



*MCKEAN
COUNTY
CONSERVATION
DISTRICT*

*2007
STRATEGIC
PLAN*

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INTRODUCTION:

The McKean County Conservation District was declared a District by the Board of County Commissioners on August 19, 1959 under the provision of the Soil Conservation Law, Act 217. This Law enacted in 1945 gives Districts broad powers to provide services, employ and manage staff, charge fees for services, own and manage property, and authorizes Commonwealth agencies (including Counties) to cooperate with District in carrying out programs.

The primary goal of the District is the development, improvement and conservation of the County's soil, water and related resources as well as educating the community in various conservation and environmental practices and methods.

The District is administered by a board of seven (7) Directors—three (3) farmer members, three (3) public (non-farmer) members and one (1) County Commissioner. District Directors are appointed by the County Commissioner from a list of names submitted by countywide nominating organizations. The Commissioners also designate one of their members to serve as a Director.

In July, 2006, the McKean County Conservation District began a new chapter moving from a part-time educational district to a full-time district providing services in conservation education, nutrient management, Dirt and Gravel Roads, erosion and sediment control, watershed services, West Nile Virus monitoring, and educational outreach services. With the expansion of the district staff and programs come new and promising challenges for the Board of Directors to face.

This Strategic Plan was developed as a tool for the District to meet the new challenges and ever-changing land use issues facing our county. While we realize this plan is not all encompassing it is a good base to build on. This plan is a living, breathing document that will be implemented and changed as needed. Constant evaluation will help the District to meet the needs of our county, understand the benefits and impacts of our activities and make decisions based on better information. We appreciate everyone's involvement and dedication to guiding the District over the next several years.

BOARD OF DIRECTORS:

Kerry Fetter, Chairman, Public Director

Jim McKean, Vice-Chairman, Farmer Director

Bob Harris, Treasurer/Secretary, Public Director

Cliff Lane – Commissioner Director

Charlie Irons, Farmer Director

Lawrence Stratton, Farmer Director

Ernie Hand, Public Director

ASSOCIATE DIRECTORS:

Bob Butters

Blaine Puller

STAFF:

Sandy Thompson, District Manager

Heather McKean, Watershed Specialist/West Nile Virus Coordinator

Carol Riedmiller, Resource Conservation Technician

WHO WE ARE:

The McKean County Conservation District is a non-profit group striving to be a recognized and respected leader in promoting the conservation ethic. The programs and examples the District implements will result in conserving the integrity of the natural systems that enrich the McKean County environment.

BENEFICIARIES:

The customers of the McKean County Conservation District's services are the citizens, landowners, businesses, local governments, visitors, and future generations of McKean County.

PHILOSOPHY:

The McKean County Conservation District, being a grass-roots organization will coordinate programs and information between the District and other governmental agencies to educate and guide development to protect, preserve, and improve the environment.

VISION:

The McKean County Conservation District will encourage all citizens to adopt a way of life which results in conserving, protecting, and practicing the wise use of our natural resources.

MISSION:

The McKean County Conservation District will provide leadership, education, and guidance to ensure the wise use and protection of our valuable natural resources.

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PLAN DEVELOPMENT:

The McKean County Conservation District held a meeting on February 16, 2007 to kick-off the development of the Strategic Plan. The session was facilitated by Penn State Extension staff Don Tanner and Robert Veilleux utilizing the “Choosing our Direction” series of workbooks. This first session was attended by 17 individuals representing Conservation District Directors and staff; cooperating agency representatives; and representatives from the District’s nominating organizations.

During the session the facilitators took the participants through an organizational assessment including: Where are we now, who are we? What are the basic issues our organization seeks to address? Has this changed over the last 3-5 years? What are our organization’s main philosophies and values? What makes our organization distinctive or unique? Who are our customers or the primary beneficiaries of our services? How have they changed? How are they likely to change? What have been our results? Have we measured and recorded these as effectively as we should? Where are these documented? How effective has our staff been at addressing the needs of this organization and our clientele? Do we have measures of this and methods for addressing improvements? In what current activities is your organization involved? What other services are requested from your organization?

These activities were part of the What Do We Do Now workbook in which the following were asked of each activity: Why is the service needed? What is the future demand? Are we the best organization to provide this service? If so, what makes us the best? Is this the most effective way for us to meet the needs of our clients? Could we meet those needs by providing the service differently? To what extent are we competing with other organizations to provide this service? Are we likely to have the future capacity to continue delivering this service as we have in the past? Are there other organizations or agencies with whom we ought to be partnering to deliver this service?

The participants discussed What Shapes Our Future and who are our organizations’ key stakeholders? The stakeholders were divided into two groups and their perceptions (what do they think of our organization) with positive and concerns listed.

A SWOT (Strengths, Weaknesses, Opportunities & Threats) Analysis was reviewed. Our external opportunities and threats were also reviewed as they pertained to political, economic, social, and technological environment.

Through these exercises six goals were established. The facilitators then took the participants through the process of developing objectives for the #1 goal. During the two subsequent meetings held on March 21, 2007 and April 11, 2007, attendees developed and prioritized objectives for each of the six identified goals and developed action steps for each of the objectives. A Vision and Mission statement was also created for the Conservation District.

Approval: On this 16th day of May 2007, the McKean County Conservation District Board of Directors hereby approved by resolution this Strategic Business Plan.


Board Chair


Board Secretary/Treasurer

HOW PRIORITIES WERE CHOSEN:

The identification of the key issues affecting the District was derived through a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis. This useful method allowed the group to think about the issues currently facing the District as well as the issues the District would likely face in the future; and identify whether they are strengths, weaknesses, opportunities, and/or threats. This listing provides a useful framework for understanding these issues and for developing a plan for building on strengths, resolving weaknesses, taking advantage of opportunities, and minimizing threats.

The ideas in the SWOT analysis are the groundwork for developing the District's vision and mission statements, set and prioritize goals and objectives, and create action plans to implement these goals and objectives.

GOALS

1. Protect, maintain & improve water resources throughout the County.
2. Increase awareness of Conservation District programs and functions.
3. Develop Resources to sustain & enhance the Conservation District.
4. Promote & Implement Conservation Education Programs.
5. Protect, maintain & improve soil resources throughout the County.
6. Provide assistance to meet regulatory requirements.

GOALS, OBJECTIVES & ACTION STEPS

GOAL A: Protect, maintain and improve water resources throughout the county.

Objective # 1: To have 3 miles of new Riparian Buffers by 2015.

Action Step	Who will do it?	By When?
Inventory & Prioritize Sites	Staff & Board	2008
Secure Landowner Agreements	Staff	2008 - 2012
Secure necessary funding	Staff	2009 - 2012
Design, Implement and monitor buffers	Staff	2010 – 2015
Evaluate and develop an educational program & materials	Staff	2015

Objective # 2: To reduce the number of illegal dumps by 50% in McKean County by 2015.

Action Step	Who will do it?	By When?
ID & Inventory Illegal Dumps	Watershed Specialist, PA CleanWays, Municipalities and landowners	2007-2008
Work with and encourage the COALS project	WS, Commissioners, PA CleanWays	2007
Assist COAL and PA CleanWays with implementation of their programs.	Watershed Specialist, DEP, PA CleanWays & Recycling Coord.	On-going
Encourage the Municipalities and the County to update the Waste Disposal Ordinance and employ an Enforcement Officer.	Watershed Specialist & Recycling Coord., Planning Commission and Municipalities	2008 - 2010
Provide assistance with monitoring and identifying any new sites.	Watershed Specialist, PA CleanWays & Recycling Coord.	On-going

Objective # 3: To continue implementing DEP’s West Nile Virus Program while funding and resources permit on an annual basis.

Action Step	Who will do it?	By When?
Conduct 2 educational efforts	Specialist/Coordinator & Jim Clark, Extension Educator	Annually
Continue Mosquito Surveillance	Specialist/Coordinator	Annually
Continue Mosquito Control as needed	Specialist/Coordinator	Annually

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Objective # 4: To create 1 streambank stabilization demonstration area by 2010.

Action Step	Who will do it?	By When?
Select site and landowner agreement	Staff & Board	2008
Develop design	Staff & other agencies	2008
Secure permits & funding	Staff	2009
Install, monitor and maintain demonstration area	Staff, other agencies & volunteers	2010
Evaluate and develop educational program & materials	Staff	2010

Objective # 5: Investigate the development of a county-wide stormwater management plan by 2012.

Action Step	Who will do it?	By When?
Assist in obtaining County Commissioners Support	Planning & DM	June 2007
Assist County with obtaining proposals from Consultants	Planning & DM	September 2007
Assist County in submitting Phase I to DEP	Planning & DM	November 2007
Assist County in securing funding through DEP	Planning & DM	February 2008
Assist County in hiring consultant	Planning & DM	April 2008
Assist County and Consultant in preparing and implementing plan	Planning, DM, Commissioners, Municipalities & other agencies	2008-2012

Objective # 6: To develop a program for stream monitoring throughout the county, utilizing high school or university students by 2012.

Action Step	Who will do it?	By When?
Gain school/university's involvement	Watershed Specialist	2007
Purchase monitoring equipment & supplies	Watershed Specialist	2007
Hold hands-on workshops	Watershed Specialist	2008
Select monitoring sites i.e. conservation district projects	WS, schools, students, landowners & Volunteers	2008
Implement evaluate & monitor program	WS, Schools, students & Volunteers	2008 - 2012

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Objective # 7: Assist Upper Allegheny Watershed Association with 5 projects by 2012.

Action Step	Who will do it?	By When?
Identify needs (5 projects including the development of a watershed plan.)	WS, DM & UAWA	2008
Prioritize possible projects & feasibility	WS, DM & UAWA	2009
Annually seek funding for projects	WS, DM & UAWA	2009
Plan implementation of projects	Staff & UAWA	2009-2012
Complete Projects	Staff & UAWA	2012

Objective # 8: Investigate the creation or merger of watershed associations for the Kinzua, Clarion and Driftwood Branch of the Sinnemahoning Watersheds by 2012.

Action Step	Who will do it?	By When?
Seek interest from landowners/stakeholders	Watershed Specialist	2009
Investigate coordinating with any existing groups	Watershed Specialist	2009
Hold public educational meetings	Watershed Specialist	2010
Creation of any Associations	Watershed Specialist	2012

GOAL B: Increase awareness of conservation district programs and functions.

Objective # 1: To prepare an Annual Report of the District’s activities for the next 5 years.

Action Step	Who will do it?	By When?
Prepare and distribute an Annual Report	Staff & Board	Annually by March 31 st
Measure & evaluate district programs effectiveness	Staff & Board	Annually by March 31 st

Objective # 2: To prepare a quarterly newsletter (“Conservation Times”) to be distributed to the public for the next 5 years.

Action Step	Who will do it?	By When?
Prepare articles for newsletter	Staff, Board and other sources*	Middle of quarter
Prepare and continually update a mailing list	Staff & Board	Middle of quarter
Prepare, disperse and evaluate the newsletter’s effectiveness	Staff & Board	End of each quarter

* Other Sources: DEP, SCC, Penn State Extension, PA Fish & Boat Commission, PA Game Commission, PDA, NRCS, FSA, US Fish & Wildlife, Army Corp. of Engineers

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Objective # 3: To prepare 2 conservation exhibits annually for the next 5 years.

Action Step	Who will do it?	By When?
Prepare an exhibit for the McKean County Fair	Staff & Board	August of each year
Prepare an exhibit for the KOTS	Staff & Board	February of each Year

Objective # 4: To prepare quarterly public service announcements on district programs and functions for the next 5 years.

Action Step	Who will do it?	By When?
Preparation and submittal of announcement to media.	Staff & Board	End of each quarter

Objective # 5: To attend township and borough association meetings annually to give presentations, as well as local service organizations for the next 5 years.

Action Step	Who will do it?	By When?
Attend the County Spring Township Convention	Staff	May of each year
Attend the County Fall Township Convention	Staff	October of each year
Give presentations at 2 meetings of local service organizations	Staff & Board	Annually

Objective # 6: To create databases of timber and OGM companies and send them information on the conservation district as needed for the next 5 years.

Action Step	Who will do it?	By When?
Compile database	Staff & Board	2007
Distribute educational materials	Staff	Annually

Objective # 7: Beginning in August 2007, maintain the district's website on a quarterly basis.

Action Step	Who will do it?	By When?
Review and update website	Staff & website designer	Quarterly
Assure the continued operation of site	Staff & website designer	Quarterly

Objective # 8: Sponsor or participate in a conservation recognition event annually starting in 2008.

Action Step	Who will do it?	By When?
Investigate feasibility of holding event	Staff & Board	2007
Sponsor or participate in an event	Staff & Board	2008
Investigate feasibility of continuing event	Staff & Board	On-going

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GOAL C: Develop resources to sustain & enhance the conservation district.

Objective # 1: To seek the addition of 1 technical and/or 1 administrative support position to the Conservation District by 2012.

Action Step	Who will do it?	By When?
Develop a needs analysis	DM & Board	2008 - 2010
Investigate avenues of funding	DM & Board	2008 - 2010
Develop office space requirements	DM & Board	2009 - 2011
Fill Technical position	DM, Board & County	2009
Fill Administrative Support position	DM, Board & County	2012

Objective # 2: To create a mechanism to obtain annual increased funding and donations of goods and services to help cover the implementation of Conservation District operations and programs by 2009.

Action Step	Who will do it?	By When?
Develop a needs analysis	Staff & Board	2008
Develop a catalog of potential funding/donors	Staff & Board	2008
Hold an outreach educational session to potential donors	Staff & Board	2009
Secure Commitment from donor	Staff & BOARD	2009
Monitor donations/funding annually	Staff & Board	On-going

Objective # 3: To develop, implement and maintain a strategy that targets Conservation District key environmental issues by June 2007.

Action Step	Who will do it?	By When?
Secure facilitator(s) for developing strategy	DM & Board	January 2007
Begin strategic planning process	DM & Board	February 2007
Develop Strategic Plan	Staff & Board	June 2007
Implement & Maintain Strategic Plan	Staff & Board	On-going

Objective # 4: To continue to grow the knowledge of Conservation District directors and staff through their participation in at least 2 educational programs per year until 2012.

Action Step	Who will do it?	By When?
Director participation of 2 educational programs	Board	Annually
Staff participation of 2 educational programs	Board & staff	Annually

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Objective # 5: To continue cooperation with agencies and seek 2 new service and partnership options for the Conservation District by 2012.

Action Step	Who will do it?	By When?
Nurture established partnerships	Staff and Board	On-going
Develop a recruiting tool	Staff and Board	2009
Implement recruiting strategy	Staff and Board	2010-2012
Identify potential new partnerships	Staff and Board	On-going

Objective # 6: To create Conservation District committees to cover the implementation of Conservation District programs by June 2007.

Action Step	Who will do it?	By When?
Identification of Committees	DM & Board	May 2007
Development of Committees	DM & Board	May 2007
Request assignment to the committees	DM, staff, & Board	June 2007

Objective # 7: To increase voluntary involvement by 25% to assist with the implementation of Conservation District programs by 2015.

Action Step	Who will do it?	By When?
Identify existing volunteers	Staff & Board	2008
Develop a needs analysis	Staff & Board	2008
Develop a recruiting tool	Staff & Board	2009
Implement recruiting strategy	Staff & Board	2010
Implement programs geared towards volunteers	Staff & Board	2010 - 2015
Provide outreach/educational programs for volunteers	Staff & Board	On-going

Objective # 8: To conduct needs assessment annually and obtain needed technology and equipment resources.

Action Step	Who will do it?	By When?
Conduct needs assessment	Staff & Board	Annually
Secure funding for needed resources	Staff & Board	Annually
Obtain needed resources	Staff	Annually

Objective # 9: To hold 1 legislative event per year for the next 5 years.

Action Step	Who will do it?	By When?
Schedule event	DM & Board	Annually
Develop program for event	DM & Board	Annually
Hold event	DM & Board	Annually
Evaluate event	DM & Board	Annually

GOAL D: To promote and implement conservation district education programs.

Objective # 1: To conduct 10 conservation education programs per year for the next 5 years.

Action Step	Who will do it?	By When?
Conduct an educational program for Agricultural operations	Staff, Penn State & SCC	Annually
Conduct a workshop on BMP's for landowners and users	Staff, Penn State & DEP	Annually
Conduct a workshop for municipalities on conservation programs	Staff, Penn State, DCED and DEP	Annually
Conduct a conservation education program for forestry operations.	Staff, Penn State & DEP	Annually
Conduct a conservation education program for OGM operations	Staff, Penn State & DEP	Annually
Conduct 5 conservation educational programs for the public and schools	Staff and other sources*	Annually

* Other Sources: DEP, SCC, Penn State Extension, PA Fish & Boat Commission, PA Game Commission, PDA, NRCS, FSA, US Fish & Wildlife, Army Corp. of Engineers

Objective # 2: To develop 2 publications on Conservation District programs by 2012.

Action Step	Who will do it?	By When?
Develop a "How to be a McKean County Conservationist"	Staff & Board	2009
Develop a Water Resources Guide	Staff & Board	2012

GOAL E: Protect, maintain and improve soil resources throughout the county.

Objective # 1: To implement 5 agricultural BMP's/conservation practices by 2012.

Action Step	Who will do it?	By When?
Secure landowners interest & agreements	RC Technician	2007- 2008
Develop plans & designs	RC Technician & NRCS	2007-2010
Secure necessary funding	RC Technician & NRCS	2008 – 2011
Implement, monitor and evaluate practices	RC Technician & NRCS	2009-2012

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Objective # 2: To establish 2 agricultural BMP demonstration areas by 2012.

Action Step	Who will do it?	By When?
Secure landowners interest & agreements	RC Technician	2007- 2008
Develop plans & designs	RC Technician & NRCS	2007-2010
Secure necessary permits & funding	RC Technician & NRCS	2008 – 2011
Implement, monitor and evaluate demonstration areas	RC Technician & NRCS	2009-2012

Objective # 3: To increase compliance of spot-checked E&S plans to 80% by 2012.

Action Step	Who will do it?	By When?
Perform random spot checks on sites with approved E&S plans	RC Technician & DM	Annually
Continue 100% response to E&S complaints	RC Technician & DM	Annually
Check for compliance on E&S plans with all acknowledged General Permits	RC Technician, DM & DEP	Annually

Objective # 4: To encourage 25% more participation by municipalities in training for the Dirt and Gravel Road Program.

Action Step	Who will do it?	By When?
Create an incentive program	RC Technician, QAB & Board	February 2007
Recruit Peers	RC Technician, QAB, Board & Municipalities	2008
Create demonstration areas	RC Technician, QAB & municipalities	On-going

GOAL F: To provide assistance to meet regulatory requirements.

Objective # 1: Continue to encourage 10 new voluntary agricultural operations to participate in the Nutrient Management program by 2012.

Action Step	Who will do it?	By When?
Conduct informal, educational site visits	RC Technician	Annually
Write, where applicable, nutrient management plans for operations	RC Technician	Annually
Hold an annual meeting to develop an education/outreach strategy	RC Technician, DM & Board	Annually

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Objective # 2: Review 100%, as resources permit, of Nutrient Management plans as requested on an annual basis.

Action Step	Who will do it?	By When?
See NM Delegation Agreement – page 18	RC Technician	As needed

Objective # 3: Write 8 Nutrient Management plans by 9/2007.

Action Step	Who will do it?	By When?
Contact & secure participation from 8 Ag. Producers	RC Technician	June 2007
Begin development of plans	RC Technician	September 2007
Send out for review	RC Technician	September 2007
Approval of plans	Board	September 2007

Objective # 4: Investigate the feasibility of the Conservation District’s implementation of the Chapter 105 program by 2008.

Action Step	Who will do it?	By When?
Determine costs associated with implementing the program	DM, RC Technician & Board	2007
Determine the benefits associated with conducting the program	DM, RC Technician & Board	2007
Decision on implementation	Board	2008

Objective # 5: To continue to issue and/or review 100% of NPDES permits on an annual basis.

Action Step	Who will do it?	By When?
See Chapter 102 Delegation Agreement – page 30	RC Technician	As needed

Objective # 6: Perform 100% of on-site investigation of complaints for Chapter 102 on an annual basis.

Action Step	Who will do it?	By When?
See Chapter 102 Delegation Agreement – page 30	RC Technician	As needed

Objective # 7: Continue to review 100% of E&S plans as required or requested on an annual basis.

Action Step	Who will do it?	By When?
See Chapter 102 Delegation Agreement – page 30	RC Technician	As needed

CONTINUING EVALUATION AND MONITORING OF THE PLAN:

The Strategic Plan is being implemented employing constant communication with the individuals and agencies which support the District on an annual basis. This will help maintain good partnerships and ensure continued support from inside and outside the District.

The Strategic Plan will be distributed to the McKean County Commissioners (Cliff Lane, Bruce Burdick and John Egbert), Cooperating Agencies and Nominating Organization (listed below) as well as to those who make a request.

COOPERATING AGENCIES

- STATE CONSERVATION COMMISSION** - Karl Brown, Executive Secretary
- PENNSYLVANIA ASSOCIATION OF CONSERVATION DISTRICT (PACD)** - Susan Fox Marquart – Exec. Director
- DEP, WATERSHED MANAGEMENT** - John Green, CD Field Rep.
- FARM SERVICE AGENCY** - Dave Stratton - Executive Director
- NATURAL RESOURCES CONSERVATION SERVICE** - Mike Bobek - District Conservationist
- HEADWATERS RC&D COUNCIL** - Mike Brady, Coordinator
- PENN STATE EXTENSION** - Don Tanner- Extension Director
- MCKEAN COUNTY PLANNING COMMISSION** - Debbie Lunden - Director
- PENNSYLVANIA DEPARTMENT OF AGRICULTURE** - Linda Field – Regional Director
- DCNR - BUREAU OF FORESTRY** - Tom Wallace - District Forester
- PA FISH & BOAT COMMISSION** - Pete Mader - WCO
- PA GAME COMMISSION:**
 - Lenny Groshek - WCO
 - Thomas Sabolicik - WCO
 - Rose Luciane - WCO
 - John Dzemyan - Land Manager
- PENNDOT** - Patricia Shinaberger – Manager

NOMINATING ORGANIZATIONS

- Penn State Extension
- Farm Service Agency
- Association of Township Officials
- McKean County Bar Assoc.
- McKean County Fair Assoc.
- Planning Commission
- McKean County Holstein Assoc.
- Historical Society
- McKean/Potter Farmer’s Assoc.
- Pomona Grange
- Port Allegany Coop. Milk Producer’s Assoc.
- Tunungwant Watershed Assoc

LIST OF ACRONYMS:

CD –	Conservation District
DM –	District Manager
WS –	Watershed Specialist
RC –	Resource Conservation Technician
QAB –	Quality Assurance Board for Dirt & Gravel Road Program
BMP –	Best Management Practice
E&S –	Erosion & Sediment
NPDES –	National Pollutant Discharge Elimination System
OGM –	Oil & Gas Mineral Development
NM –	Nutrient Management
SCC –	State Conservation Commission
DEP -	Department of Environmental Protection
DCED –	Department of Community & Economic Development
COALS –	Clean-up Our American Land and Streams
PACD –	Pennsylvania Association of Conservation Districts
PDA –	Pennsylvania Department of Agriculture
F&B –	Pennsylvania Fish & Boat Commission
PGC –	Pennsylvania Game Commission
FSA –	Farm Service Agency
NRCS –	Natural Resources Conservation Service
RC&D –	Resource Conservation & Development
UAWA –	Upper Allegheny Watershed Association

NUTRIENT MANAGEMENT PROGRAM
DUTIES FOR LEVEL 2 (Excerpts)

I. Plan Review and Approval

When a plan is submitted to the district, an administrative review will be done before the technical review. A plan completeness review determines if all the required elements of a nutrient management plan are present. A technical review analyzes key plan elements to determine if they meet the requirements of the Nutrient Management Act.

A. Plan completeness review

A plan completeness review determines whether the plan contains all the required elements. The district will conduct the plan completeness review and provide notice to the operator and planner of any missing or incomplete elements within 10 days of plan receipt. The Plan Review Checklist (see Appendix IV) contains the elements that must be in a complete plan. The district board should delegate plan completeness review authority to appropriate district staff, so the board will not have to disapprove incomplete plans.

B. Technical review

Technical review of a nutrient management plan submitted by a commercial specialist includes both a review of the paperwork submitted and a site visit. After the plan completeness review, the next step is to examine the *content* of those items. The *Pennsylvania Nutrient Management Act Technical Manual* provides the specific details for conducting the technical review. If the plan does not meet program requirements after informal efforts are made to obtain revisions, a correction letter will be sent to the operator and the planner.

C. Plan approval

1. The reviewer should bear in mind while conducting the plan completeness and technical reviews that the district is obligated by requirements stated in the nutrient management regulations to make a decision on approval/disapproval within 90 days of the date the plan is received by the district. *Review* of plans can only be done by a publicly certified Nutrient Management Specialist. The district board will rely on the specialist's review and technical analysis of the plan. Because board meetings usually occur only once a month, reviews should be scheduled so that the recommendations are ready to be presented during the next scheduled board meeting.

2. *Approval* of plans is the responsibility of the district. SCC strongly encourages that all plans (e.g. CAO, volunteer, CAFO or compliance plans) be considered for approval at a public, sunshined district board meeting. The final version of any plan will be made available for public review at least seven calendar days prior to consideration for approval. Interested persons should contact the district to schedule a review. The district is not required to advertise plan availability for review prior to final approval. The delegation of approval to staff requires an official action of the board. Recording of the decision in the minutes of a board meeting would be sufficient.

3. If the plan is found not acceptable after efforts are made to obtain corrections, the district must inform the operator in writing by certified mail of the reasons why it was not approved, the operator's right to appeal and what corrections must be made for approval. The operator then has 90 days to resubmit the plan.

4. If the district would fail to make a decision within 90 days, the operator of a CAO will resubmit the plan or request the district to review the plan as originally submitted. The district will have another 90 days to approve or disapprove the resubmission. If the district would fail to make a decision on approval within that second 90 day period, that plan automatically would be deemed approved.

D. Written responses to submission of plans

1. When a plan does not meet the requirements, a letter requesting corrections and documenting deficiencies must be sent to the operator and planner. Initially, informal methods, such as phone calls, may be used to more quickly communicate information for 19 plan approval. See Appendix VI for a sample correction letter. The letter to the operator and planner must:

- a. Have an original copy placed in the official district file for the operation;
- b. Describe the deficiencies of the plan;

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- c. Generally, advise the operator of the options available to address the deficiencies; and
 - d. List appropriate plan development deadlines contained in the regulations.
2. When a plan meets the criteria for District Board approval, the district will inform the operator of the approval in writing, and send a copy to the planner. The district should send plan implementation forms and inform the operator of any deadlines and the dates when to update the plan. See the Appendix VI for sample approval letters.
3. When a CAO plan is resubmitted and still does not meet program requirements, a disapproval letter with the appeal provisions (see Appendix VI) must be sent to the operator preferably by certified mail. A sample disapproval letter will be provided. Also, send a copy of the letter to the planner.

E. Plan reviews for certification

PDA will periodically supply a "County Specialists" list of individuals who are commercially certified to prepare plans in specific counties. The list includes the specialist's name, address, phone number and certification status. PDA will provide a "Certification Update" when changes in the list occur.

When the district approves a plan which meets the requirements of the Act, it will notify the operator and provide a copy of the approval letter to the specialist who wrote the plan. *The district will send a copy of the approval letter to the PDA, Nutrient Management Section.* PDA will keep track of the plan approval letters for each specialist. When the specialist has completed the three plans needed for certification, PDA will move towards granting this person final certification under the program. PDA will provide a "Certification Update" showing that the person has received final certification. The district then updates its "County Specialists" list, and no longer sends copies of the plan approval letters to PDA. This information may be made available through e-mail or through a website.

II. Implementation Records

A. Conservation district implementation records

The conservation district will maintain the following information that relates to implementation:

1. The nutrient management plan, including excess manure utilization plans and a review of critical runoff problem areas.
2. The official agency file.
 - a. Review and approval of nutrient management plans, plan amendments, plan transfers, manure storage setback waivers and implementation delays;
 - b. Manure Transfer Sheets or Annual Summaries of Manure Transfers. These are not required for volunteer plans or for CAOs who transfer manure to known landowners described in the plan;
 - c. Reports and supporting information for compliance and on-site status reviews;
 - d. Information on educational site visits for operations with voluntary plans;
 - e. Certification by the Engineer of Record and the construction contractor that the construction of a new or expanded manure storage facility was completed according to the design and construction standards. The Engineer of Record must be registered in Pennsylvania; and
 - f. Triennial plan reviews -- Every three years a nutrient management specialist will provide notice to the reviewing agency on whether the operation is consistent with the approved plan. Include this information in the official district file.
3. Implementation reporting information -- The following report items relate to implementation. Reporting is described in Chapter 3, Section 11 of this manual.
 - a. Technical assistance provided -- number of operations.
 - b. Technical assistance forwarded to appropriate agencies -- number of operations.
 - c. The district will record the number and receipt of nutrient management plans, plan amendments, plan transfers, manure storage setback waivers and implementation delays submitted for approval by operations within its county.
 - d. Number of complaints, results of compliance efforts and referrals to the commission for continuing violators of the Nutrient Management Act.
 - e. Number and results of on-site status reviews.

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- f. Number of educational site visits for operations with voluntary plans.
4. Provide blank copies of Manure Transfer Sheets or Annual Summaries of Manure Transfers to CAOs.

B. Operator implementation records

The operator must also maintain the following implementation information in the official operator file. This information is available for review to assess program compliance during:

- Educational site visits by the district/Commission;
 - On-site status reviews by the district/Commission;
 - Triennial plan reviews by a nutrient management specialist; and
 - Complaint investigation by the district/Commission.
1. The nutrient management plan including excess manure utilization plans and a review of critical runoff problem areas.
 2. General record-keeping must be maintained for a minimum of three years. It must include but is not limited to:
 - a. Soil testing;
 - b. Manure testing;
 - c. Land application of nutrients;
 - i. Location and number of acres of nutrients applied
 - ii. Months of nutrient application
 - iii. Rate of application for each field or crop group
 - d. Accurate annual crop yield for each crop group shall be recorded; and
 - e. Annual manure production.
 3. The operator is responsible for obtaining necessary BMP designs, which must be kept on record at the operation as a supplement to the plan.
 4. A written Operation and Maintenance Plan including a site specific contingency plan addressing actions to be taken in the event of a major manure leak or spill from a manure storage facility must be kept on site by the operator. The operator is responsible for implementation of the site-specific contingency plan.
 5. Excess manure record keeping.
 - a. Maintain Manure Transfer Sheets in the official operator file, and provide them to the importer at export time.
 - i. The nutrient content of the exported manure must be properly determined and provided to the importer on the Manure Transfer Sheet.
 - ii. CAOs exporting manure to landowners who are not listed in the plan must submit Manure Transfer Sheets or Annual Summaries of Manure Transfers for all manure transfers that occur within one year of plan approval to the agency that approved the plan.
 - b. The operator must keep annual records of the amount of manure utilized in any manner other than through manure transfers.
 6. Triennial plan reviews -- Every three years a nutrient management specialist will provide notice to the reviewing agency on the operation's consistency with the approved plan. Include this information in the official operator file.

III. Implementation Extensions

A. Operations with voluntary plans

Implementation extensions are not required of operations with voluntary plans because they are not required to implement their plans. Operations will receive limited liability protection to the extent that the approved plan is implemented. The operator may find it advantageous to update the implementation schedule as circumstances change in order to maintain limited liability protection.

B. Concentrated animal operations (CAOs) unable to obtain financial assistance

The three-year implementation schedule from the time of plan approval shall be extended an additional two years for individual substantial capital improvements required under an approved plan if **both** of the following occur (see regulations Section 83.362(a)):

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1. The owner or operator demonstrates that the cost of all or part of the individual improvements for which the extension is applicable cannot be financed through available mechanisms. The following provides an explanation of this provision:
 - a. Individual substantial capital improvements shall be structural practices costing more than 1,500; and
 - b. The operator must submit applications and/or evidence demonstrating that funding would not be provided from three viable, agriculture-related government or private grant or loan sources.
2. In addition, a sum of \$2 million or more has not been appropriated for grants and loans to the Nutrient Management Fund above and beyond any Chesapeake Bay Nonpoint Source Pollution Abatement Program moneys that may be appropriated to the fund by October 1, 1998.

C. Implementation extensions for CAOs due to unforeseen circumstances

1. The operator will obtain certification from a nutrient management specialist when changes in plan implementation occur due to unforeseen circumstances.
2. The certification for plan implementation changes will be submitted to the district within 30 days of implementation will temporarily become part of the plans until normal operation resumes and will not require review and approval by the district or the State Conservation Commission.
3. Unforeseen circumstances include:
 - a. The outbreak of contagious disease and the issuance of an Order of Quarantine from PDA which results in severe financial hardship (see regulations Section 83.372(1));
 - b. Failure or malfunction of equipment or storage that requires a change in manure handling procedures;
 - c. Unforeseen weather conditions which significantly impact plan implementation due to a 25-year, 24-hour storm or greater; or crop failure due to adverse weather conditions, such as a drought emergency declaration for the county where the operation is located by the federal or state government or an interstate river basin commission; or
 - d. Unanticipated loss of rented land creating a reduction of greater than 20 percent in the nitrogen necessary for expected crop yields.

D. District duties

1. For CAOs unable to obtain financial assistance for individual substantial capital improvements, the district will:
 - a. Acknowledge receipt of the proposed implementation extension by providing a letter to the operator within five working days;
 - b. Evaluate the proposed extension within 60 days to determine if it meets the criteria in the regulations and this manual; and
 - c. Provide a written response to the operator proposing the extension on whether the request meets the criteria and the extension is granted.
2. If normal operating conditions have not resumed within one year after implementation changes have been made due to unforeseen circumstances, the operator will be required to obtain a plan amendment and approval.

IV. Processing Requests for Manure Storage Setback Waivers

A. Acknowledging receipt of proposed waivers

The district is to acknowledge the receipt of the proposed waiver to the operator within five working days of receiving the waiver request. This acknowledgement will indicate to the applicant:

1. The date received;
2. The processing steps and the criteria used to evaluate the proposed waiver;
3. The maximum amount of time the district has to work on the waiver; and

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4. When the district would like to visit the site to determine the feasibility of the waiver. The State Conservation Commission (SCC) has developed a sample letter that can be found in Appendix VI of this manual.

B. Filing of proposed waivers

The district will keep a copy of the waiver application, and a copy of any correspondence concerning the proposed waiver, with the district's approved plan file for this operation. The district will provide a copy of the proposed waiver along with any correspondence to the local NRCS office, if the district or the operator requests NRCS assistance.

C. Procedure for conducting on-site evaluations of waivers

The district must assure that proper procedures and documentation are followed in the evaluation of sites proposed for manure storage setback waivers.

1. The district must work with the applicant and other involved parties to arrange a site visit to evaluate the proposed waiver. A representative from the following list will be requested to attend this meeting:
 - The district;
 - The applicant or his/her representative;
 - The SCC staff assigned to serve the area where the waiver is proposed;
 - NRCS staff;
 - An engineering staff person either from the district, NRCS or SCC staff to assist with engineering concerns on the site;
 - The affected neighbor if this is a property line waiver proposal; and
 - Any other representatives as would be needed to thoroughly evaluate the site and facility proposed for construction (such as manufacturing representatives, construction contractors, soils engineers, township officials, etc.).

The site visit will take place no later than 20 working days after the waiver request has been received.

2. The district will be the entity in charge at the site evaluation.
3. The district must record all relevant discussions or decisions that occur during the on-site evaluation of the proposed waiver. The district will file with the proposed waiver, any findings at the site that could be used to make the determination of approval/disapproval of the waiver.
4. The district may take pictures of the site to document the areas under evaluation.

D. Assistance available from other agencies

1. **The NRCS staff** may provide both engineering and soils-related technical assistance during the evaluation. The NRCS also can assist the district in the interpretation of specifications used in the design, layout, construction, maintenance and operation of the manure storage facility. The NRCS may also assist the operator.
2. **Department of Environmental Protection (DEP) staff** will represent the SCC in advising the district in the administrative concerns involved in processing a waiver. DEP staff can assist the district in setting up the on-site evaluation, explaining the approval criteria, reviewing the application in relation to the approval criteria and notifying the landowner concerning the district's decision. DEP may also provide general engineering assistance (state engineers may not do design work for private lands).
3. **DEP** may be able to advise the district of the water quality concerns in the proposed waiver.
4. The operator or planner will contact **local government** to assure compliance with local ordinances relating to installation of manure storage facilities. Ordinances should be unrelated to nutrient management or consistent with Act requirements.
5. **Cooperative Extension** can provide assistance concerning specific livestock enterprise, animal housing and agronomic questions. Area agents may also assist in farm financial management and in the evaluation of funding issues.

E. Criteria for considering waivers for approval

Waivers shall be approved/disapproved by the district within 60 calendar days of receiving the waiver request. Approvable waivers shall conform to all of the following criteria:

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1. The placement of the facility outside of the setback area is physically impractical, or the placement of the facility outside of the setback area would increase the price of the facility by at least 50 percent or \$5,000.00, whichever is less.
2. The placement as recorded on the proposed waiver has been determined to adequately protect the surrounding area from off site migration of the manure. This may be accomplished by providing a structural practice which will divert or retain a manure spill event adequately to allow for corrective action to take place. Also, it may be demonstrated that manure will not directly flow to off site areas, or the placement of additional manure transfer facilities outside the setback area will increase the possibility of off-site migration of manure due to potential equipment malfunction.
3. The proposed facility meets the design criteria set forth in the *Pa. Technical Guide*. Upon approval, the contractor will certify that the facility was installed and completed according to these criteria. The actual design and installation must also be certified by the Engineer of Record that it meets the same standards.
4. The operator agrees that the facility will be inspected annually, when empty, to determine the general soundness and watertightness of the facility. Inspections will not be required in confined spaces unless other problems are found and shall not be done without the appropriate training and safety equipment. These items will be outlined in an Operations and Maintenance Plan. If any problems or discharges are observed, a licensed engineer will be consulted to address the situation.
5. The facility loading and unloading area is designed to retain or divert from off-site migration any spills of 3,000 gallons or less. If there is a retention area, it will be designed to allow for the recollection of manure for application to fields.
6. The facility may not utilize a gravity unload system where the slope is towards off-site migration.
7. The foundation, walls and floor of the facility will be protected against erosion and flotation from a 25-year flood event.
8. The top of the storage is above the 100-year flood elevation.
9. A written Operation and Maintenance Plan must be developed that includes a contingency plan for a major leak or spill from these facilities. The plan will be reviewed with the appropriate agencies/individuals involved in its implementation.
10. Equipment used for the loading and unloading of a liquid or semi-solid facility shall be constructed with a secondary check valve, where appropriate, to assure that manure can not flow freely out of the storage if there is a break in the primary valve.

F. Notifying landowners of approval/disapproval

The district shall notify the individual requesting the waiver of its determination to approve/disapprove the waiver proposal within 65 calendar days of receipt of the waiver. This notification shall include: a description of the process used to evaluate the proposed waiver; a summary of the on-site evaluation including who attended; the criteria used to evaluate the waiver; how this proposal met the criteria; the district's determination of approval/disapproval; and the individual's appeal rights (see Chapter 3, Section 9). SCC has developed a sample letter to satisfy this requirement. This sample letter is included in Appendix VI.

V. Guidelines on Providing Technical Assistance

Conservation district technicians in the Nutrient Management Act (NMA) program have a unique technical responsibility. As certified public nutrient management specialists, they are the only people at the local level who have the authority to review NMA plans. The district, therefore, needs to set its priorities to ensure that it can fulfill this role. Other technical aspects of the program are also important, including technical education for private sector specialists (commercial and individual), plan writing and plan implementation assistance. In these areas, other agencies, various organizations, businesses and district staff may be able to play a role. Because each group may reach different members of the farm community and collectively they can reach more people than the district alone, the program can benefit by allowing room for everyone to participate. In setting the following guidelines, SCC is attempting to balance the interests of farmers, the public and private consultants in a way that makes sense for the overall program.

In these guidelines, the term "commercial specialist" refers to both private sector planners and public employees with commercial certification. Where a distinction is needed, the guidelines refer to "private sector" or "public" planners.

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A. General guidelines

Use of technical resources should be focused, and the district should emphasize providing the services that others cannot provide. Accordingly, the district shall place the review of submitted nutrient management plans as its highest technical assistance priority. The lowest priority for the district's allocation of NMA technical assistance should be that of full plan development where the district would be the author on record for the plan.

Intermediate priorities could include the following:

- Assistance with development of the storm water runoff control section of plans;
- Assistance with development of the manure management section of plans;
- Assistance with plan implementation;
- Technical education for farmers wishing to become individual specialists; and
- Technical education for plan development by individually certified specialists.

After ensuring that technical resources are available for plan review, the district may then allocate any remaining resources to these activities. How much time is allotted to each activity will depend on each county's needs. These needs should be met before the district allocates any technical resources to full plan development by district staff.

B. Providing a list of private sector nutrient management planners to all farmers requesting assistance in the development of plans

PDA will develop a list of private sector (commercially certified) nutrient management specialists and make it available to districts. The district will provide this list to all farmers requesting assistance in the development of plans. The list will be organized in alphabetical order and will include, at a minimum, each consultant's name, address, phone number and the counties he/she services.

C. Plan development for CAOs

The district will direct CAO farmers to use private sector specialists for the development of mandatory plans. The farmer may also become individually certified and write his or her own plan. The district may assist private sector commercial and individual specialists in the development of portions of the plan as requested by the specialist and as district resources permit. The certified nutrient management specialist who is the recorded author of the plan (as in Section 83.261(e) of the regulations) is responsible for the completeness and consistency of the entire nutrient management plan, for example -- by making sure the nutrient application section and the conservation plan are consistent. Districts are encouraged to provide on-site technical assistance for the storm water and manure management sections in order to educate private sector specialists to do those sections on their own.

Procedures: Farmers should first contact private sector commercial specialists who have indicated that they are willing to provide service in the county where the operation is located. If the farmer contacts three such specialists and cannot get their assistance for development of the plan, the farmer may request assistance of the conservation district. If only one or two commercial specialists have identified themselves as willing to work in the appropriate county, then they are the only ones the farmer needs to contact. The district would then:

1. Encourage the farmer to become individually certified to prepare his or her own plan. This way, the district's limited technical resources would remain available for plan review. The district may assist these farmers in becoming individually certified or assist in developing portions of their plans once they do become individually certified.
2. If the farmer is not interested in becoming individually certified, the district should obtain justification from the farmer for why services from the private sector were not obtained, and then, with the farmer make an additional effort to obtain services. If this is unsuccessful, the district may assist these farmers by writing the plan or portions of the plan. All district staff developing plans as the author on record must be commercially certified to provide this service. If the district charges a plan development fee, the district will turn these moneys over to SCC for the Nutrient Management Fund, or use as directed by SCC for implementation of the NMA Program. Fee structures must be approved in advance by SCC. For CAOs with Chesapeake Bay Financial Assistance Funding Program contract signed before the NMA regulations took effect, the district may prepare any adjustments to the Bay plan that are needed to meet the NMA requirements or may direct the farmer to a private sector specialist for plan preparation. If the district Bay technician is not the author of the plan, the author needs to coordinate with the Bay technician to discuss

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any changes that might affect the existing Bay contract (for example, the nutrient application plan, or structural or operational changes to Bay cost-shared BMPs). The Bay technician also needs to discuss these changes with the DEP Regional Water Quality Section Nutrient Management Specialist, regardless of whether the Bay technician is the author of the plan.

D. Plan development for volunteers under the Act

The district is to encourage participation of farmers not required to develop plans under the NMA. In an effort to provide for maximum volunteer participation, the district should inform the farm community of the options available to them for plan preparation. The district should make farmers aware of the option to become individually certified to write their own plans. The district can assist in the certification process or in the development of portions of the plans done by individually certified farmers. The district should provide interested farmers with a copy of the list of private sector commercially certified specialists. This will allow those farmers wishing to use the private sector specialists an opportunity to see the various individuals and companies they have to work with and to contact these people to see what they can offer in plan development.

The district may assist these volunteer farmers, as resources permit (as in Item A above), in the development of plans, or portions of plans, at no direct cost to the farmer. Only a commercially certified specialist may be the recorded author of a plan for others. All plans developed by district staff will need to be sent to SCC or designated entity for review and approval. The district may also enter into a reciprocal agreement with another district for review of district developed plans (see Chapter 1, Section III).

If cost-share for NMA plan development by volunteers is established, SCC will reevaluate the district's participation in developing plans free of charge for the volunteers. In addition, SCC may adopt guidelines that all plans developed under the NMA need to be completed by private sector commercial specialists, where available, with the district's primary role being plan review and approval.

E. Plan development for those farmers newly signing contracts for the Chesapeake Bay Financial Assistance Funding Program

New plans developed for the Chesapeake Bay Program for those farmers signing program contracts after the effective date of the NMA regulations must be developed consistent with the criteria outlined in the NMA regulations. When these newly applying operations are CAOs, the district will follow the guidelines outlined in Item C above. When operations are not CAOs, the district may develop the nutrient management plan.

F. Plan development for farmers cited for violations under the Clean Streams Law

Under the NMA, Clean Streams Law violators *may* be required to submit a nutrient management plan. If the district is contacted for assistance, the district is to direct these individuals to use private sector specialists for the development of their required nutrient management plans. The guidelines for district involvement in plan development will be the same as the guidelines outlined for CAO farmers as described in detail in Item C above.

G. Plan development for farmers not wishing to fall under the Act

This section applies to farmers wanting assistance with nutrient management, but are not interested in a plan that meets the NMA requirements. The district may set its own policy for the development of plans that fall under this category. This type of work (non-NMA nutrient management) done by SCC - funded technicians should be recorded appropriately on the quarterly technician report form to ensure that SCC can keep a full account of all nutrient management activities carried out by SCC - funded technicians.

H. Informal, educational site visits for operations with voluntary plans who do not receive financial assistance under the Act

The delegation agreement commits the district to conduct informal, educational site visits on farms with voluntary plans who do not receive financial assistance from the NMA. The purpose of the visit is to encourage implementation, offer technical assistance for implementation, provide referral to appropriate agencies and point out the benefit of limited liability protection. **The visits are not on-site status reviews.** There is no uniform, required procedure. The

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visit should be recorded in the official agency file along with any significant information or notes that are generated as a result of the visit. No official form must be filed. They are not required by law or regulation for operators with voluntary plans who do not receive financial assistance from the NMA. They are optional for the operator, who should be made aware of this when initial contact is made for the visit.

Guidelines to follow in conducting visits to operations with voluntary plans that do not receive financial assistance:

- Visit at least five percent or three operations per county each year;
- Operations should not be visited more frequently than once every three years, unless requested by the operator;
- Give priority to operations draining to special protection waters;
- On-site status reviews for CAOs have higher priority than informal, educational site visits; and
- Informal, educational site visits have intermediate priority.

VI. Procedures for Conducting On-site Status Reviews

A. Overview of on-site status reviews

On-site status reviews promote plan implementation, and provide for periodic review and assistance. During the review process, give primary emphasis to education and when necessary, provide assistance to gain compliance. If initial compliance efforts are unsuccessful, request assistance from SCC. PDA will represent SCC in dealing with operators during the on-site status review process. These reviews provide valuable information for individuals involved in implementation and administration of the program. For instance, they will help districts and SCC assess overall levels of plan implementation.

B. Guidelines for the frequency and number of on-site status reviews

1. Required CAO plans -- On-site status reviews shall be made each year to evaluate if the plan is consistent with the operation, and to assess plan implementation and practice maintenance. They will be conducted by the delegated district or PDA on at least five percent or a minimum of three operations per county.
2. Plans out of compliance -- The delegated district or PDA will perform on-site status reviews on all operations thought to be out of compliance based upon complaints or information submitted for plan implementation. These reviews may be counted towards the annual five percent review goal for either CAO or voluntary plans.
3. An operation should not be covered by a random review more than once every three years, **unless a more frequent review is required.**

C. Prioritization scheme

1. Operations thought to be out of compliance.
2. Operations draining to special protection waters.
3. Random selection -- Areas covered may be systematically rotated to minimize travel distances. Sites should not be visited more frequently than every three years, unless a status review is required to meet other **NMA or related** program requirements.
4. The district may create other uniform selection methods related to program improvement or environmental protection in place of random selection.

D. Information to be reviewed in the office or on-site

1. Operations and plan review
 - a. Water contamination sources are covered by the plan
 - b. Animal numbers
 - c. Acreage numbers by field and crop group
 - d. Actual yield determination
 - e. Plan identification and maps
2. Plan implementation
 - a. Review practices listed in the plan
 - 1) Nutrient application

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- 2) Manure management
- 3) Manure storage (including sizing)
- 4) Storm water runoff controls (e.g., BMPs for critical runoff problem areas)
- 5) Excess manure
- b. Practice implementation
 - 1) Evaluation to determine if implementation is on schedule
 - 2) Determine if a revision is needed
- c. Record keeping
 - 1) Review conservation district records
 - 2) Review operator records
 - a) Nutrient application
 - b) Soil test results
 - c) Excess manure transfer sheets, or volunteer records
 - d) Yield determination
 3. When applicable, practice installation, operation and maintenance will follow the *PA Technical Guide*.
 4. See Appendix V for the On-site Status Review Checklist.

E. Procedural outline for on-site status reviews

1. Select at least five percent of the operations in your area for on-site status reviews following the criteria listed above in Section C. If feasible, operations that were visited during implementation or compliance efforts may be included as part of the five percent status reviews.
2. Contact the selected operations to schedule the status review. Notify the operator of any information that will be needed, and the amount of time needed for the review. The operator may wish to have the specialist who wrote the plan and assisting agency people present.
3. Review plan, record keeping and implementation information by following the review items listed in item D above. Initiate write-up of the status review checklist. Take notes or make copies of necessary information.
4. Upon arrival at the site, meet with the operator, review the planned activities for the status review and request any information that is needed. Also, take appropriate measures to prevent the spread of contagious disease.
5. Conduct status reviews by covering practice implementation and maintenance according to the *PA Technical Guide*, and how that relates to the approved plan. This will also include a review of nutrient application and export records.
6. Briefly discuss your findings with the operator, and any implementation, maintenance or update activities that are needed. Follow-up with any additional information or educational materials that will assist the operator.
7. When additional expertise is needed, request assistance of appropriate technical personnel.

F. Documenting findings

1. Complete the status review checklist and provide a copy to the operator, the official district file and the specialist who prepared the plan. The form can be used to describe revision and implementation actions for the operation, who can assist and when the actions are to be completed. The district may wish to consult with the specialist who wrote the plan, and will provide assistance as appropriate under the delegation agreement.
2. The conservation district will submit quarterly reports to SCC on the results of on-site status reviews providing the total number of reviews, the number of satisfactory reviews and the number of follow-up reviews.
3. Any visits made to the operation or contacts made with the operator will be recorded in the official district file when associated with on-site status reviews.

G. Follow-up for on-site status reviews

1. A plan revision or follow-up visit is needed for the following:
 - a. Addressing a water contamination source;
 - b. Adding a required plan section;
 - c. Making adjustments to the nutrient application rate;
 - d. Adding a required plan amendment;

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- e. Rescheduling plan implementation;
 - f. Adding required record keeping; and
 - g. Checking required practice maintenance.
2. A follow-up report will be submitted to the official district file to document satisfactory progress or completion of the above actions.
 3. Additional compliance efforts will be pursued in instances where no progress is achieved.
 - a. The operator will be given an opportunity for consultation which will include a review of the status review reports and an on-site visit. The district should provide any additional information or educational materials that may assist the operator. If progress is achieved, a follow-up report by the district will be submitted to the official district file.
 - b. If there is no progress, a compliance letter will be written by the district and provided to the operator summarizing the activities which are required as part of the compliance effort. Copies of the on-site status review reports may also be provided to the operator. Also, a copy of the compliance letter will be submitted to the official district file. The district may request PDA or the specialist who wrote the plan to assist at this stage.
 - c. Specific dates will be set for the completion of activities which take into account the operator's cropping activities, and acceptable periods for practice installation and plant growth.
 4. Approval of operation letter. If a compliance letter is written, the district will write an approval letter to the operator, and include a copy in the official district file after completion of the required activities or revisions. A copy of the letter could also be sent to the specialist who wrote the plan.

H. Submitting continuing violators to the Commission

1. For operations found to be continually out of compliance, an additional follow-up, on-site review will be held to determine the status of compliance activities that were documented in the status reports and cover letter. The appropriate agencies and specialists will be contacted to assist with the review of the site. PDA may be requested to assist. Unless there is immediate threat of nutrient pollution, the operator will be contacted before the visit.
2. Compliance efforts.
 - a. A follow-up report will be filed detailing the status of compliance activities at the site. The report will be provided to the operator and the official district file. Any additional information that may assist the operator will be provided.
 - b. If compliance activities are not completed or if satisfactory progress is not under way, a copy of the report will be referred to PDA, who will continue with the compliance effort. District board approval must be given for referral of operations to SCC (PDA) for continuing non-compliance with the Act.
3. Approval of operation letter -- An approval letter will be given to the operator and filed in the official district file after completion of the required activities.

VII. Processing Complaints

A. Confidentiality

The identity of all complainants will remain confidential. Information relating to the complaint may be requested by or reported to the State Conservation Commission (SCC), but the identity of the complainant will not be revealed to interested parties or to the operator that is the subject of the complaint. The identity of the complainant may only be revealed if it is needed by the operator to receive a fair hearing and appropriate legal approval is given by a judge.

B. Authority

The authority for addressing complaints comes from Act 6 Sections 4(7), 4(8) and 14 (Section 14 includes authority to enter any agricultural operation at reasonable times to enforce the Act), and from the delegation agreement (i.e., Subsection D of Level 2). Authority to investigate complaints may also be granted under the Chesapeake Bay Program, or DEP regulations Chapters 102 and 105.

C. Complaint processing

1. Obtain all relevant facts relating to the complaint including the name, address and phone number of the complainant (see Appendix V for the complaint handling and nutrient management inspection forms). You may wish to verify or gain additional information by talking with the complainant or scheduling a visit to the site. The complainant does not have authority to enter private property.
2. Determine what program under which the complaint falls. The procedures here cover complaints that relate to the NMA. Complaints that are associated with other programs may fall under corresponding district delegated duties. Document the complaint on the complaint handling form. The Pa. Farm Bureau Environmental Coordinator Program is called upon by the DEP Regional Offices to provide initial review and assistance in situations related to the Pa. Clean Streams Law. This would only be for incidents or complaints that do not cause or threaten to cause significant pollution, such as flies, odors, spills that remain on the farm, manure storage, and manure spreading methods and rates. Complaints that are not within the district's responsibilities should be directed or referred to the appropriate agency or organization (see the Agency Directory in Appendix IX).
3. Provide to the complainant any information that will assist in handling the complaint, or that will assist with their understanding of the situation.
4. Immediately contact the DEP Regional Water Quality Section of any incidents causing or threatening significant water pollution (see DEP regulation Title 25, Chapter 101.2). This would be for runoff, spills or storage failures that cause fish kills or result in pollution directly entering streams or bodies of water.
5. When more detailed information is needed for NMA related matters, schedule a site visit with the operator within 15 days of the original complaint. Review the official agency file and collect all necessary information. Consult with appropriate agencies or organizations to obtain specific information to assist with the review. Upon arrival at the site, meet with the operator, review the planned activities and request any information that is needed. Also, take measures to prevent the spread of disease. Discuss your findings with the operator, and if appropriate, provide information to the operator to gain compliance. As needed, refer the operator to appropriate agencies and organizations, or initiate direct contact to obtain more specific or specialized information.
6. Record all contacts made with the operator and document the findings of the site visit in the district official file. Keep the original complaint form with the identity of the complainant as a separate file, so that it is confidential and is not subject to unauthorized review.
7. When compliance activities associated with the NMA are needed, schedule a follow-up visit or review.
8. Provide a reasonable amount of time for compliance (e.g., planting times or proper construction procedures).
9. Respond back to the complainant by a phone call, meeting or letter.

D. Follow-up visit/review

1. Conduct a follow-up site visit or a review of appropriate information when compliance activities by the operator are required.
2. Record all contacts with the operator and significant information in the district official file.
3. If compliance or satisfactory progress is not achieved, follow the procedures for continuing violators found in this Chapter under Section VI, Item H. In brief, this would be an additional site visit (this could be with or without SCC staff) and submitting a letter to the operator. The follow-up visit/review and the submission of a letter to the operator which describes the situation will occur before the matter is formally referred to SCC (i.e., PDA). District board approval must be obtained to refer operations with continuing violations of the Act to the SCC (i.e., PDA).

E. Filing

The district will submit quarterly reports to the DEP Bureau of Water Quality Protection that will, at a minimum, include the number of complaints received and investigated. For sites involving continued violations, the district will use the criteria established by the SCC for documentation and preparation of compliance/enforcement actions. The authorized SCC staff may request or review any information that relates to compliance actions under the NMA.

CHAPTER 102, EROSION AND SEDIMENTATION DELEGATION AGREEMENT (Excerpts)

LEVEL I - EDUCATION/INFORMATION AND OUTREACH

The District will:

- A. Provide education and outreach services on the Erosion and Sediment Control (E&S) Program, and the National Pollutant Discharge Elimination System (NPDES) Program.

Required Output Measures:

- A. Develop and conduct programs concerning the E&S Program.
 - 1. Conduct a minimum of two informational and/or educational programs per calendar year on: general programs for school students, watershed groups, civic groups or the general public, specialized educational programs for the regulated community, training seminars on the correct procedures for completing NPDES and E&S Control Permit applications, etc. (joint programs with neighboring districts will count as one credit for each sponsoring District).
 - 2. Issue a minimum of two news releases per calendar year (releases include newsletters, newspaper articles, TV and radio public announcements, etc.).
- B. Maintain an adequate supply of up-to-date applications and other forms developed by the DEP on the E&S and NPDES Programs.
- C. Maintain and update all E&S Program agreements in affect between the District and municipalities and/or other governmental agencies.
- D. Provide the DEP with the Program quarterly reports that detail accomplishments under their level of delegation. The District will submit the forms to the DEP by the 15th day following the end of each quarter. Failure to provide timely report information to DEP may result in Program payment being withheld by DEP until the required information has been submitted.
- E. Refer complaints received to the appropriate agency within 15 calendar days of receipt.

LEVEL II - PROGRAM ADMINISTRATION AND COMPLIANCE:

The District will:

- A. Perform all Level I responsibilities and required output measures.
- B. Maintain a system, developed by DEP, including appropriate files, for the receipt, assessment and resolution of E&S complaints and NPDES complaints.
- C. Receive, process, and review all permit application forms/NOIs, GIFs and E&S Plans for new or renewed general and individual NPDES Permits for Stormwater Discharges Associated with Construction Activities **involving 5 or more acres** of earth disturbance , and for Erosion and Sediment Control Permits. .

Receive, process, and review all permit application forms, GIFs and E&S Plans for new or renewed **individual** NPDES Permits for Stormwater Discharges Associated with Construction Activities **involving 1 to less than 5 acres** of earth disturbance.

Receive, process, and review all NOIs for new and renewed **general** NPDES Permits for Stormwater Discharges Associated with Construction Activities involving **1 to less than 5 acres** of earth disturbance. The E&S Plans submitted as part of a complete NOI for this **general** NPDES permit will be reviewed as staff resources and other responsibilities permit.

- 1. Conduct administrative completeness reviews for all NPDES Permits and E&S Permits within 20 calendar days of receipt. Provide notification to the applicant of administrative completeness/incompleteness within the 20 calendar day timeframe.
- 2. Conduct initial technical E&S Plan reviews for General NPDES permits within 30 calendar days after the 20 calendar day administrative timeframe lapses. Notify the applicant of permit coverage or of technical E&S Plan deficiencies within this 30 calendar day timeframe. Total processing time for a General NPDES permit without deficiencies is 50 calendar days.
- 3. Conduct a second technical E&S Plan review, where necessary, within 30 calendar days from receipt of E&S Plan resubmittal. If the E&S Plan meets the technical requirements, approve coverage under the General NPDES Permit within the 30 calendar day timeframe. If the E&S Plan is deemed inadequate, make a recommendation to the appropriate DEP Regional Office within the 30 calendar day timeframe to deny permit coverage.
- 4. Conduct initial technical E&S Plan reviews for NPDES Individual Permits and E&S Control Permits within 66 calendar days after the 20 calendar day administrative timeframe lapses. Total processing time is 86 calendar days.
- 5. If the E&S Plan meets the technical requirements, notify the applicant, and make a permit recommendation to the DEP Regional Office to issue the permit within the 66 calendar day timeframe. If the E&S Plan does not meet the technical requirements,

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notify the applicant of the deficiencies within the 66 calendar day timeframe, and request E&S Plan resubmission within 60 calendar days of the date that the deficiency letter is sent out by the District.

6. Conduct a second technical E&S Plan review, where necessary, within 32 calendar days of receipt of E&S Plan resubmittal. Notify the applicant if the E&S Plan is either adequate or inadequate, and recommend either issuance or denial of the permit to the appropriate DEP Regional Office within the 32 calendar day timeframe.

Conduct E&S Plan reviews pursuant to other DEP regulations and notify the appropriate party of E&S Plan adequacy or inadequacy within 50 calendar days of receipt. This requirement does not supersede any other E&S Plan review timeframes established under agreements with other local, state, or federal agencies.

7. Conduct a second E&S Plan review, where necessary, and notify the applicant of E&S Plan adequacy or inadequacy within 30 calendar days of receipt of the E&S Plan resubmittal.
 8. The above-mentioned timeframes for E&S Plan reviews associated with permit applications are consistent with DEP's money back guarantee timeframes.
- D. Perform E&S Plan reviews under agreements with municipalities or other governmental agencies in accordance with the applicable laws, rules and regulations, policies, and procedures.
 - E. Receive, process and acknowledge co-permittee/transferee application forms within 10 calendar days of receipt of an administratively complete application. Receive, process, and conduct a site inspection for notices of termination forms within 30 calendar days of receipt.

Required Output Measures:

- A. Respond to all complaints within 10 calendar days of their receipt. Within 15 calendar days of receipt, refer problems dealing with situations outside the Programs to DEP, or other appropriate governmental agencies.
- B. Document all complaints utilizing forms developed by the DEP.
- C. For situations involving the authority under this Agreement, schedule and make site visits to assess the situation, conduct site inspections of the earth disturbance activity, document site conditions and violations of applicable laws and regulations on standard inspection report forms provided by DEP, and attempt to attain voluntary compliance. When voluntary compliance cannot be attained, refer these cases to the appropriate DEP regional office for appropriate enforcement action.
- D. Respond to and document situations where sediment pollution, or a danger thereof, is being observed or a violation of applicable laws or regulations has occurred.

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- E. Use the criteria established by DEP for documentation and preparation of enforcement actions. Documentation could include actions, reports, letters of correspondence and other forms of documentation, including personal observations.
- F. Conduct site inspections of earth disturbance activities and document site conditions and violations of applicable laws and regulations on the standard inspection report forms provided by DEP.
 - 1. Inspect all active E&S Control permitted and Individual NPDES permitted sites once within the first 30 calendar days of commencement of earth disturbance activities, and then once every 90 calendar days at a minimum during active construction. Pre-construction conferences conducted at the earth disturbance site can be counted as an initial inspection.
 - 2. Conduct more frequent inspections where there is higher pollution potential, sensitive environmental resources, continuing violations, or when the permittee has shown a lack of ability or intention to comply with a Department regulation, permit or order (history of non-compliance).
 - 3. Inspect active NPDES **general permitted** sites involving **5 or more acres** of earth disturbance once within the first 45 calendar days of earth disturbance and then on an as-needed basis.
 - 4. Inspect active NPDES **general permitted** sites involving **1 to less than 5 acres** of earth disturbance on an as-needed basis. Inspections should be prioritized based on E&S Plan review, complaints, pollution potential, sensitive environmental resources, continuing violations, or a history of non-compliance.
 - 5. Follow-up site inspections on sites with either major or severe violations should be conducted within 30 calendar days of the previous site visit. Inspections and reinspections at active non-permitted sites are to be conducted on an as-needed or complaint driven basis.
- G. Establish and maintain a separate District Clean Water Fund account for the deposit of any and all permit application fees under the E&S Program and NPDES Program. Fees must be deposited into the Clean Water Fund account within 10 calendar days of receipt of an administratively complete permit application. The fees deposited in the District Clean Water Fund account shall be used by the District to support the NPDES and E&S Programs, i.e., administrative expenses, travel expenses for site inspections, E&S technician reimbursement, field and office equipment, abatement of environmental problems, training sessions, conferences, and professional development related to the E&S and NPDES Programs. The District Clean Water Fund shall be subject to monitoring and audit by DEP or the Commission at all times.