



REPORT ON MCCD

August 2018

By Paula Heeschen for Brodhead Watershed Association

Board votes to get back on Level III

The Monroe County Conservation District board voted in July to return to a Level III delegation agreement with the state Department of Environmental Protection.

The majority argued successfully that taking on Level III of the delegation agreement, which authorizes the district to take enforcement actions on the DEP's behalf, provides more direct, local input into the permit review process, a benefit to developers and the natural environment. July's vote reversed a 2017 decision by an earlier board to reduce the district's authority to Level II. District staff had been operating under Level II since then, although the DEP had not made the reduction official.

Board Vice President Bob Armstrong made the motion to return to operating under the Level III delegation agreement. He noted that the number of development permit applications has been rising in recent years, and reminded the board that the district still has two professional engineers on staff to assist in the process, resolving potential pollution problems faster. When the district must refer all enforcement to DEP, Armstrong said, "While we're waiting, pollution continues."

Board member Dave Moyer argued that 55 counties operate under Level II, relying on DEP to handle enforcement issues.

Shane Kleiner of the DEP said the 11 counties using Level III do so because the level of construction activity calls for prompt action. Among the 11 counties, besides Monroe, are Pike, Northampton and Lehigh. "Having (Level III authority) in your back pocket is something they chose," Kleiner said.

Member Chuck Gould commented, "As a small farm operator, I'm better served if I can pick up the phone and call somebody right here and get the conversation started."

Without the Level III delegation agreement, Gould said, "you could see a stop work order" on a project from DEP that could take weeks or months to resolve. Local delegation offers the opportunity to get on site and not hold up projects.

BWA Executive Director Bob Heil reminded board members of the reduced staff at DEP. "Screening permit applications and renewals ... (runs) way behind," Heil said.

Kleiner noted that there is one person in the regional office who last year handled 75 enforcement referrals for 11 counties. "I think we've improved our process for enforcement," he said, "but it's tough to keep up with that."

District Manager Adam Schellhammer also cited time and duplication of effort as important issues. Under the Level III delegation agreement, the district can move quickly when working with applicants whose projects are damaging the environment, he said.

After the discussion, a majority supported the motion to return to operating under the Level III agreement. Yes votes included Armstrong, Roger McFadden, Randy Rice and Charlie Garris. No votes came from Moyer and board Chairman Pat Ross.

Ross noted the importance of moving forward despite the lack of consensus. "You can have disagreements," Ross said, "but you have to respect other people's opinion. We had a nice discussion. Nothing's going to get accomplished unless we work together."

The MCCD board will meet at 8 a.m. Thursday, Aug. 16, at Kettle Creek Environmental Education Center, 8050 Running Valley Road, Bartonsville.