

Good Morning. My name is Brenda Shambaugh and I am the Executive Director for the Pennsylvania Association of Conservation Districts. Our association represents all 66 conservation districts across Pennsylvania. Each district is led by a volunteer board of directors consisting of farmers, public members, and a member of county government. The board identifies local conservation needs, decides which programs and services to offer, and develops a strategic plan so the district can continue to assist with their county natural resource projects. District boards may also enter into contracts and accept authority delegated by local, state and federal governments.

Related specifically to erosion and sedimentation control, conservation districts may enter into a delegation agreement with DEP to administer the Erosion and Sedimentation (E & S), Post Construction Stormwater Management (PCSM), and National Pollutant Discharge Elimination System (NPDES) programs including agricultural E & S projects. If the district chooses to enter into a delegation agreement, there are three levels of responsibilities.

Level I

Only one conservation district solely provides education and outreach services for each program through information and educational programs, maintains applications and agreements, provides DEP with quarterly reports, and refers complaints to DEP within eight days of receipt.

Level II

Fifty-four districts are Level II. In addition to performing all Level I responsibilities, these districts also receive, process, and review all permit applications for new or renewed general and individual NPDES permits associated with construction activities involving one or more acres of earth disturbance. Level II districts also maintain a system for assessment and resolution of complaints.

Completeness reviews for Individual and General NPDES permits must take place within 15 business days of receipt and the applicant is notified of the completeness review assessment. Once the application is found to be complete, an initial E&S technical review is performed. For General NPDES permits the technical review is completed within 22 business days, and for Individual NPDES permits the technical review is performed within 47 business days. The district then notifies the regional DEP office of permit coverage or technical deficiencies within this timeframe. If deficiencies are identified in the technical review, the applicant must address the deficiencies and resubmit the revised plans and documents. The revised submission is then reviewed within 15 business days for a General NPDES permit application



and 22 business days for an Individual NPDES permit application. If deficiencies still exist, the application moves into the elevated review process. This process is completed within 15 business days. The total processing time for a General NPDES permit without deficiencies is 71 business days. The total processing time for an Individual NPDES permit without deficiencies is 107 days. These timeframes are incorporated in the Program Administration and Compliance section of the delegated agreement between DEP and each conservation district.

Level III

There are currently eleven Level III conservation districts which perform all Level I and II responsibilities, and also issues notices of violation, schedules and conducts administrative enforcement conferences, seeks civil penalties and available remedies, and retains legal counsel. These districts advise DEP on enforcement actions.

Good Morning, I am Vincent McCollum, Assistant Manager and E & S staff supervisor for the Cumberland County Conservation District. Additionally, I process NPDES applications just as the other E&S staff.

In general, PACD believes that more than half of the E & S/NPDES plans submitted regularly to the conservation districts are administratively incomplete. Consultants and engineers often do not provide plans and drawings that contain sufficient information to perform a technical review of the application. Recently, I met with staff of the Legislative Budget and Finance Committee several times to discuss the NPDES program. In preparation for the meetings with the LBFC staff, I did some statistical analysis on our plan review performance and consultant resubmission performance. For an 18-month period in 2017 and 2018, our office performed the completeness review on an average of 8.7 business days for GP and 8.1 business days for IP. Initial E&S technical reviews were performed on average of 13.2 business days for GP and 24 business days for IP. Then we looked at consultant response times for GP and IP applications combined. During this same timeframe, the average resubmission time for completeness review revisions was 19 business days and for technical review resubmissions, the average response time was 33 business days. I recognize that this comparison is not perfect, however, if we look at it from averages of all plans, whether GP or IP, consultants took nearly twice as long to respond to deficiencies as our conservation district took to perform the reviews. I recognize we are only one example and not all conservation districts may have the same performance, however, this gives an indication of the performance

