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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2004 Session of  
2018

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INTRODUCED BY BOBACK, MILLARD, MURT AND HELM, JANUARY 9, 2018

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JANUARY 9, 2018

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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.

18 (2) Since 1945, the conservation districts have worked

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

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

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

17 (5) The assumption of duties by the Department of  
18 Environmental Protection effectively eliminated the role of  
19 conservation districts to protect the Commonwealth's  
20 resources by supervising earthmoving or soil disturbing  
21 activities, including the activities related to siting,  
22 drilling and servicing natural gas wells, constructing access  
23 roads and assisting in the design, implementation and  
24 maintenance of best management practices related to erosion  
25 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. The process shall include the involvement  
30 of personnel from conservation districts in the oversight of any

1 erosion and sedimentation activity related to 25 Pa. Code Ch.  
2 102 (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 on by the  
8 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.--No conservation  
12 district may be required to enter into a delegation agreement  
13 with the Department of Environmental Protection to administer  
14 the erosion and sedimentation program.

15 Section 5. Effective date.

16 This act shall take effect in 60 days.