or denial of the permit to the appropriate DEP regional office.
- o The above mentioned timeframes are associated with permit applications and are consistent with DEP's Permit Review Policy and Permit Decision Guarantee Program (PDG) timeframes.
- Conduct E&S plan reviews pursuant to other DEP regulations and notify the appropriate party of E&S plan adequacy or inadequacy within 35 business days of receipt. This requirement does not supersede any other E&S plan review timeframes established under agreements with other local, state, or federal agencies.
- Perform E&S plan reviews under agreements with municipalities or other governmental agencies in accordance with the applicable laws, rules and regulations, policies, and procedures.
- Receive, process and acknowledge co-permittee/transferee application forms within 20 business days of receipt of a complete application. Receive, process, and conduct a site inspection for notice of termination (NOT) forms within 20 business days of receipt. PCSM Best Management Practices (BMPs) should be inspected as part of the NOT final inspection.

Required Output Measures:

- Respond to all complaints within 8 business days of receipt. Within 10 business days of receipt, refer problems dealing with situations outside the programs to DEP or other appropriate governmental agencies.
 - Document all complaints utilizing forms developed by DEP.
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- For situations involving the authority under this agreement, including those on agricultural operations, schedule and make site visits to assess the situation, conduct site inspections of the earth disturbance activity, document site conditions and violations of applicable laws and regulations on standard inspection report forms provided by DEP, and attempt to attain voluntary compliance. When voluntary compliance cannot be attained, refer these cases to the appropriate DEP regional office for appropriate enforcement action.
 - Respond to and document situations, including those on agricultural operations, where sediment pollution, or a danger thereof, is being observed or a violation of applicable laws or regulations has occurred.
 - Use the criteria established by the department for documentation and preparation of enforcement actions. Documentation could include actions, reports, letters of correspondence, and other forms of documentation, including personal observations.
 - Conduct site inspections of earth disturbance activities and document site conditions and violations of applicable laws and regulations, including those in regard to PCSM activities, on the standard inspection report forms provided by DEP. The site inspection should include the entire site, therefore any observable site conditions relating to PCSM practice installation should be documented by the CCD. Complete the site inspection process and timeframes in accordance with the items listed below or as specified in most current approved SOPs.
 - o Inspect all active E&S control permitted and **individual** NPDES permittees sites once within the first 20 business days of commencement of earth disturbance activities, and then once every 65 business days at minimum during active construction.
 - o Conduct more frequent inspections where there is higher pollution potential, sensitive environmental resources, continuing violations, or when the permittee has shown a lack of ability or intention to comply with a DEP regulation.
 - o Inspect active NPDES **general permitted** sites involving **5 or more acres** of earth disturbance once within the first 35 business days of earth disturbance and then on an as-needed basis.
 - o Inspect active NPDES **general permitted** sites involving **1 to less than 5 acres** of earth disturbance on an as-needed basis. Inspections should be prioritized based on E&S plan review, complaints, pollution potential, sensitive environmental resources, continuing violations, or a history of non-compliance.
 - o Follow-up site inspections on sites with either major or severe violations should be conducted within 20 business days of the previous site visit. Inspections and reinsertions at active non-permitted sites are to be conducted on an as needed or complaint driven basis.
 - Establish and maintain a separate District Clean Water Fund for the deposit of any and all base administrative filing fees to be retained by the CCD under the E&S and NPDES programs. Fees must be deposited into the Clean Water Fund within 10 calendar days of receipt of the permit application package. The fees deposited in the District Clean Water Fund shall be used by the CCD to support the NPDES and E&S programs. The District Clean Water Fund shall be subject to monitoring and audit by DEP at all times.
 - The CCD shall remit all disturbed acre fees under the E&S and NPDES programs to the DEP regional office. The delegated CCD may forward the disturbed acre checks to the DEP regional office as they are received or may bundle them and forward to the DEP regional office at least once a week.
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Chapter 102 - Level III- Program Enforcement

The CCD Will:

- Perform all Level I and II responsibilities and required output measures. Prepare, commence and execute summary proceedings, issue notices or violations, schedule and conduct administrative enforcement conferences, seek civil penalties and available remedies through consent assessment or consent adjudications, and related actions as established in the Program Compliance Assistance and Enforcement Manual.
- Retain own legal counsel, except for those services related to delegated programs as set forth in Section 4, Subsection 2, of the Conservation District Law. For those services related to the delegated programs, the CCD may utilize DEP's legal counsel. DEP's legal counsel or the CCD's legal counsel shall review and sign all final settlement documents in accordance with DEP's policies and procedures.

Required Output Measures:

- Advise DEP of all enforcement actions initiated and provide this information on DEP's program quarterly report form detailing final compliance agreements, penalties and other actions. Provide copies of all final enforcement documents used to resolve cases to DEP's regional office. Forward all penalties collected to DEP's regional office within eight business days of receipt, unless otherwise directed or requested by DEP's regional office.
- Prior to initiation of any equity action, civil penalty action, or any other court proceeding, notify DEP in writing of filing and prosecution of such action or proceeding. For summary or misdemeanor prosecutions, the CCD must obtain approval from their County District Attorney's Office.

Chapter 105 County Conservation Delegation Agreement Expectations

The CCD Will:

- Provide education and outreach services on the Chapter 105 Program.
- Maintain a system for the receipt, assessment, and resolution of water obstruction and encroachment complaints.
- Receive, process, and review all new permit applications subject to review under DEP's Chapter 105 regulations. The permit review guidance is found in DEP's SOPs.
- Retain records according to the DEP Agency File Plan Retention Disposition Schedule.
- General Permit (GP) Acknowledgement/Completeness Reviews.
 - o Receive, review, and acknowledge registration of authorized GP's issued by DEP 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
 - o Receive, review, and process GP permit registration transfers.

- o Complete a review to determine if a submerged land license agreement (SLLA) is required prior to acknowledgement. Information is to be sent to DEP Central Office for agreement preparation.
 - o Process permit transfers involving SLLAs with DEP Central Office. Information is to be sent to DEP Central Office for agreement preparation prior to permit transfer.
 - o GPs will be acknowledged by the CCD once the CCD has completed a review of the required E&S plan and determined that the E&S plan meets the minimum requirements of PA Title 25, Chapter 102. Permitted construction activities may not commence until the E&S approval has been received by the permittee.
- Ensure that Pennsylvania State Programmatic General Permit (PASPGP) federal authorization is attached where appropriate, or properly inform the permit registrant that separate Federal authorization is required as outlined in the PASPGP SOPs.

Required Output Measures:

- Complaint Investigations and Referrals.
 - o Respond to complaints from the general public within 10 calendar days of receipt. For complaints received from a DEP 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 DEP 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.
 - o 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.
 - o If unable to achieve voluntary compliance, refer the complaint to the appropriate DEP regional office with appropriate supporting documentation including, but not limited to: inspection reports, photographs, and case chronology within 15 calendar days after the voluntary compliance attempts have closed.
- Develop and conduct programs concerning Chapter 105:
 - o Conduct a minimum of two informational and/or educational programs per calendar year on: general programs for schools students, watershed groups, civic groups or the general public; and specialized educational programs for the regulated community, training seminars on the correct procedures for completing Chapter 105 General permit applications, etc.
 - o Issue a minimum of two news releases per calendar year (includes newsletters, newspaper articles, television, and radio public announcements).
- Maintain an adequate supply of up-to-date Chapter 105 applications and other forms developed by DEP.
- Maintain and update all Chapter 105 general permit program agreements in affect between the CCD and municipalities and/or other governmental agencies.
- Provide the DEP Central Office with quarterly reports that detail accomplishments under their delegation. The CCD will submit the forms to DEP by the 15th day following the end of each quarter. Failure to provide timely report information to DEP may result in program payment being withheld by DEP until the required information has been submitted.

- Provide DEP Central Office with quarterly report that detail GPs acknowledged, including fees and impact data. Failure to provide timely report information may result in a negative evaluation and/or temporary suspension of delegation.
 - Establish and maintain a separate accounting system for the deposit of any and all permit application fees under Chapter 105. Fees must be deposited into the District Clean Water Fund within seven calendar days of receipt of a permit application. The fees deposited in the District Clean Water Fund shall be used by the CCD to support the Chapter 105 permitting program, i.e., administrative expenses, travel expenses for site inspections, district technician reimbursement, field and office equipment, abatement of environmental problems, training sessions, conferences, and professional development related to Chapter 105. The District Clean Water fund shall be subject to monitoring and audit by DEP at all times.
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CCD Levels of Program Delegation Responsibilities and Required Output Measures for PCSM

In addition to all delegated responsibilities and required output measures per the level chosen for the E&S Program the CCD will:

- Provide education and outreach services on the PCSM & NPDES programs.
 - Maintain a system, developed by DEP, including appropriate files for the receipt, assessment, and resolution of PCSM complaints associated with active NPDES permitted sites prior to the submittal and acknowledgement of the NOT.
 - Conduct technical (engineering) review for PCSM plans that have been designed in accordance with the PA Stormwater BMP Manual. PCSM plans using standards and design criteria other than those contained in the PA Stormwater BMP Manual shall be forwarded to the DEP regional office for review. The technical review and review timeframes shall be conducted in accordance with the items listed below or the most current, approved SOPs and checklists provided by DEP.
 - o For Individual NPDES permits, the technical review of both the E&S plan and the PCSM plan will be completed within 47 business days of the date the permit application is considered complete.
 - o If the PCSM plan meets the requirements of checklist, make a permit recommendation along with the items described in C. 4a. to the DEP regional office to issue the permit within the 47 business day timeframe. If the PCSM plan does not meet the technical requirements, notify DEP of the deficiencies within the 47 business day timeframe, and request PCSM plan resubmission within 60 calendar days of the date that the deficiency letter is sent out by the CCD.
 - o Conduct a second technical review of the E&S plan and the PCSM plan, where necessary, within 22 business days of receipt of resubmittal. Any technical deficiencies that remain in both the E&S and PCSM plans should be documented in a letter attached to an email to the DEP application manager.
 - o If the PCSM plan is found to be technically adequate for an Individual NPDES permit, the CCD will forward the following information and documents to the DEP regional office:
 - o Completed recommendation for permit action letter, completed E&S technical plan review checklist, two sets of approved and stamped E&S plans, completed PCSM plan, engineering review checklist, two sets of the approved stamped PCSM plans and narratives. The CCD will retain the third set of plans.
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- o Conduct the initial technical (engineering) PCSM plan reviews for General NPDES permits within the timeframes allotted for the General NPDES permit review process as staff resources and other responsibilities permit.
- Perform PCSM plan reviews under agreements with municipalities or other governmental agencies in accordance with the applicable laws, rules and regulations, policies, and procedures.
- Conduct inspections of PCSM BMPs and make notes in the standard inspection report forms when on site to perform E&S program duties during the construction phase of the project. Conduct an inspection of installed PCSM BMPs when performing a final site inspection in conjunction with an NOT. After project construction is complete and an NOT has been acknowledged by the CCD or DEP, forward all complaints related to PCSM BMPs to the appropriate DEP regional office service representative.
- In coordination with the appropriate DEP regional office, Level III delegated CCDs may initiate enforcement actions on active NPDES permitted sites prior to the submittal and acknowledgment of the NOT

Required Output Measures:

- Develop and conduct programs concerning the PCSM program.
 - o Conduct PCSM educational programs in conjunction with E&S educational programs when and where applicable: general programs for school students, watershed groups, civic groups or the general public; specialized educational programs for the regulated community, training seminars on the correct procedures for completing NPDES and E&S Control Permit applications, PCSM plan preparation, etc. (joint programs with neighboring CCDs will count as one credit for each sponsoring CCD).
 - o Issue minimum of two news releases per calendar year (includes newsletters, newspaper articles, television, and radio announcements).
- Maintain an adequate supply of up-to-date applications and other forms developed by DEP on the PCSM program.
- Respond to all PCSM complaints within 8 business days of their receipt on active construction projects with NPDES permits. For completed construction projects refer PCSM complaints to the appropriate DEP regional office service representative within 5 business days of receipt.
- Document all complaints utilizing forms developed by DEP.
- Conduct site inspections of the active earth disturbance activity under the authority of this agreement to include NPDES active permitted sites and associated PCSM BMPs prior to the submittal and acknowledgement of the NOT. Document site conditions and violations of applicable laws and regulations on standard inspection report forms provided by DEP, and attempt to attain voluntary compliance. When voluntary compliance cannot be attained, refer these cases to the appropriate DEP regional office for appropriate enforcement action.
- Respond to and document situations where sediment pollution, or a danger thereof, is being observed, or where stormwater runoff water quality or quantity is not in compliance with the approved PCSM plan or a violation of applicable laws or regulations has occurred.
- Use the criteria established by DEP for documentation and preparation of enforcement actions. Documentation could include actions, reports, letter of correspondence and other forms of documentation, including personal observations.
- The PE employed by the CCD to conduct the engineering review of the PCSM plan will provide DEP with a record of decision.

Source: Developed by LBFC staff from information provided by DEP.
