

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1263 Session of
2011

INTRODUCED BY BOBACK, SWANGER, SCHRODER, CALTAGIRONE, CAUSER,
CLYMER, COHEN, DENLINGER, FABRIZIO, GABLER, GEORGE, GIBBONS,
GILLESPIE, GINGRICH, GOODMAN, GRELL, GROVE, HENNESSEY, KULA,
MAHONEY, MILLARD, MUNDY, MURPHY, MURT, MYERS AND QUINN,
APRIL 1, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 1, 2011

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

1 quantify, prevent and control nonpoint sources of pollution.

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

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

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

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

27 Section 3. Cooperative process to be developed.

28 The Department of Environmental Protection shall develop a
29 cooperative process for the review of erosion and sedimentation
30 permit applications. This process shall include the involvement

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

5 Section 4. Delegation agreements.

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

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

16 Section 5. Effective date.

17 This act shall take effect in 60 days.