

## The Conservation District—Looking Out for Lehigh County

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Did you know that the Lehigh County Conservation District is the primary (some might say only) unit of local government charged by state law with the responsibility of conserving natural resources and implementing programs, projects and activities to quantify, prevent and control nonpoint sources of pollution in Lehigh County? The District does this through a variety of delegation agreements, contracts, and grants, primarily with Commonwealth of Pennsylvania agencies.

There are some misperceptions about what the Lehigh County Conservation District (LCCD) does and even how it is funded. Day by day, the LCCD provides protection to the waters of Lehigh County while helping project owners to meet environmental standards and obtain the required permits. The LCCD staff accomplishes this by reviewing plans, providing technical assistance, inspecting construction sites, answering complaints, and if necessary, enforcing the Clean Streams Law. These activities benefit not only the average citizen but also municipal governments. Most of the municipalities, if they are an MS-4 (Municipal Separate Storm Sewer System), have a requirement under their MS-4 permit to maintain an Erosion and Sediment (E&S) control program. Through our delegation agreement with the PA Department of Environmental Protection (DEP) and our Memorandum of Understanding (MOU) with the municipalities, the District reviews almost all of the Erosion and Sediment Control plans involving any development greater than one acre in size. If the District were not involved, the workload of running an E&S program would fall on the municipalities themselves.

Recently, some have expressed concern about the District's Service Fee Schedule, especially in relation to that of neighboring conservation districts. This is understandable since the scope of services and funding varies from county to county. Our funding is primarily dependent on development based service fees, which puts us at the mercy of the ever changing building market. In planning its annual budget, the Lehigh County Conservation District (LCCD) calculates what its needs will be for the coming year and sets service fees accordingly. The District realizes that its fees are a cost of doing business in Lehigh County and does not reach this decision lightly. First, a brief explanation of State funding of the program is in order. The Commonwealth, through the State Conservation Commission (SCC), has a commitment to fund 1<sup>st</sup> and 2<sup>nd</sup> resource conservationists at a 50% level (65% for Level III districts, which LCCD is). Neither the administration or legislature has ever appropriated the funds in an annual budget to meet these commitments; for 2009, the Commonwealth's actual share will be 20.3% and 7.5% respectively. While, as for any employer, personnel costs rise, this funding percentage decreases annually. The 2006 Legislative Budget & Finance Committee's report documented this shortfall and recommended that the State find some way to correct it. Since this has yet to happen, State Conservation Commission policy empowers conservation districts to establish service fees to cover all of their costs to run a program. We use the term "service fees" because they are meant to cover more than just plan review time, which will be detailed below.

A district-to-district comparison of service fees is difficult because each district varies in the support it receives from county government. Some districts are virtually considered part of county government, and their employees are county employees. They may receive office space rent-free and/or have their vehicles purchased, insured and serviced by the county. For the most part, the LCCD is required to be self-supporting in its execution of its delegated responsibilities. Our district pays rent and utilities, buys and insures its own vehicles, and employs most of its own staff, including retirement and health care benefits.

The LCCD's service fees are designed to cover not only the actual plan reviews, but also the pre-submittal/pre-design meetings, review comment meetings, pre-construction meetings and site inspections over the life of the project. They also cover the cost of response to complaints from the public. They cover technical assistance, including phone calls, educational presentations, and part of the district website and newsletter costs. They are also intended to cover support staff and the costs of the NPDES permit program. The \$250 and \$500 fees set by regulation for general and individual NPDES permits, respectively, do not begin to meet processing costs (an estimated \$37,000 deficit in 2008). Additionally, many projects extend out five or more years from the date of approval and will need to be inspected and otherwise dealt with until completion. The service fees are intended to cover at least some of these extended costs. Also, depending on the delegation level a District has taken, the role of enforcer in the program varies in time and cost. Commonwealth (primarily PennDOT) projects make up a significant portion of the LCCD's workload. When comparing ourselves to other similar agencies in the Valley, we note that some receive significant funding from the Pennsylvania Department of Transportation (PennDOT) as well as the County. PennDOT has even funded dedicated positions at the Army Corps of Engineers and the PADEP to help streamline the permitting process. By law the LCCD cannot charge Commonwealth agencies; therefore, PennDOT does not pay any service fees for our plan reviews or the numerous field inspections on its projects.

To summarize, the LCCD strives to protect the quality of Lehigh County waters by performing many service activities under its delegation agreement with the DEP. These activities encompass much more than the typical E&S plan review. The fees charged for these services ensure that the District can continue working for all Lehigh County citizens.