

Local conservation officials are concerned about massive tree clearing on a large construction site along Route 115 in Tunkhannock Township

Monroe County Conservation District Board Meeting

February 16th, 2023

Tree clearing itself isn't always an issue. But the nearly 100-acre site is slated for construction, and the Monroe County Conservation District is still reviewing the project's application for a National Pollutant Discharge Elimination System permit. Applicants typically don't materially change conditions on the ground during the application process.

The Federal Clean Water Act and the Pennsylvania Clean Streams Law established the NPDES program with a permitting system to regulate sources of water pollution — including soil and debris from project sites — aimed at protecting and improving water quality.

The vast majority of the project site drains into the exceptional value, cold water, and migratory fishes (EV, CWF, MF) designated section of Mud Pond Run, a major tributary of Tunkhannock Creek. A small section of the project site drains into a high quality (HQ, CWF, MF) designated part of main stem of Tunkhannock Creek.

MCCD has a delegation agreement with the Pennsylvania Department of Environmental Protection to review permit applications, inspect construction sites, and provide guidance, including to warn project participants of possible violations.

Head Resource Conservationist Lori Kerrigan told board members during their February meeting that the permit applicant began “clearing trees ahead of time” — while the permit is still under review — and substantially change conditions on the site during the review period, Kerrigan noted.

District Resource Conservation Specialist Steve Baade issued a detailed inspection report noting the activity already has resulted in earth disturbance and other issues. The district issued a Notice of Violation to permit applicant Papillon & Moyer, a Stroudsburg excavating firm. Principal David Moyer is a former MCCD board member.

The Notice of Violation recommended that Moyer cease all earth disturbance and clearing activities at the site.

The activity stopped temporarily, but according to Moyer’s engineering representative, resumed on Feb. 13 despite the lack of a permit. The applicant was willing to assume the risk of violations, a letter to the district from Keystone Consulting Engineers said.

Current board member Craig Todd noted that “We have a permit that is under review” yet major work is occurring despite the notice of violation. “Couldn’t that conflict with BMPs?” (best management practices), he asked.

District Manager Kristina Heaney said of the staff, “We completely agree.” Both the DEP and the district are concerned that the contractor is doing extensive work on site, Heaney said, “assuming that the permit is going to be issued.”

However, the DEP’s Northeastern Office, located in Wilkes Barre, did not agree with the District’s wish to impose penalties. “We communicated our concerns.”

Work at the site involves a large piece of equipment that removes the tree from the top down to minimize earth disturbance.

However, removing trees changes how stormwater affects a site, and the work could result in soil compaction, Todd said. “I’m concerned about the risk to the environment.”

In other business, the board learned that the district will receive 500 saplings from the state to use on multiple projects throughout the county, including the stream improvement project at Sand Spring Run.

Heaney and watershed specialist David Hooker are working to bolster the agricultural assistance program for area small farmers. Recently they attended a grant writing course, and they obtained a comprehensive list of grant opportunities from private, federal and state sources.

“This is a search engine that supercharges everything — whatever potential grants we would be eligible for,” Heaney said.

She and Hooker also are putting together a ranking system to help make decisions on projects that are submitted for grant funding from the U.S. Department of Agriculture’s Natural Resources Conservation Service.

The board also:

* Heard from board member Donna Foulk that some local municipalities are considering outlawing fireworks outside of four holidays a year. Fireworks proliferation, including at private affairs and during and after high school football games, has drawn complaints from nearby neighbors and created problems with livestock. “They’re a hazard when animals are driven through fences” out of panic, Foulk said.

* Opted to go out for bids again on a roof replacement for the district's building in Bartonsville. Even allowing for the recent increases in materials costs, an earlier bid came in more than \$200,000 over what they expected to pay for the project.

* *Approved changing its meeting times, starting in March, to 10 a.m. on the third Thursday of the month, The board will hold work sessions at 9 a.m. if needed.*

The next board meeting will be at 10 a.m. Thursday, March 16 at the offices in Bartonsville.

Respectfully submitted by Paula C. Heeschen