



MONROE COUNTY CONSERVATION DISTRICT BOARD MEETING MINUTES
THURSDAY, FEBRUARY 16, 2017

MEMBERS PRESENT: Joseph Hanyon, Chairperson, Patrick Ross, Paul Canevari, Dave Moyer, Heidi Secord and Charles Garris

DISTRICT STAFF: Adam Schellhammer, Lori Kerrigan, Roger Spotts, Barbara Bistras and Debra Martin

ASSOCIATE BOARD MEMBERS: Carl Gould, II, John Lyman, John Leiser, Janet Weidensaul, Robert Armstrong and Theresa Merli

COOPERATING AGENCIES: Shane Kleiner, DEP; Evan Makuvek, MCPC; Garrett Beers, DCNR; and Jennifer Matthews, NRCS

SOLICITOR: Jeff Durney, Esq., MCCD Solicitor

PUBLIC: Jim Hendricks, Humber-Garick; Steve Pine and Harry Forbes, Kalahari Resort; George K. Strunk, Pocono Mountains Municipal Airport Authority; Cory Lyon, Middle Smithfield Township; Paula Heeschen, BWA; Gary Bloss and Craig Todd, Public

Joseph Hanyon, Chairperson, called the regularly scheduled meeting of the Monroe County Conservation District Board of Directors to order for Thursday, February 16, 2017 at 7:59 a.m.

PUBLIC COMMENT-Joe commented that he read in the Lancaster Farmer newspaper where Heidi Secord was applauded for her work with the PA Famers Union. Joe asked if there was any other public comment.

Steve Pine, Kalahari Resort, stated that awhile back he received a letter from DEP about work he was considering at Kalahari. He said he wanted to share his ideas on MCCD policies and the six-page comment letter of deficiencies he received. He asked why instead of passing letters going back and forth, that takes weeks for MCCD and the project engineer to respond, why MCCD can't hold a meeting with the owner and the engineers to work things out much faster. His engineer submitted in November and he received a response on January 31 from MCCD. Due to frustrations with this and other items with this project it has been completely shelved which would have brought

a lot of tax dollars and jobs to the area. Joe asked which project was stopped. Mr. Pine said the snow tubing hill project at the resort. Joe said he did not follow; was it because of the comments. Mr. Pine said because there were 29 comments and it took weeks and weeks to get a response from MCCD and then their engineer had to make changes. He has come here to share the frustrations of a business who has come here to create more jobs for the area and this speed bump could be leveled out by everyone working together to help stop the long delays. In his business everything is done by reacting so why could there not have been conference calls. He noted that the fees on this project are just north of \$65,000 with the latest request of \$2200 by MCCD. He asked that the Board work along with the staff to help make these projects more streamlined. Joe apologized for the frustration noting that the District's goal is to move projects forward quickly and work with the landowners to accomplish their tasks. MCCD is the only District in Pennsylvania that has two engineers to help move projects forward at a cost to the tax payers of \$90,000. Mr. Pine asked if there is that much development for the need of two engineers. Joe said now is not the time to discuss how the Board came to that decision however that is why we carry such a heavy staff. He noted that it would have helped if this was brought to our attention earlier and he is sure the staff members have a reason for why it was done this way. Adam said he echoes Joe and if Mr. Pine has questions or concerns MCCD encourages meetings whether it be pre-app or compliance meetings and he should contact us as soon as possible to have meetings to address those concerns and move the project forward. Adam noted that there was back and forth between MCCD and their engineer during that time. Mr. Pine said the letter was addressed to him and there was no back and forth with him. Adam said that may be a conversation to have with his engineer.

George K. Strunk, Pocono Mountains Municipal Airport Authority (PMMAA), stated that PMMAA currently has an active project before MCCD. He is also here to express some frustration that he has had with MCCD for many years over their responsiveness and their interpretation of regulations which yields to higher costs to site work. Currently their project is a small (less than 5 acres), simple T-hanger site with previous excavation and clearing, there are no sidewalks or curbs and minimal paving and stormwater management planning. Their engineers estimate site work costs for this project at \$3,175,000 which includes \$846,000 toward stormwater management. He noted that ten years ago he worked with Dave Moyer on an adjacent 10-acre church site which was raw land that was paved for over 250 parking spaces, sidewalks, curbs and on-site septic and site work costing \$1.8 million. He would blame it on EPA regulations but their engineer works in other states and the regulations are interpreted much differently and costs are much less. We have a problem in this County with the interpretations of regulations and most likely these interpretations lead to the delays that Mr. Pine was referring to and this Board needs to address it.

Joe asked a member of the public if he was filming the meeting. He said yes he was, noting it is a public meeting. Joe said he did not know if they would consent to the filming of meeting, there is a recording, he may keep his recording, but he will not allow the filming. The filming was stopped.

Dave asked Mr. Strunk to explain his feelings on the basins that were discussed at yesterday's PMMAA meeting. Mr. Strunk said that interpretations of regulations state that those basins are being required but they feel that they are not going to do anything and are not going to prevent stormwater from this development from reaching the nearest HQ-CWF which is Red Run which is almost a mile away. He said that whatever stormwater management facilities that get installed he plans to monitor with video very closely for the next five years to see how much water runs into the facilities and he bets that it is none. He noted that either the regulations are wrong or they are being interpreted wrong.

Joe said to the videographer that MCCD's counsel is unsure if he can video the meeting or not but he does not want to violate anyone's rights so until he knows for sure he is going to allow the videoing to continue. Videoing continued.

Joe thanked Mr. Strunk for bringing this to the Board's attention and said again it is not the intention to interpret the regulations inappropriately. Noting that MCCD has a very large staff, larger than most counties and that staff is meant to accelerate a project. The Board does not have a lot of say or control on that and they rely on the District Manager. Mr. Strunk asked if the Board measures the effectiveness of its staff in customer satisfaction, the customer being the developer, is it rewarded or discussed or is an effort made to achieve project owner satisfaction. Adam said he pushes the staff every day to do whatever they can to assist the applicant, if there are deficiencies, then that falls back on the applicant. Noting that there were deficiencies with the PMMAA project and it took some time for our comments to be addressed by the design engineer. Shane stated that the District has a delegation agreement with DEP where the District is to follow certain Standard Operation Procedures (SOPs) based on regulations and the law. Shane said if there are specific concerns then DEP should be contacted directly as DEP oversees Districts and can make sure that the law/regulations/SOPs are being followed. He noted that DEP sets and administers/follows state and federal regulations/laws and DEP also receives some regulations from EPA to follow.

Lori stated regarding questions on the Kalahari site: District staff welcomes meetings and they had back and forth conversations almost daily with Kalahari's engineer and minor deficiencies are addressed via email. Mr. Pine said you may be communicating with his engineers but this is the first he has received anything. Lori said that the District cc's the applicant on all correspondence and if you would like to discuss the site we would be happy to schedule a meeting.

Lori stated concerning the PMMAA project that their application has been at MCCD for 10-15 days and two meetings have already been held with their engineer to help move that project forward and if he has other concerns to please contact her to set-up at meeting.

REORGANIZATION 2017 Director Reappointment-Joe noted that he will give the Oath of Office to Charles Garris as the Commissioner Board member.

Appointment of Special Secretary for Taking of Minutes, Preparation of the Agenda and Material for Meetings-Joe stated that he has an issue as the chair as not being able to direct Deb Martin as the secretary and office personnel of the District. Pat Ross is the Board secretary but he does not take the minutes and does not prepare the agenda. Joe would like to appoint Deb Martin officially as a special secretary to help him and work with him to prepare the agenda, to distribute items that are prepared for the meeting and to take the official minutes. He asked if Deb agreed to take the charge as being his special secretary. Deb stated that she is a County employee and the County manual states that she is to take direction from her supervisor and for 22 years that is whom she has taken direction from and if that is to change she does not have a problem. Joe said he does not disagree and she should continue to do that but for the purposes of running the meetings he is asking her be his special secretary. He had asked the solicitor to comment if he is allowed to have a special secretary under him and Mr. Ross as it his duty as the Board Secretary to prepare for Board meetings. Deb asked if it falls under her job description and if the County is agreeable to allow Joe to be her supervisor. Heidi questioned whether that would constitute a change in the job description and need to go through the County. Joe said he is not changing the job description. She is allowing him to have the authority to prepare the Board agenda and meetings which are his and Mr. Ross's charge. Deb asked Commissioner Garris if the County would allow it. Commissioner Garris said if the Board appoints her she is appointed. Heidi asked if Deb wasn't appointed already. Joe and Pat said no. Attorney Durney noted that Deb would still be doing the same duties and it has to do with more as to who is directing her on the preparation of the agenda. Heidi asked if there is a problem right now. Joe said yes, the problem is that his agenda is not being published in accordance with his instructions. Adam said he could speak to that. Joe said he does not want a discussion on this today and Deb is appointed. Adam apologized and asked if he can prepare his draft agenda for Joe by 10 am on the second Monday and would Joe be able to return a revised agenda by the second Thursday of the month. Joe said that will be discussed and knows that the emails need to go out. Heidi noted that she was confused by the two agendas that were sent out and why one thing on the original agenda was not on the second agenda. Joe said the Board members have additional questions that have not been resolved and until they are resolved that item will not be on the agenda. Heidi asked what was not

resolved. Joe said Board members had requested information on that agenda item. Heidi said she was not asked about that as a Board member. Joe said he understands that and she may ask questions of the District Manager to seek information. Heidi said according to 'Roberts Rules of Order' as a process all Board members have the ability to put items on the agenda if they deem necessary. She sits on other boards and the agenda is 'proposed' and at the start of meetings other board members have the ability to add agenda items. Heidi said she was proposing that the Board add back the review and approval the purchase of the Dirt & Gravel Road Program vehicle which was taken off the agenda. Joe said he feels it is a mistake as the Board does not have the information but he will accept a motion for it to be back on the agenda. Heidi said she would make a motion to add the vehicle purchase back on the agenda. Pat and Shane said a motion did not need to be made because Heidi has the ability to add an agenda item without a motion. Heidi said then she was making the request. Joe asked for a motion on the proposal by staff to purchase a \$32,000 vehicle for the Dirt & Gravel Road Program. No motion was made. Heidi clarified that that vehicle purchase was not coming out of District funds. Joe said it is our money and if we have extra money we should send it back to the PA Treasurer because it goes back to the taxpayers. Heidi said the vehicle would help with our work and again she asked why the agenda was changed. Joe said he fully addressed that.

Approval of N.O.V. Protocol-Joe said he wanted to move forward under 'Section 9 Other Business' to the approval of the N.O.V. protocols. He noted that the Resource Conservation Committee (RCC) has met several times on the NOV protocols. The initial reason he had proposed a certain protocol on when we issue a Notice of Violation (NOV) is because we have a reputation; there is a certain culture. The impetus was that we work closely with the landowners to obtain voluntary compliance so they are not cited with a criminal or civil violation. He wants consistency between our three Resource Conservationists as they each have their own ideas and discretion about whether there is a violation and how to proceed with that violation. He wants to centralize those ideas with the District Manager and if there is a NOV he wants him to reach out personally to the landowner to try to resolve the matter with compliance and that is the goal and our charge. Joe said he has gotten tremendous backlash on this which he does not understand. Initially he received a letter from DEP stating that Shane Kleiner believed the protocol was in violation of Conservation District Law (Law) and Joe was asked to contact DEP. Shane said he did not say it was a violation of the Law but in violation of the delegation agreement between DEP and the District because there were items not only in Joe's protocol but other items that were being discussed. Joe said he has contacted the two people at DEP and they have not responded to say anything was wrong so he gave it to our solicitor. The solicitor made contact with DEP and they went through each item in Joe's protocol which simply asks and requires that the District Manager communicate and have a site visit before he issues a criminal or

civil violation. Joe noted that of the six proposals one point may be that the District Manager may not be fully trained and that may violate the Law or the delegation agreement so he added 'in consultation with qualified staff members' and circled that and left it for each Board member this morning. Joe noted that both he and our solicitor have found nothing that violates the Law or the delegation agreement. It is the Board's intent to get rid of the 'black hat' image and to seek voluntary compliance without ever issuing any NOV's unless absolutely necessary. Attorney Durney said he reviewed Joe's draft protocols, made his comments and it was his understanding that the delegation agreement and the protocols established are at a minimum standard by which the District had to comply and to the extent that the protocols were adding to but not contrary to DEP regulations and SOPs. This would be permissible and he has not seen anything controversial from DEP other than the concern that the District Manager not being fully trained yet and not to overrule someone with more training. The underlying goal seems to be seeking voluntary compliance in a more consistent manner. Joe said Number 6 of his proposed protocol is a catch-all for 'in any instance of contradictoriness between this protocol and the delegation agreement and the Law; the Law shall prevail.' Joe noted that RCC meetings have been held and he and Lori were to get together to promulgate a protocol. Lori sent out a protocol on December 16 but they had not met on it. Lori noted that she recalled that she was directed to take the comments that were made at the RCC meeting, revise the protocol and send it out to the entire group. Joe stated that he did not find the impetus of initiating the protocol in her draft and there are a few items that he feels are not true. He said he went to the fourth paragraph where she added 'without prior notice' and the second thing she added was that MCCD is to 'inspect after a heavy rainfall' and he can't find either in the Law. Lori stated that is within the permit and it is also the responsibility of the contractor and the permittee is to inspect the site after a significant rainfall. Joe said he does not think we should be a 'gotcha' District and after a heavy rainfall there are always problems. He said we should not be hitting someone with NOV's without giving notice and the opportunity to fix it. Giving notice is the cornerstone, it's appropriate, it's his protocol, it is the fourth amendment of our right to due process, it's our right not to have people on our lands any time they want, and it is an invasion of our privacy. Lori noted that they are inspections; not necessarily NOV's. Lori said that the protocol changes were discussed at the RCC meeting; she made the draft changes and if there is more discussion she is open for it, but she sent it out and no one made any comments. Joe said the larger issue is that this whole thing is really bringing us down. Everything he reads including PACD's website states that non-point erosion is a much, much greater problem and we have pointed that out for twenty years and we have not made any progress. Pat and Dave have brought it up in the past for many years, the new Manager has been working on it for nine months and he has made no progress, we have two engineers on staff and yet we focus on point discharges. We have metric tons

running into our streams and photos and photos of this material. He said until we get our non-point discharge under control we should get rid of our NOV's and move from a Level III District to a Level II. The impetus of this Board and the community is to stop the degradation in our streams. Dave stated that he has given the District many photos over the last twenty years and he is baffled over the mud and sediment going into our streams. He read where EPA states that there are 20 areas we are to be looking at as a group which states non-point source pollution is the leading remaining cause of water quality problems which has harmful effects on our drinking water supplies, recreation, wildlife and fisheries. He feels that we have done nothing with our non-point source pollution. Heidi stated that the Board was talking about the NOV protocol that is on the agenda and she did not realize that we were going to be talking about non-point source pollution and is confused about the direction we are heading. Joe said we are talking about it and he would be happy to amend the agenda. Dave said the direction should be at is to start cleaning up our streams and he offered more articles to advance his cause. Joe asked Dave if he brought his photos again. Dave said yes he has photos and he questioned if we are using our resources correctly to clean-up our streams and fisheries, noting that we need to use our staff for that. Adam said that is a project staff has been working on and he just met with Senator Scavello. Dave said that is one issue out of a thousand. He said as was looking at Level II and Level III and only 10 counties in PA are a Level III. He feels that Level II allows for providing education and outreach, to review and approve E&S Plans, receive and review E&S NPDES permits, investigate complaints, conduct inspections, basically everything we do. Level III adds preparing, commencing and executing summary proceedings, issuing NOV's, scheduling and conducting administrative enforcement conferences, and assessing civil penalties, so with what we have going on into our streams, he doesn't feel that we should be in the business of putting violations together. We should let DEP do that and our staff should focus on cleaning up our streams and waterways and do what is really important. He said we are chasing after $\frac{1}{4}$ of 1% of our acreage in Monroe County which is 254 acres that we are watching. Dave and Joe asked Attorney Durney what the procedure is for us to go from a Level III to a Level II District. Attorney Durney stated that the procedure under the delegation agreement is rather simple and it can be terminated by either party upon a 60-calendar day written notice to DEP if the Board elects to scale back to a Level II. Attorney Durney said he needs to leave to attend another meeting but he wanted to reiterate the difference between a Level II and Level III is the degree in which the District engages in enforcement actions. Level III Districts can assess penalties. Level II Districts can issue NOV's but cannot assess penalties and must refer enforcement actions to DEP. Joe said the last enforcement action was Kalahari and that was referred to DEP and we did not take on enforcement as a District. Dave said that there are sites in this County that have been violation for many years, our people have worked with DEP, we know where the sites are, they are

still in violation and this has been talked about over the years.

Shane asked Attorney Durney in the discussion that he had with himself and Joe, what was the response. Is DEP to receive the proposed protocol recommendations prior to them going into effect with the District? Attorney Durney said it was, however he has not been part of the RCC meetings, so he has not heard the comments that were generated there, and he had not seen the protocol until this morning. Ultimately he thought Shane had saw them and commented on them already. Shane said the final draft was just received the other day. Joe said there is just one change which is pro compliance. Shane said yes but it is a change. Joe said they are pro-compliance and you are saying this for a different reason. Shane said no, there was an agreement made during the RCC meeting as well a conversation with the Board's legal counsel, noting that this went to Harrisburg legal counsel to address those issues, because there were other things in the comments that went to Harrisburg. There were other issues; the only thing that you have been working on is your draft, there were other discussions on going back to doing Level II letters when MCCD is a Level III District. Joe said our solicitor just said that we have to give a 60-day notice and we will. Shane said the Board has the full right to be whatever Level District they want to be, but a discussion in a letter that Joe received that was to be distributed to the Board where there were comments on other things. Joe said the protocol was sent to those people set-forth in the letter, he asked them to comment on any inappropriateness or illegality in the protocol which creates an opportunity to comply. Shane said he came to the RCC meetings to address those issues that DEP had. Joe said he is amazed that there is so much push-back on that protocol. Shane said that protocol that went out late yesterday, that is here today, where there are changes to that protocol from the one that was brought to the RCC meeting. Joe said he will make a motion to send them out to DEP subject to a 30-day notice which he has already given them so if they want to comply on that one sentence that states 'the District Manager seeks advise/counsel with qualified staff'. Shane stated regardless of the changes made, DEP legal counsel needs to review. Heidi said she would like to submit the letter that DEP had sent on October 11, 2016 to be a part of the Board minutes that highlights that the District is to finalize draft protocols. Joe said that was submitted to the RCC minutes. Heidi said she wanted it submitted to the Board meeting minutes (see attached) and noted that the protocols received today are not marked as 'draft'. Heidi said that three very lengthy RCC meetings were held with Board/Associate Board members to discuss the protocols and the one with 'draft' on it was created by the RCC. Joe said he disagrees with 'we'; this one was promulgated by one individual. Heidi said no, the RCC met and together they came up with a protocol based on words and terminology that included Joe's and the solicitor's comments and DEP's input, so it was a consolidated document and it was sent out and comments should be been submitted by RCC members. Joe stated that the protocol that was promulgated as a result of those meetings is contrary to the

Constitution of the United States and gives this Board and District the ability to go on people's property without notice. Shane asked how they would be violating the law when they have a permit that they have entered into which gives access to the site. Joe said that is not a violation of the law and is consistent with our delegation agreement which says 'conduct more frequent inspections where there is a higher pollution potential, sensitive environmental resources, continuing violations, or when the permittee has shown a lack of ability or intension to comply with a Department regulations, permit or order' - the proposed protocol has that exact sentence except it adds 'without prior notice'. All he has added is that they are entitled to notice and he gets tremendous push-back. Shane said the only push-back is that the Department is to see the final draft protocol; to follow the letter from DEP. He noted that the RCC met and discussion was held on prior approval from DEP before the District moves forward on changes in processes and procedures. Joe said the letter from DEP says that Shane said it violates our delegation agreement and no one from DEP or our solicitor has said it is in violation. Shane said there was other information given to DEP on conversations held at the RCC meetings where Dave said why we can't use other letters and that Level III letters should not be utilized with NOV letters. He noted that Joe said there was 13 NOV's issued on one site when they were inspection reports and only 2 NOV's went out and there was an attempt to make an agreement to correct those violations before those NOV's were sent. John Leiser, Associate Director, asked to have a question answered. Joe said he would accept his comments during Public Comment. Heidi said John is an Associate Director. Joe said he has never seen John at a meeting and he will accept his comments during the Public Comment period. John apologized for not attending meetings and asked about the two protocols: 'Joe's draft' and the other 'draft', that are before the Board. He gathers that Joe's only concern is the language 'without prior notice' and the rest of this 'draft' protocol Joes is happy with. Joe said no; the 'draft' protocol is toothless in general, it doesn't focus on the efforts of voluntary compliance; it takes out that language and why is it a push-back on seeking voluntary compliance. MCCD has three Resource Conservationists and each individual looks at the world differently and they view these sometimes ambiguous ROM's and SOP's and the way and manner on how to conduct them. One engineer can say it should be 10 feet and the other can say it should be 4 feet, so we seek consistency. Adam said our primary/ultimate goal is to seeking voluntary compliance whether it is through compliance assistance meetings, phone calls, emails, etc. John said his concern was that 'Joe's draft' was not properly circulated nor vetted, although similar and perhaps toothier, and there are things in Joe's draft he likes, but no one has had the opportunity to fully review it. Joe said he initiated this protocol 5-6 months ago and nothing substantively has changed and the one change he circled. The item addresses the only concern our solicitor had in consultation with DEP in regard to Adam being properly trained so we added the words 'in consultation with qualified staff members', which addresses

DEP's concerns and adds a level of requirement for the purpose of giving notice for people to be on-site. Joe stated that DEP thinks inspection reports should be issued on-site and our practice is to meet, talk and 2-3 days later they receive an NOV. If an NOV is given on-site then they have so much time to correct it - that is what the protocol is meant to do. It is common sense; it helps us work with the community, the airport project, the Kalahari project. Janet said she has the sense that we are all shooting for the same goal. Joe said he does not have that sense. Janet said she does, but she also knows when you are working for the public everything needs to be documented, conversations on-site, etc. Joe said that adds a huge level of administration to document everything, this office has a high administrative level, much higher than other conservation districts. Janet said we have a lot more development than in other areas. A lot of effort went into developing the protocol, it was sent back to the RCC, she is not sure why there were no comments if it wasn't acceptable and she thought they had reached an agreement. Joe said there is diametric opposition going on, this protocol was born out of RCC meetings, the teeth/guts in this protocol which requires notice and compliance, it is opposite of his protocol, so how many committees meetings do we need to have when we are in opposition. Janet said we are about compliance, why can't we get this done correctly and in compliance, she does not understand why we are having this conversation. Janet said we want to work with PMMAA and Kalahari. Joe said he does not think we are working with them and this is not the first time that this has happened publicly and he does not know how many times it may have happened privately. Joe noted that Camelback was here with a seven page letter talking about a check-box and an interpretation of an issue of 'completeness' dragging on a project for several months because of a disagreement on whether the package was complete. It is a prevailing thought. Heidi said it is not a prevailing thought - she had a wonderful conversation with Pocono Builders Association and that was not the prevailing thought at that meeting or of that leadership. Paul asked Shane if he needed take this protocol back to DEP for approval. Shane said yes, to his manager. Joe said DEP has it, other than what is circled 'in consultation with qualified staff members.' Paul asked how long will it take for their approval, Shane said whenever they respond to it. Joe said they have not responded. Shane said part of the response is for him to take back what has been developed to DEP for their review. Joe said Shane has never pointed out what is wrong with it. Shane said the minutes of the meetings reflect the things that were brought up of why we can't do this or that. Joe said no he is asking about illegal or not compliant with the delegation agreement. Shane said inconsistent with the delegation agreement and not this specific protocol. Paul said the concern is which protocol DEP has seen. Shane noted that there are times within the delegation agreement where you need to gain entry to a site without prior notice; that may be a violation. A motion was made by Paul Canevari, seconded by Heidi Secord, to table this discussion giving Shane the opportunity to have DEP legal counsel review this protocol and at our next Board meeting Shane

will give us the results in writing from the state. The motion carried. Pat asked in the meantime should the RCC meet again. Shane said he was of the understanding that once the last protocol was developed the RCC would meet again and Heidi agreed. Joe said it was in the minutes that he and Lori were to get together to make a draft, that did not happen. Adam said the draft was sent out after the December 16, 2016 RCC meeting. Pat said this has gone on long enough and why don't the members of the Board and RCC look at these two documents and make recommendations as soon as Shane comes back with DEP's response. Shane asked if he should take this draft back with him. Pat said absolutely. Dave said to follow through with the protocols, which the Board has spent 40 minutes on, which has been his biggest complaint, but he would hope that we all can join together as group and talk about where our worst issues are and how we can start cleaning up our streams and drinking water. He would like to make a motion, to give our staff more time, to put the letter out to DEP to reduce MCCD's delegation agreement from a Level III District to a Level II District so we can move forward and not be arguing over simple little things and staff can do their same job under Level II as Level III. Hopefully we can all get together and sit here in the same room to talk about issues that are here today and not fight over 254 acres that we just spent 40 minutes talking about. A motion was made by Dave Moyer, seconded by Charles Garris, to have a letter drafted to send to DEP to have MCCD removed from a Level III to a Level II Delegation Agreement. Pat said there should be some discussion and asked if anyone had anything to say. Craig Todd said his understanding is the reason that the Board wants to go from a Level III to a Level II District is because of the effort staff puts in to Level III. Dave said they went through the reports and looked at the percentages being spent on Level III. Craig said that is not Level III, Level III is still voluntary compliance and the end of a Level III action is an agreement to a penalty not an assessed penalty like a ticket. The level of effort that is being talked about on the part of the staff is associated with Level II. It was noted that there has not been a penalty assessment for some time: that is Level III, where the chronology and case is put together; staff time would go toward the Administrative Enforcement Conference. Since we have not had any Level III activity for a very long time means that we have not committed staff time to any Level III activity. Joe said in Attachment B which we send to DEP states that Lori Kerrigan spent 15% of her time on Level III Enforcement. Craig said that is her position and under the delegation agreement you have to demonstrate to the DEP that staff can commit a reasonable percentage of time to fulfill that agreement of Level III if necessary. That is a commitment by the District that she can commit 15% of her time. Based upon the preamble to the motion it appears that Level III is taking up too much staff and it's not. Craig said that the District went to Level III because of DEP's lack of enforcement due to their staff cuts. Level III has only been used when it has been absolutely necessary and if you look at the list of penalties we have assessed over the years it is not many as we seek voluntary compliance and DEP promotes that. He urged the

Board not to go backward but to move forward by continuing to prevent pollution, while cleaning up is important, but it is expensive and funding is not there. Level III is not causing a problem, that may be the perception, but it is not the problem. Joe said the first time the District had the discretion to issue penalties/fines on Kalahari Craig removed it to DEP. Craig said he did not remove it; DEP called it back and said they would handle it and under the delegation agreement they have the ability to do that. MCCD assessed a penalty under Level III and there were other violations after that and then DEP got involved. Joe said he is hearing Craig say that it is irrelevant if we have Level III because we are not doing it and it does not take up staff time. Craig said it is not irrelevant, noting that DEP does not have the ability to pursue enforcement in the way that they need to to maintain a culture of compliance. Inspection reports are used to communicate with the people that we regulate, not to wear a 'black hat'. Many people in the County feel that the District wears a 'white hat' as the District represents all the interests of the people of the County, including the development community and under the Constitution our major charge is to protect the resources for sustainable development over time. Craig again urged the Board not to go back in time by going back to Level II, noting it does not impact staff time, penalties are assessed rarely and it is an important tool in the tool box for us to maintain compliance. Pat said then the biggest differences between II and III is assessing penalties. Craig and Shane agreed. Mr. Strunk said it is his understanding that if MCCD goes from a Level III to a Level II then assessing penalties will go through DEP. Joe said if a NOV was not corrected MCCD would have the discretion to ask DEP to step in. Joe and Mr. Strunk asked why it would be a step back if DEP would still assess penalties. Craig said because DEP does not have the staff as they have been cut by 30%-40%. Discussion was held on the lack of going to enforcement and the commitment of staff time to Level III. Adam stated that if his opinion carries any value he would like to vote against going to Level II. Dave said, himself personally, he feels that staff time needs to be spent on cleaning up our streams and once that is making progress the Board can review going back to Level III, right now this needs to be corrected and maybe no one else sees that. Adam stated that he wanted to point out in general the staff has dedicated their lives to improving and cleaning the environment, it is a bit offensive to say we don't care, our job is to prevent pollution events. Dave said we have a great staff here but we do need to refocus. Corey Lyon, Middle Smithfield Township, noted that MS4 regulations have come about and the municipalities have to look at all their pipes, salt runoff and they are responsible for decreasing their pollution by 10% every five years. Dave said that is what he has been talking about, we are dumping and letting everything run everywhere and we need to stop the mud and salt from running into our streams. Chuck said the Board and others present should consider that if the staff at the state level has been cut by 30% and the number of fines that have not been issued in Monroe County, perhaps DEP will develop the attitude that once it

makes to their level they will just issue the fine as it will be easier then trying to attain compliance. Heidi read the frequently asked questions from the Level III Delegation Agreement and why a District would enter in: '1) improve consistency and more time for resolution of compliance actions and 2) local control and accountability' and said we should maintain those two things. She noted that she agrees with Chuck that DEP is not going to work to achieve compliance like the District does and she opposes the District going to Level II. Shane noted that some items that Dave is talking about like salt from the roads where there are certain programs/delegations that are available to districts, but for some of those things there is no program/funding so it may be good to meet to address concerns, look for sources of funding and seek a unified direction. Dave said we are sitting here in this room getting nothing done when we should be out and find small areas and use volunteers to start cleaning things up. Adam noted that staff has been working in the West End area on cataloging sites and projects, including buffers and stream work and finding funding sources and that would make a significant impact on water quality. Discussion was held on perception with the development community, local control and the ability/power to eliminate delegation agreements and the District. Dave stated that there is motion on the floor and a second so could a vote be taken so the meeting can move forward and the Board can get back to work. Joe asked for all those who are favor to issue a letter to DEP giving them notice that MCCD is going to reduce the Delegation Agreement from a Level III to a Level II. Pat asked if the Board does this and they find out that it doesn't work could the District go back to a Level III in the future. Shane said a proposal would need to be made to the Department just like the one when the District went to Level III. Paul Canevari and Heidi Secord voted no. The motion carried.

BOARD MEETING MINUTES-Joe asked for a show of hands as to how people read the Board meeting minutes and many hands were raised. Joe asked approval of the December 8, 2016 and January 19, 2017 Board meetings minutes. Discussion was held on who attended which dates and who could approve the minutes. A motion was made by Charles Garris, seconded by Heidi Secord, to approve the December 8, 2018 MCCD Board meeting minutes. Paul Canevari abstained as he was not present. The motion carried. A motion was made by Patrick Ross, seconded by Heidi Secord, to approve the January 19, 2017 MCCD Board meeting minutes as presented. Paul Canevari and Charles Garris abstained as they were not present. The motion carried.

TECHNICAL REPORT-Site Status Report-Lori reported that 6 pre-application meetings, 3 plan review meetings, 2 pre-construction meetings were held and 1 pre-con with PennDOT was held.

NPDES Workshop-Lori noted that the first NPDES Workshop filled up quickly so a second workshop was scheduled and that one was also full. Good responses were received from both and suggestions were made for other possible workshops in the future.

Pond Workshop-Lori noted that a Pond Management Workshop will be held on Saturday, February 18 from 9-noon.

Lori reported that there was a major pollution event which staff responded to where an excavator overturned in the Appenzell Creek. A complaint was received and staff was able to track the event upstream and PA Fish & Boat and DEP Spill Response met staff on-site. Dave asked if spill response kits are kept at MCCD. Adam said no. Dave offered to donate a spill kit if someone could stop by to pick it up.

Dave noted that heard good things about the workshops. He inquired about the 6 applications and the 1 from PennDOT and were they for the month. Lori said they were received for the month January. Dave asked if we should keep a running tally for the year. Lori said that staff does that.

Ag Banquet Brief-Adam noted that the Ag Banquet was held with a great turnout. The event location and entertainment has been booked again for next year. The Heckman's received the Conservation Farm of the Year Award and he and Matt with work to install the sign that will placed on their property acknowledging the award. The Heckman's are going to help MCCD staff in getting the word out about programs and funding.

ENVIRONMENTAL EDUCATION-Program Status Report-Maple Sugaring Season Update-Roger said the sugar maple trees were tapped this week with the anticipation of a big sap run this weekend. Saturday, March 4 is Public Day and Saturday, March 11 is Scout Day. Roger noted so far we have received 126 tree sponsors which is the highest number ever and a good fundraiser for the EE Center.

Annual Membership Dinner-Roger reported that the Annual Members and Friends of Conservation Dinner is Friday, March 31 at Trout Lake Retreat and the Board/Associate Board should have received their invitations. Two awards will be given at this years' event.

Awards-Conservation Educator of the Year-Roger stated that applications were solicited from local school districts and five applications were received for the Conservation Educator of the Year Award. Staff has met and are suggesting the Board approve the award go to Patti O'Keefe from the Evergreen Charter School. Patti is a science teacher at Evergreen and she works with BWA and the Envirothons and she involves her students very heavily in environmental topics throughout the year. A motion was made by Patrick Ross, seconded by Paul Canevari, to approve giving the Conservation Educator of the Year Award to Patti O'Keefe from Evergreen Charter School. The motion carried.

Volunteer of the Year-Roger said this year the EE Center would like to recognize Mr. and Mrs. Miller for their volunteer efforts over the last twenty years. A motion was made by Patrick Ross, seconded by Paul Canevari, to approve the Volunteer of the Year Award going to Mr. and Mrs. Miller. The motion carried.

Nature Discovery Area Update-Roger stated that KCEF has agreed to be the lead on the Nature Discovery Area with funding coming from them and private donations, not the District. A local group of Scouts are going to help with some of the labor. The permitting paperwork has been submitted to Hamilton Township and the hope is for the project to be completed by the end of the summer.

New Summer Programs-Roger noted that the EE Staff has been working on redesigning/restructuring the summer programs/camps and we are working with other county-wide camps. Dave asked if the EE Center works with Spruce Lake Retreat. Roger said Spruce Lake receives information on our programs but they have their own EE Staff. He noted that Conservation Camp visits their sewage treatment plant and they bring groups to the Bog.

Earth Day-Roger said the Second Annual Earth Day is being held on April 22 at Northampton Community College Monroe Campus and we are looking for exhibitors. The event went well last year with over 800 in attendance and we are looking forward to an even better year this year. Joe stated that he attended last year and he did not feel that it was that great of day, noting that a lot of people came for the free swap and there were a lot of organization members and vendors there which was good for them. Roger stated that we had counters and over 800 people came through the exhibits/event. Joe asked what the cost was. Roger said \$2,000 is budgeted. Heidi noted that many organizations were holding their own event so the whole idea was to bring everyone together to celebrate Earth Day.

DISTRICT MANAGERS REPORT-Adam asked if anyone had any questions. Joe asked for a summary of the MS4 meeting hosted by Senator Scavello. Adam said representatives from DEP NERO and Harrisburg were there to offer the ins and outs and how to navigate through the MS4 Program. He noted that the initial reaction is to parcel out PennDOT properties and roads as they have MS4 requirements and that may give the opportunity to piggyback off the BMPs that they need to install and take credit for them.

Upcoming Training Workshops-Adam said that on March 3 there will be a Board Chair/Manager and Board Treasurer/Accounts Supervisor Trainings in Wilkes-Barre. Joe said someone from the Board should attend as he is unavailable. Heidi noted that there are other dates but they are not as localized and she is attending the one on March 31 in Leesport and Joe agreed to go also if Dave was willing to warm up the helicopter. Dave said they would take a plane. Janet asked if Associate Directors could attend. Shane said they are limiting the numbers to four officers from each District but if no one else

is going she could go. Janet said she would let MCCD know which date she can attend and she will drive.

Game Lands Update-Adam noted that access to the State Game Lands property is nearly impossible and PennDOT is not willing to open that stretch of the guardrail. Adam met with Senator Scavello on this and he will work on access too. Adam said staff will continue to track the plume and maybe we can get the USACOE involved. Discussion was held on using an old railroad bed which is in pretty good shape but would be a long distance. Joe said since we are getting access resistance, what are the other possible sites. Adam said he has met with The Nature Conservancy who is looking at a number of programs and they are focusing on flood mitigation and we are addressing water quality so we may be able to partner with TNC. Joe said he would like us to continue to work on the Game Lands site, work with the TNC on a site, but he would like see us work on one site on our own for total of 3 sites. Dave said another bad spot on the highway is from SR80 to Business 209 and Route 33. Lori said staff did assess that site.

2030 Update-Adam said he attended a sub-committee meeting with a number of people to discuss issues with implementing the 2030 Plan. He has another meeting tomorrow at NCC with the Community Committee which is a smaller subcommittee to discuss an action plan and have it ready before the next Economic Outlook Summit.

JANUARY REPORT-Financial Statement-Heidi said other than the funds from unconventional gas monies coming in there is nothing else to highlight. A motion was made by Paul Canevari, seconded by Dave Moyer, to approve MCCD's Financial Statement. The motion carried.

Invoice Lists-Joe asked if there was anything else to highlight other than the \$38,000 payment for the Dirt & Gravel Road Polk Township Hell Hollow Bridge project. Heidi said no. A motion was made by Paul Canevari, seconded by Heidi Secord, to approve the Invoice Lists dated from January 20 through February 16, 2017. The motion carried.

OTHER BUSINESS-Out of County Travel Requests-A motion was made by Dave Moyer, seconded by Heidi Secord, to approve the Out of County Travel requests as listed. The motion carried. (See attached list.)

Approval of MCCD Mission Statement-Joe asked what our old mission statement was. Adam said PACD has one, as do most other districts however MCCD did not have one. Staff was given time to mull the idea and then a meeting was held to pull out important wording and they developed "To ensure sustainability by promoting and protecting the unique natural resources of Monroe County." A motion was made by Heidi Secord to adopt this mission statement. The motion failed due to the lack of a second. Joe asked if there were other submissions. Adam said staff offered 13 submissions and it was boiled down to this which covers education, outreach, and protecting

the resources. Joe noted that the Board was not included in the submissions. Charlie suggested that all submissions be emailed to the Board. A motion was made by Charles Garris, seconded by Dave Moyer, to approve tabling MCCD's Mission Statement. The motion carried.

Approval of Copier Maintenance Agreement-Adam stated that the copier maintenance agreement is with Stratix Systems which includes all parts, labor, staples and toner for \$1,601.00 from May 1, 2017 through April 30, 2018. Joe asked if this is based on a set number of copies. Adam said yes 150,000 per year and .0083 per copy after that. Joe asked if we go over the copy allotted number. Barbara said no. Adam said a second quote was obtained but it was higher, did not include staples and we had never used them before. A motion was made by Paul Canevari, seconded by Heidi Secord, to approve entering into the copier maintenance agreement with Stratix System for \$1,601.00 from May 1, 2017 to April 30, 2018. The motion carried.

Approval Times for Completeness-Joe said we have been measuring after we get completeness against our timelines and he has gotten complaints that it takes a long time to get completeness and if that is the case it subverts the goal. Adam said we have that data and will supply it at the next Board meeting.

Summer Work Crew-Roger and Adam apologized that this did not make the agenda but it is timely to this month's meeting. Adam asked for approval to advertise for the Summer Work Crew. A motion was made by Dave Moyer, seconded by Heidi Secord, to approve MCCD advertising for the Summer Work Crew. The motion carried.

Becker Scholarship-Adam and Roger asked for Board approval to allow the MCCD EE Staff and the Becker Family to accept/review applications and award the winner of the Becker Scholarship. A motion was made by Dave Moyer, seconded by Heidi Secord, to approve the EE Staff and the Becker Family to accept/review scholarship applications and award the winner of the Becker Scholarship. The motion carried.

Building Use: Adam mentioned that MCCD received a building use request to host a baby shower through the new building use policy that was adopted by Board. Adam noted that the requestor has the proper insurance coverage and completed the County 'Hold Harmless' agreement. No additional staff time will be required as the building is already open that day and this would provide another source of revenue. Joe stated that he does not think the County should be in the business of competing against other venues, noting that he does not have a problem with non-profits using the building. Charlie stated that he does not feel that the Conservation District should be in with private enterprise. Joe asked for a motion to approve the building use request. A motion was made by Heidi Secord, to approve building use request for a baby shower. The motion failed due to the lack of a second. Joe asked for a motion

to deny use. A motion was made by Dave Moyer, seconded by Charles Garris, to deny the building use application for a baby shower. Discussion was held and it was agreed that the Board should review the building use policy, Adam will forward the policy to the Board for changes and it will be on the March agenda. Heidi Secord was opposed. The motion carried.

Associate Director-Adam stated that MCCD received an application from James Hendricks to become an Associate Director. Adam noted that an Associate Director Committee meeting needs to be scheduled to review the two recent applications. Joe noted a report should be prepared for the committee to look at the current Associate Directors to see who has been attending and who has not and the policy on attendance will be reviewed. Joe asked who the two new applicants were. Adam said Craig Todd and James Hendricks. Joe said he thought Craig's application was denied. Debbie said it was not denied, noting that Pat stated that an Associate Director Committee should be held first. Adam said he would send out a Doodle Poll with potential dates.

Executive Session-Adam noted that an Executive Session was scheduled to include meeting with the auditors at the beginning of today's meeting but it was switched to end of the Board meeting and they could not meet at that time so it has been rescheduled for the March Board meeting at 8 am. Joe said the Executive Session was changed to the end of the meeting as the public attends and the Executive Session could last for some time and it would be unfair for them to be sitting here waiting for the Board meeting to begin. Discussion was held and it was agreed to hold the meeting with the auditors at 7:30 am before the March 16 Board meeting and a report will be given at the Board meeting concerning the Executive Session.

Anderson Estate-Adam reported that MCCD received approval from the Anderson Estate to use the funds for environmental education programs.

COOPERATING AGENCY REPORTS-Shane Kleiner, DEP, updated the Board on the upcoming Leadership Development trainings for Board and staff. He noted that the staff conference on March 8 & 9 is a good training as they discuss dealing with conflicts, the public and bookkeeping. There are also a number of 102/105/Ag trainings and a DEP NERO Staff Roundtable meeting on March 2. A request has been made for volunteers for the State Envirothon. Shane said the Watershed Specialist grant agreement was extended until January 31, 2017 and the new agreements will be going out for signature by March/April and there should not be a lapse/delay in quarterly funding. Shane stated the DEP is seeking district directors and the general public to serve on six regional State Water Plan Water Resources Advisory Committees. Joe asked what the state wants us to do. Shane said the group will set future goals and objectives for the direction of the program for the State Water Protection Plan. Heidi asked if Associate Board members can participate. Shane said to contact Dave

Jostenski at DEP @1-717-772-5659. Shane noted that there was a Dirt & Gravel Road committee meeting looking into the off right-of-way and the distances and funding and that will be added into the Dirt & Gravel Road Manual. Shane said he will take the draft protocol with him for DEP review and he is available to attend the next RCC meeting. Charlie asked if Dirt & Gravel funding will be in the Governor's new budget. Shane stated that those funds come from the liquid fuels tax and \$30 million is already set aside and until the law changes that will not change. Charlie asked other than culvert reconstruction and what else is covered. Shane said the main purpose of the program is to eliminate or control pollutants from directly discharging into streams. You can re-establish beds/road base water issues, surface runoff, gravel road resurfacing, French mattresses, etc. Charlie asked about tar and chips roads. Shane said that falls under the Low Volume Road portion of the program. Charlie said he understands that a project was completed in Tobyhanna Township and the material that was used was so soft that the people who are using the road are creating ruts. He feels that the Director should check into this to see if the residents are satisfied with using the road and he is asking himself if MCCD should be in that business if the construction was not good. Adam stated that was the reason for amending our testing protocols so smaller loads of materials could be tested. Adam stated that Middle Smithfield has a tool that we feel will correct the problem and that will be used on that road on a demonstration day. He assured the Board that the problem will be corrected. Shane asked if someone from The Center for Dirt & Gravel Roads was called in because they have dealt with these types of problems. Adam said he thinks John has been in contact with them. Dave said he feels we should have a meeting in Harrisburg to talk about the Dirt & Gravel Road Program and questioned putting dirt and gravel back down when we are trying to keep our road and streams clean. He noted that it cost Tobyhanna Township \$48,000 to do that project when they could have put 3" of fine binder down and it would have cost them \$38,000. Shane noted that many studies have been completed and if the materials are put down properly with the proper compaction and the elimination of water in the base it can become as hard as concrete. Dave said you need to look at the maintenance/plowing costs for municipalities for dirt and gravel roads. He noted that he has been placing 2A modified for 38 years and he knows what happens to it when it gets wet. Shane stated that there is a difference between 2A modified and the mix used for the D&G Program. Dave said we need to look at the percentages in the mix and the 2A modified. Charlie asked if we should be in the business. Dave said he does not want to lose the funding for replacing storm pipes, maintaining swales, riprap and box culverts but we should look at what we are putting down for the driving surface. Joe said that this spring someone should inspect all the roads that have been completed through the program, take photos and document the condition after one winter season. Shane noted that the District should contact The Center because the program can be tailored to meet the conditions of the County and he suggested that Dave attend the training sessions that they offer.

Jennifer Matthews, NRCS, introduced herself noting that she had been attending Board meetings for the last 1 ½ years on behalf of the Natural Resources Conservation Service (NRCS). She reported that NRCS staff has just completed ranking over 120 applications for their field office which covers four counties: Lackawanna, Wayne, Pike and Monroe. She noted that those funds should be obligated over the next few months and she will keep MCCD updated on how much funding Monroe County landowners enrolled in the program will receive.

Garrett Beers, DCNR, noted that they are going to be restarting their state forest tours to get the public more engaged in their mission statement and showcase their wildlife management activities before misinformation and concerns are expressed at a higher level and then brought to them. Ash (Emerald Ash Borer) and hemlock (Woolly Adelgid) trees are being treated this spring for those insects that are killing these species. Garrett said that that he will be contacting schools to work with students on preparing for the upcoming Envirothons and he is available to help with the forestry tests on the day of the event at MCCD. He noted that they will not be spraying for gypsy moths this spring in Monroe County as their population should not be very high this year in most areas. Discussion was held on the reintroduction of the American chestnut.

Evan Makuvek, MCPC, reported that the Ag Land Preservation Board is currently accepting applications with a deadline of April 3, 2017. Discussion was held on the Open Space, Ag Preservation and Act 319 programs.

PUBLIC COMMENT-Joe asked if there was any public comment. Paula Heeschen said she had two questions. 1) She heard Heidi vote against the move to change the delegation agreement from a Level III to a Level II but she did not catch who the other 'no' vote was. Paul noted it was him. 2) She asked as for the Board members who voted 'yes', which went against the expressed advice of the former long-term District Manager and the current District Manager, and she is wondering what message the Board is sending to the staff. She feels that this is a real change in direction for MCCD and questions what the staff should take away from this. Dave said through the photos that he has shown, does she believe that we have dirt and erosion issues in our streams from our roads and highways. Paula said she is not talking about herself, she asking what the message is to the staff. Dave said his message is for the staff and everyone in the room to join together to try to care of the problems at hand as quickly as possible to protect our drinking water and fisheries, noting that he has not seen us working on that in his 25 years in Monroe County. MCCD has a great staff and we should use them to work on what is important: drinking water and fisheries and he hopes everyone in this room agrees, noting that is why we are here and it is our charge as a Conservation District.

Theresa Merli questioned how Dave thinks that is going to accomplish the goal he just expressed by reducing to a Level II when it has been expressed that having the Level III does not take that much time and it enables our community to address those things if we need to, instead of sending it to DEP. She commented that she does feel that the development community is going to be well served by going back to a Level II and she thanked the Board for letting her express herself.

Craig Todd commented that three major issues have been discussed today but he will only speak to two of those. 1) Special Secretary - Craig said he does not feel that the direction that was given during the Board meeting is going to solve problem that was talked about. That existing position of recording secretary job description discusses preparing the minutes and agendas for Board meetings and if there is a problem with getting an agenda properly vetted through the Board then maybe they should go into committee and discuss the policy on how agendas will be developed and who participates. For many years there has been an internal process that has existed that has informally included the Board. This appointment is not going to address the problem that exists and is going to put additional stress on the employee who needs to do all of this. 2) Level III to Level II - Craig stated that should have definitely went to committee and it was very disappointing to see that action be taken and a motion made. He suggested that as conflicts arise, and before programs are removed which are the focus of the conflict, they should be adequately vetted internally to determine the best course of action. He noted that Level III to Level II was not even on the agenda, it is one of the biggest actions that the Board has taken in a long time in reference to program direction, second to not entering into the MS4 MOU to assist municipalities in complying with the requirements of the program, and by not talking with staff is not good policy or good governance. Craig stated that many of the actions of the Board seem to be related to talk that is being heard on the street and to specific complaints that people come to this body with both formally and informally. That is one of things that the Board is for, however he would suggest before action is taken or judgement is passed the Board should interact with the staff. Staff is the lifeline to reality for science and policy for state, federal and local regulations and the staff is not being utilized. The Board is making decisions based on external comments and the Board should come to the staff for their point of view or an explanation of what took place as the staff is responsible for administering the program and the Board is not. As for the extension at the airport: that would not have happened if it was not for District technical staff advocating for the filling of an EV wetlands to the state and yet the staff is the brunt of how long it is taking to have something approved. The airport has constraints; it is surrounded by wetlands. Craig stated again that it was not good governance and bad policy to not discuss with staff and to make a motion to move the District back to Level II. Joe said during that last 34 years there has been tremendous erosion and the EPA, DEP and PACD says

that a majority of our pollution comes from non-point source discharges. All of our surrounding counties have tremendous programs and projects moving toward this. Everything that Craig has mentioned still does not address where 93% of our pollution comes from verses 7% from the development community. Level III is a perception; it is something we could use, a tool in our tool box, but at the same time it doesn't go back to what we need to address; what we have been asking to address. Everyone around us finds it important, he has heard nothing from BWA, they see the mud in the streams and how can you ignore Dave's picture and what exists. No one comes to us, no one is working with us, no one shows substantive concern and yet we get mired in this administration. Joe said Craig said defacto that this is not important as shown by his inaction. Craig said that the NPDES permitting program is non-point source pollution, streambank erosion is non-point source pollution; not 'point source' and 75% of pollution comes from non-point sources. The District took advantage of the program that deals with construction of impervious surfaces and post-construction/during construction stormwater; the highest potential for pollution for a land use; construction activities have the highest per acre potential for sediment pollution and impervious surfaces creates post-construction non-point source pollution, Level III is part of that. There is no comprehensive program for the clean-up of non-point source and sediment pollution. Monroe County has been proactive; we are not a coal county or an acid mine drainage county, we have not been degraded so the focus of our program has not been to clean-up because there is nothing to clean-up. Monroe County has seen the highest amount of development in the last 20 years, second in growth in the state and yet we maintained our water quality, we did not degrade. If we weren't doing that we would be looking for money to clean-up. Joe said we have not asked for funding and we have not done any non-point clean-up projects. Craig said yes we have and he will take Joe on a tour of the County of streambank erosion that has been fixed in cooperation with partners and Joe agreed to go. Joe said we need to employ those same methods today. Dave said as a farmer we are out there plowing hundreds of thousands of acres of open land, the mud that is coming off of them, those are things we need to look at. Jennifer Matthews noted that in 2016 Monroe County was obligated over \$100,000 by NRCS just for cover crops on agricultural lands and they obligated over \$200,000 in irrigation systems to help reduce erosion. In prior years funds have been obligated to the ag communities through the Farm Bill. Dave said years ago they used terracing and asked if funding is still available for that. Jennifer said yes there is funding for terracing, diversions and waterways and contracts have been obligated to farms in Monroe County for that. Heidi said conservation, sustainability and protection of our water resources are all being discussed within the farming/ag communities and at conferences.

Heidi noted that the State Ethics Act forms were included in the Board packets and are to be returned to Deb. She noted that the Executive Session is open Associate Directors and she asked that Shane attend.

EXECUTIVE SESSION-The Board went into Executive Session at 10:40 am. Joe reconvened the Board meeting and reported that the purpose of the Executive Session was to review Adam Schellhammer's six-month tenure with the Conservation District, to complete HR forms relative thereto, and to make comments as to help us improve his performance with the Conservation District. Joe said Dave will review the evaluation with Adam.

ADJOURNMENT-Joseph Hanyon, Chairperson adjourned the Board meeting at approximately 11:24 a.m.

Respectfully submitted,



Debra L. Martin
Recording Secretary

THE NEXT MCCD BOARD OF DIRECTORS MEETING WILL BE HELD ON THURSDAY, MARCH 16, 2017 AT 8:00 A.M. AT THE MONROE COUNTY CONSERVATION DISTRICT OFFICES IN BARTONSVILLE, PA.



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

October 11, 2016

Joseph Hanyon, Esq., Chairperson
Monroe County Conservation District
8050 Running Valley Road
Stroudsburg, PA 18360

Dear Mr. Hanyon:

I would like to bring to your attention that the Department of Environmental Protection (DEP) has serious concerns regarding the Monroe County Conservation District's (District) development of the enclosed proposed directives, which were presented at the District's board meeting on September 15, 2016.

DEP, through Mr. Shane Kleiner, has provided direction and answered questions posed by the District's Board of Directors and Staff regarding these proposed directives. More specifically, Mr. Kleiner explained to the District's Board of Directors and Staff that these proposed directives are contrary to DEP's guidance, and inconsistent with DEP's policy and procedures outlined in the District's delegation agreement relating to administration responsibilities in the Erosion and Sediment Pollution Control (E&S) Program and National Pollutant Discharge Elimination System (NPDES) Permitting Program for the Discharge of Stormwater Associated with Construction Activities. Since the delegation agreement sets forth the District's authority and legal obligations, the District's deviation from DEP's delegation requirements, including regulation, policy, standard operating procedures and guidance, jeopardizes the protection and indemnification provided to the District under the delegation agreement.

If the District finalizes the directives in a manner which are inconsistent with DEP requirements, DEP may consider terminating its delegation agreement with the District.

If the District would like to discuss this matter with DEP, please contact Mr. Kenneth Murin by e-mail at kmurin@pa.gov or by telephone at 717.772.5975, or Ms. Aneca Atkinson, by e-mail at aneatkinso@pa.gov or by telephone at 717.783.9726.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramez Ziadeh".

Ramez Ziadeh, P.E.
Director

Enclosure

cc: Karl Brown, SCC

Joseph P. Hanyon

From: Joseph P. Hanyon [jhanyon@mhkattorneys.com]
Sent: Friday, November 04, 2016 3:03 PM
To: Aneatkinso@pa.gov; kmurin@pa.gov; kmurin@pa.gov
'Joseph P. Hanyon'
Subject: Monroe County Conservation District

Dear Mr. Murin and Ms. Atkinson,

This will acknowledge receipt of letter of Ramez Ziadeh, P.E., Director, dated October 11, 2016. His letter directs me to your offices for assistance.

We seek the guidance from your offices regarding proposed directives for the issuance of Notices of Violation by the District. The proposals were attached to Mr. Ziadeh's letter.

I had the pleasure of speaking Mr. Murin, who relayed that there exists certain protocols that have been promulgated by the Department. I have reviewed a 6 page document entitled "Chapter 1: Compliance Strategy and Procedures". I do not believe that the District has followed these procedures. We have a committee meeting at the District on Monday, November 7, 2016 at 9:00 AM to discuss this issue and vet our procedure. The Department has been asked to attend. I believe Mr. Kleiner will be in attendance.

I have reviewed the Complaint Strategy and our Delegation Agreement against our proposed protocols and do not see any conflict. Would your offices be kind enough to be more specific as to what portion or portions of the proposed protocols are inapposite to the protocols as the letter of the Director simply states that they are "contrary to DEP's guidance."

In preparation of our committee meeting I have also reviewed the minutes of the September 15, 2016 MCCD Board of Directors meeting. Those meeting minutes relate that Mr. Kleiner suggested we use criteria established by the Department for documentation and preparation of enforcement actions.

Are there any other items other than the Compliance Strategy that we should take into consideration? Is the Compliance Strategy binding on the District? May we add greater detail to it consistent with our proposed protocol?

Thank you. Joe Hanyon, Chairperson for Monroe County Conservation District

Out of County Travel Requests for MCCD Board Approval on Thursday, February 16, 2017

3/20-24/17 (2017-0039)

DEP Chapter 102/105 Technical Training - Basic
State College, PA

AS

4/5-6/17 (2017-0038)

DEP Chapter 102/105 Technical Training -- Topic-Based
State College, PA

AS, LK

3/1/17 (2017-0037)

Dirt & Gravel Rd. Conservation District
Regional Sharing Sessions
Wilkes-Barre, PA

JM

3/12-15/17 (2017-0049)

PA Assoc. Of Environmental Educators
McKeever Environmental Learning Center
Mercer County, Sandy Lake, PA

BC

2/21/17 (2017-0046)

Practice Keeper Workshop
Lancaster County CD
Kennett Square, PA

AS, MG

2/15/17 (2017-0050)

Pre-application meeting for Middle Dam Rehab.
DEP NERO, Wilkes-Barre, PA

LK, MW

4/21/17 (2017-0047)

Bushkill 4th Grade Program
Dingmans Ferry, Pike County, PA

BH, BC

3/7/17 (2017-0055)

Middle Creek Birding Fieldtrip
Lebanon and Lancaster Counties, Kleinfletnersville, PA

BH

3/7/17 (2017-0052)

Chapter 102/NPDES Permitting Process Listening Sessions
Wilkes-Barre, PA

AS, LK

3/3/17 (2017-0053)

Board Chair/Manager & Board Treasurer/Accounts Supervisor Trainings
Wilkes-Barre, PA

AS, BB

3/2/17 (2017-0060)

DEP Roundtable Meeting
Wilkes-Barre, PA

AS, DW, MW, LK