
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 495 Session of
2013

INTRODUCED BY BOBACK, FABRIZIO, MILLARD, CAUSER, MUNDY, SWANGER,
HARHART, KULA, KORTZ, HENNESSEY, CALTAGIRONE AND MURT,
FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 4, 2013

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Legislative findings.

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

12 (1) The act of May 15, 1945 (P.L.547, No.217), known as
13 the Conservation District Law, designates conservation
14 districts as a primary local government unit responsible for
15 the conservation of natural resources in this Commonwealth
16 and for implementing programs, projects and activities to
17 quantify, prevent and control nonpoint sources of pollution.

1 (2) Since 1945, the conservation districts have worked
2 in conjunction with landowners, Federal and State government
3 agencies, counties and local government units to provide for
4 the conservation of soil, water and related resources of this
5 Commonwealth, to control and prevent soil erosion, to assist
6 in flood control, storm water management, air and water
7 quality, preservation of wildlife and protection and
8 promotion of the health, safety and general welfare of the
9 people of this Commonwealth.

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

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

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

26 Section 3. Cooperative process to be developed.

27 The Department of Environmental Protection shall develop a
28 cooperative process for the review of erosion and sedimentation
29 permit applications. This process shall include the involvement
30 of County Conservation District personnel in the oversight of

1 any erosion and sedimentation activity related to 25 Pa. Code
2 Ch. 102 (relating to erosion and sediment control) in accordance
3 with a delegation agreement as described in section 4.

4 Section 4. Delegation agreements.

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

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

15 Section 5. Effective date.

16 This act shall take effect in 60 days.