



REPORT ON MCCD

February 2021

By Paula Heeschen for Brodhead Watershed Association

Illegal fill found in Middle Smithfield lots

Illegal fill is showing up again in Monroe County, dumped on residential building lots in Middle Smithfield Township.

Monroe County Conservation District board members heard about the problem from staff and from Carl Deluca of the Pennsylvania Department of Environmental Protection, during their Feb. 18 board meeting. Head Resource Conservationist Lori Kerrigan cited a lack of compliance from some of the landowners involved among multiple lots. None of the lots, in Monroe Lakes, had proper erosion-and-sedimentation measures in place. Several owners immediately halted the fill activity, while others continued to allow it.

Monroe Lake drains to Bear Swamp Run, a headwater tributary of Marshalls Creek, which in turn drains to Brodhead Creek below East Stroudsburg.

The county Waste Authority promptly conducted a visual assessment of the site and issued a report. The district's technical staff worked with township officials to obtain a stop-work order; and the DEP has since issued a cease-and-desist order. Meanwhile, the DEP, in conjunction with a lab, set up sampling points that will help determine the contents of the fill.

The dumping marks a return to a problem Monroe County faced during 2019, when several instances of illegal fill prompted the district to work with the state Association of Conservation Districts and the DEP to address it, while conducting a public-education program in cooperation with affected municipalities.

Pennsylvania's standards for fill are laxer than those in surrounding states, and county conservation districts and DEP supported stronger controls that would include procedures for addressing the issue. Policy recommendations included tightening the rules to ensure all loads' contents are clearly identified, rigorous requirements filling out forms before transport, and strengthened oversight.

Yet, though the legislature made some tweaks to the rules, no major changes were made. As a result, District Manager Kristina Heaney said after the February meeting, Pennsylvania remains an attractive dumping ground for fill that wouldn't be allowed elsewhere.

"There are folks called soil brokers," Heaney said. Pennsylvania's lower standards enable them to make money on truckloads of unbuildable fill that she described as, in some cases, "saturated with decades of cement, petroleum and other contaminants." In some instances, the brokers or their associates actually buy building lots so they have their own places to deposit the profit-making fill. In other cases, even the truck drivers are unlicensed.

Border counties like Monroe are especially vulnerable because they're close to urban sources of the materials, Heaney said.

Such activities carry the potential for criminal prosecution.

The board agreed to continue monitoring the situation, working with townships, the waste authority and DEP as needed.

In other business, Environmental Education Coordinator Roger Spotts told the board that though heavy snow had played havoc with the district's annual maple sugaring program, there were more than 200 tree sponsors, the highest number ever. Public programs scheduled for March 6 and 13 are by reservation only, and are almost filled.

Spotts also reported that the state Association of Conservation Districts held its first competition for video awards, and Monroe County won first place in the kindergarten through 12th grade category, based on a virtual bog visit that the EE section produced last spring. Meanwhile, thanks to grants and contributions from the Kettle Creek Environmental Fund, the EE section will provide free EE programs to area schools during 2021.

And, the district board heard that Middle Smithfield Township completed two projects with the district's Dirt and Gravel Roads program, and M CCD has contracted with Hamilton Township on another project for this year.

Also, there is \$80,000 available for three projects in the Low-Volume Road program. The district is working with the Game Commission in the second phase of a project near Brady's Lake.

The M CCD board's next meeting is at 8 a.m. Thursday, March 18, 2021, at Kettle Creek Environmental Education Center, 8050 Running Valley Road, Bartonsville.