AN ACT

Providing for the erosion and sedimentation program to be administered by delegation agreements between the Department of Environmental Protection and conservation districts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Conservation District Delegated Oversight Act.

Section 2. Legislative findings.

The General Assembly of the Commonwealth of Pennsylvania finds and declares as follows:

(1) The act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, designates conservation districts as a primary local government unit responsible for the conservation of natural resources in this Commonwealth and for implementing programs, projects and activities to quantify, prevent and control nonpoint sources of pollution.
(2) Since 1945, the conservation districts have worked in conjunction with landowners, Federal and State government agencies, counties and local government units to provide for the conservation of soil, water and related resources of this Commonwealth, to control and prevent soil erosion, to assist in flood control, storm water management, air and water quality, preservation of wildlife and protection and promotion of the health, safety and general welfare of the people of this Commonwealth.

(3) Recent growth in the development of the Marcellus Shale natural gas resources has introduced new challenges for soil and water quality in this Commonwealth.

(4) Although the county conservation districts have traditionally provided delegated oversight to matters of erosion and sedimentation, the Department of Environmental Protection assumed these responsibilities through internal department policy in 2009.

(5) This assumption of duties effectively eliminated the role of the county conservation districts to protect the Commonwealth's resources by supervising earthmoving or soil disturbing activities, including the activities related to siting, drilling and servicing natural gas wells, constructing access roads and assisting in the design, implementation and maintenance of best management practices related to erosion and sedimentation.

Section 3. Cooperative process to be developed.

The Department of Environmental Protection shall develop a cooperative process for the review of erosion and sedimentation permit applications. This process shall include the involvement of County Conservation District personnel in the oversight of...
any erosion and sedimentation activity related to 25 Pa. Code Ch. 102 (relating to erosion and sediment control) in accordance with a delegation agreement as described in section 4.

Section 4. Delegation agreements.

(a) General rule.--The duties, responsibilities and activities of a conservation district for the erosion and sedimentation program shall include only those agreed upon by the conservation district through the terms and conditions of a delegation agreement entered into between the Department of Environmental Protection and the conservation district.

(b) Power of conservation district.--A conservation district shall not be required to enter into a delegation agreement with the Department of Environmental Protection to administer the erosion and sedimentation program.

Section 5. Effective date.

This act shall take effect in 60 days.