

MINUTES

Regular Meeting

May 25, 2010

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Chairman Eisiminger at 10:05 a.m. at the Mezzanine Conference Room of the Fort Jackson Building, Waynesburg, Pennsylvania. Directors present were Bradley Eisiminger, Chairman; Archie Trader, Vice Chairman; Tom Headlee, Treasurer; Jim Cowell, Secretary; Dave Coder Commissioner Representative; Jim Kenney, Director; Theresa Matscherz, Director; J. Robert Rice, Director Emeritus; and Bill Wentzel, Associate Director and Program Specialist. Guests and District staff in attendance in alphabetical order were Ty Basinger, Intern; Mary Jane Kent, Administrative Assistant for Program Support; Lindsay Kozlowski, Resource Specialist; Robbie Matesic, Executive Director, Economic Development; Julie Maxwell, Watershed Specialist; Suzy Petery, SDC, NRCS; Becky Salosky, Fiscal Officer; and Lisa Snider, District Manager.

Chris Hardie, Planner, Economic Development attended a portion of the meeting.

Chairman Eisiminger introduced Julie Maxwell as our new Watershed Specialist and Ty Basinger as our West Nile Virus Surveillance Monitor Intern. They were both welcomed aboard.

II. PUBLIC COMMENTS

There were no Public Comments.

III. APPROVAL OF MINUTES

On a motion by Jim Kenney, the minutes of the April 20th meeting were approved as mailed. Tom Headlee seconded. (Motion Passed)

IV. TREASURER'S REPORT

A motion was made by Archie Trader to approve the Treasurer's Reports with the following addition. Jim Cowell seconded. (Motion Passed)

General Fund

CK# 698 Subway – District Meeting Lunches - \$39.99

V. CORRESPONDENCE

Lisa reported that she had mailed information to board members regarding the PACD/SCC Joint Annual Conference scheduled to be held in July in State College. She asked that anyone interested in attending to notify the office so that the registration can be taken care of.

VI. REQUEST FOR ASSISTANCE

Laurel presented the Mini Grant Application for Ross Mayhle for the installation of a spring development. She said that she and Suzy have visited the site and found that it is a viable water source. **A motion was made by Archie Trader to approve this mini grant application for \$1,000 for the installation of a spring development. Jim Kenney seconded. (Motion Passed)**

VII. OLD BUSINESS

- a. At last month's meeting, Greg Hopkins requested that we assist Morris Township regarding an application for a deep injection well (reportedly around 1200' for brine disposal). As a follow-up, Robbie reported the following. In Pennsylvania, the U.S. EPA has primacy for deep well injection and that generally, geologic formations in our state are not conducive to this method of disposal. In the surrounding states; New York, Ohio, and West Virginia, the U.S. EPA does not have primacy, so the permitting of these wells are through the state. She said that it's very likely that a lot of "frac" water is being transported out of state or to one of only six injection well sites currently permitted in Pennsylvania. Only one of these sites is a commercial site and it is located in Erie County. The other five sites are privately owned (mostly by gas companies). Robbie

also said that to date, the U.S. EPA does not have a single application for Pennsylvania.

Plans are to hold a workshop (probably after Labor Day) to discuss the permitting process, deep well injection, etc. EPA representatives have said that they would be willing to speak at this event.

Robbie also said that the application Greg referred to at the last meeting has been withdrawn and she noted that Martin attended the Morris Township meeting on our behalf.

- b. As approved at last month's meeting, Robbie and Lisa attended, through a scholarship from the Pennsylvania Environmental Council (PEC), the Marcellus Shale Policy Conference. Robbie said the conference, held at Duquesne University, was attended by approximately 400 people including DEP and DCNR officials from both Pennsylvania and West Virginia. She learned that Greene County ranks near the top ten in drilling activity in the state, behind Susquehanna, Bradford, Tioga, Lycoming, and Washington Counties. There was a lot of discussion regarding the Severance Tax, including whether it should be used to balance the State Budget, or as proposed by Representative DeWeese's House Bill, which would include an assessment tax collected at the local government level. Water quality was also discussed at the meeting and Robbie noted that last month, the Environmental Quality Board (EQB) endorsed DEP's proposed regulations for new discharges at drinking water standards. She explained that the waste water discharges must be 500 milligrams per liter or less of Total Dissolved Solids (TDS). Lisa added that regulations affect new discharges and older ones would be "grandfathered" in. Robbie stated that these regulations are to take effect on January 1, 2011 and in the interim, the Industry would have time to respond.

Mr. Trader asked if the treatment plant across from Hatfield Power Plant would fall under the "grandfather" rule. Robbie did not know, but she said she would find out and report at next month's meeting.

Also at the workshop, Robbie said that DEP asked what regulatory authorities Conservation Districts and Planning Commissions can bring to the table and who can participate in managing the Marcellus Shale drilling. She feels that a lot more drilling will occur. Plans are to map drilling and pipeline sites and keep the Board informed of the activity.

Something Lisa found interesting at the workshop was that Germany, Poland, France, China and the state of New York are currently looking at

how Pennsylvania is handling the industry. Mr. Kenney reported that he read an article in a British newspaper regarding the worldwide implications of the Marcellus Shale Industry.

- c. The next item of business was an update regarding Duke Lake and Wisecarver Dam. Lindsay explained that the Erosion and Sedimentation (E&S) Control plans were reviewed for the Rehabilitation of Wisecarver and revisions were needed. The revisions were received and she said that Darl Rosenquest is coming tomorrow to review them and, if everything has been addressed, an approval will be given. Since the project required an Individual NPDES permit, (it's located in a High Quality Watershed) our comments will go to DEP and they will issue the permit.

Robbie discussed the status of Duke Lake and distributed copies of newspaper items on the subject. She read excerpts from one of the articles, regarding DEP filing suit against Consol for the repair of the dam. She also said that DCNR recently announced to the Task Force that there is money in the Pennsylvania State Capitol Budget for the project, so the Department of General Services has given DCNR permission to begin the design of a replacement dam. They expect the design work to take approximately 12 months and they plan to begin the construction as soon as it's complete.

Robbie noted that DCNR reported that the litigation against Consol will not stop the design or construction. She did say that in the Capitol Budget, funding was approved by the Governor for the dam.

Questions were asked regarding dredging and methods to control future siltation. It was reported that dredging and an investigation of a desilting impoundment upstream of the dam is included in the plans.

- d. Lisa reported that a check was received from the County for reimbursement for salaries and benefits paid during the period of August through December of 2009. The cost of retirement expenses was deducted from the check. Future bills will include a charge for retirement annually.
- e. Lisa reported that the Farmland Preservation Board voted at last month's meeting to withdraw their offer to the Petery's for the purchase of their easement. Since the offer has been withdrawn, funds will not be available from the State to cover expenses that were paid to Greg Hook, Cheryl Cowen, Miles Davin, and York Reality. Lisa said that although an

application fee was charged, it will not cover all of the expenses. Since the Conservation District Board agreed to loan the Farmland Preservation Board \$5,000, Lisa asked how to proceed. **After discussion, a motion was made by Dave Coder to table action for 90 days on this matter. Jim Cowell seconded. (Motion Passed)**

- f. Mary Jane announced that Carmichaels High School won this year's Envirothon and she distributed her final report (attached) that included the rankings and the financial report. She said that 11 teams with a total of 52 students participated in the County event. She also said that the winning team, Carmichaels #1, is leaving today to compete in the state competition in Danville, Pennsylvania. Mr. Cowell said that he feels the Conservation District's name should be included on the t-shirts next year. Lisa commended Mary Jane for the fine job she did.
- g. Lisa noted that she has an application form for parking passes for any Director who wishes to park in the County lot (behind the County Office Building). She asked anyone interested, to see her after the meeting.

VIII. NEW BUSINESS

- a. Lisa requested of the board to approve the hire of Julie Maxwell as the Watershed Specialist. **A motion was made by Jim Kenney to approve the hiring of Julie Maxwell as our new Watershed Specialist. Dave Coder seconded. (Motion Passed)**
- b. Laurel discussed the next item of business, the Richard Patton Nutrient Management Plan. She noted that the plan was received on April 9th and that it meets all of the State requirements. **Upon Laurel's recommendation, a motion was made by Archie Trader to accept the Patton Plan as a new Act 38 plan. Jim Cowell seconded. (Motion Passed)**

Laurel added that two Nutrient Management Plans are currently under review. They are the Whipkey Cattle Ranch Farm and the Red Barn Farm of Jean Williams. She hopes to present these plans for approval at the next meeting.

- c. Suzy reviewed the Memorandum of Understanding (MOU) between the Conservation District, USDA Natural Resources Conservation Service (NRCS), and the State Conservation District (SCC). She said that this agreement was signed in 1997 and supersedes an original one. It reflects the changes in the Farm Bill, Conservation Districts, and the State Conservation Commission. She highlighted some of the items in the agreement as follows. The Conservation District agrees to convene a Local Work Group, the Conservation District sets the focus and priority areas of the program (including Farm Bill implementation, Natural Resource Plans, and Resource Inventories). She encouraged the Conservation District to update their Long Range Plan. She also noted that the agreement also includes the sharing of equipment (vehicles, computers, etc.).

- d. Lisa said information regarding the next item, Marcellus Shale Community Impacts containing 11 questions, was mailed to Board members. She said that she received a call from Mathew Filteau of Penn State University. He explained that they are doing research to assess perceptions of local leaders as to how natural gas exploration and extraction in the Marcellus Shale might impact the community now and in the future. A conference call will be scheduled with us and the Planning Commission to answer questions. Lisa asked that anyone interested in participating in the call, please contact her. Mr. Kenney indicated that he would be interested. Lisa noted that a report, specifically for Greene County, will be prepared and distributed. Chairman Eisiminger requested that the report be made available to the Board members and participants.

- e. Mary Jane discussed the next item of business, the Dirt and Gravel Roads Program. She explained that Washington Township has an ongoing project on Gray Run Road and they have requested an extension of the completion date. Currently, the completion date is June, 2010 and they feel they need until August, 2010. **A motion was made by Jim Kenney to approve the extension. Jim Cowell seconded. (Motion Passed)**

Mary Jane added that five new applications were received including: Greene Township for Hartley Hill Road and four from Monongahela Township for projects on Kovach Road, Sit Still Road, Fieldson Road, and Kiger Road. She noted that the Quality Assurance Board (QAB) will be reviewing these sites in the very near future.

- f. Lisa reported that she has been in contact with David Hoone of Allegheny Power regarding a tour of the Hatfield Ferry Power Plant (the new scrubbers, the expansion, etc.). She noted that Mr. Hoone would like to limit the number of people to 15 and no photographs will be allowed. It was thought that the tour could be held in the morning, the day of the scheduled June meeting (the 15th), with the meeting and a picnic lunch at Pumpkin Run Park to follow. Lisa distributed a “signup” sheet to anyone interested in the tour. When arrangements are made, everyone will be contacted.
- g. Robbie discussed the next item of business, the Agri-Tourism Project. She said that the Greene County Tourism Promotion Agency acquired a grant to publish a brochure. A draft listing of businesses was distributed with the Directors meeting packages and she asked that they be reviewed and report any corrections or omissions.
- h. The last item discussed under New Business, was the Monongahela River Project for which a donation of \$15,000 was made by the Conservation District. Lisa said that she received a report, which was distributed, regarding this project from Bob Ventorini of the PA Fish and Boat Commission. The report states that on April 19th, the PA Fish and Boat Commission terminated the Three River Ecological Center where Sue Thompson and he worked. The report states that Ms. Thompson was laid off and he was kept on and will be completing the project. The report goes on to explain what has been completed as follows. The Micro Invertebrates samples have been sent to Carnegie to be looked and the results should be available in October. Also included, was the request for a change order to use the remaining \$960 to purchase Rotenone to do sampling in the Locks. Rotenone is a pesticide that is poisonous to fish and is used to kill the fish in the Lock to collect and count. **A motion was made by Jim Cowell to disapprove the change order. Archie Trader seconded. (Motion Passed).**

IX. DISCUSSION OF STAFF REPORT

- a. Most staff reports were submitted with the meeting packets. Additionally, Robbie noted that included in the Director’s Meeting Packets was information regarding the two Legislative Bills for the Marcellus Shale Tax. Specifically, included were the summaries from the County

Commissioner's Association of Pennsylvania and testimony from the Township Supervisor's Association. She asked the Directors to review and consider them both for possible endorsement at the next meeting. She also said that they have both endorsed Representative DeWeese's Bill. His Bill would return matters to the pre-Supreme Court decision of 2002 that denied taxing of gas by local governments.

Before closing, Robbie noted that this year's state budget will probably not be resolved quickly.

- b. Laurel reported that she has had inquiries regarding the rental of lime spreader since the ad appeared in the "Greene Saver". Under the Project Grass Program, Gene Saurborn will be installing a solar pump by the end of the month. Regarding the Appalachian Grazing Conference, the Keynote Speakers have been determined. They will be Greg Judy and Kathy Voith. Work on the Core IV Calendar is on schedule with August as the expected completion date.

- c. Lisa reported that she has been spending much of her time on violations and complaints. Regarding another matter, Lisa she said that she was appointed, by the County Commissioners, as the Wheeling Creek Watershed Commission Representative. Yesterday, she accompanied Gary Stokum and John Hewitt of the Washington Conservation District to inspect the WV-3, PA-646, and PA-64 dams. These dams were built to protect Wheeling from flooding. One dam is located in Washington County, one in Greene County, and one that backs water into Greene County. During their inspection, they found that PA-646 and PA-647 Dams are in bad shape and are in need of maintenance such as the removal of trees. Lisa noted that perhaps Greene County prisoners could help with the maintenance, but it was decided that since they would have to enter the site through West Virginia, it would not be allowed. Lisa also said that the landowner contracts for the Growing Greener contract for the Ruff Creek and Pumpkin Run Projects have been sent to Solicitor Cheryl Cowen for her review.

Mr. Kenney asked about the status of the request from the coal companies to downgrade the streams and mentioned the letter that the District had written. Lisa said that to her knowledge, no action had been taken. She did note however, that changes are proposed for the Chapter 102 program, which the District had also made comments through a letter. She said that these changes will have a great impact on Conservation Districts with the proposal calling for projects over one acre to obtain a

NPDES General Permit (regardless of whether there is a point source discharge). Lisa feels that it will significantly increase the workload and make it difficult to perform onsite inspections. Consequently, she feels that our fee schedule should be reviewed and that perhaps we should consider hiring someone full time to perform inspections.

- d. Bill thanked everyone for the card and for their concern after his recent surgery.

X. REPORTS FROM COOPERATING AGENCIES AND GUESTS

- a. Suzy Petery – Suzy presented Laurel with an “Engineering Job Approval”. She went on explain that the certificate allows Laurel to perform Inventory and Evaluations and conduct some design work on conservation projects only subject to the review of the State Engineer of NRCS. These duties are performed under the standards of the Pennsylvania Technical Guide.

To continue, Suzy reported that in the three county area of Greene, Washington, and Fayette, approximately \$700,000 (27 contracts) was received for Farm Bill funding. In Greene County, 636 acres are under contract to have conservation practices installed. Under a pilot project, one “High Tunnel Greenhouse” will be funded in Greene County. A large “pool” of funding was available for organics, but not much of it was utilized. Suzy said that if anyone knows of someone interested, please let her know. She noted that there is a new State Conservationist, Denise Coleman. Applications are being accepted until June 11th for the Conservation Stewardship Program. Under the Conservation Reserve Enhancement Program (CREP), 8 acres of buffers were installed in Jackson Township. A meeting of the Ruffed Grouse Society will be held on June 5th and will include a tour of the Game lands. Under the Recovery and Reinvestment Act, Emergency Watershed Protection Program, survey work for the permanent easement will begin next week on a dam removal project on Dunkard Creek. In closing, Suzy noted that the Growing Greener Grant on Pumpkin Run is example of how we can cooperatively work together.

- b. Chris Hardie – Chris said that their office has received 180 public notices since January. They are reviewing these carefully and have a tracking system in place. Projects coming before the Planning Commission at their June meeting include the expansion on CJF Properties (the Halliburton site) in Cumberland Township; Rice Compressor Station, Unit 1-H in Gilmore Township; the Brodak Addition also in Cumberland

Township, and a Cell Tower near Greensboro. Chris also said that he has a meeting today regarding another gas compressor station and revisions to the Pursley Substation that may also be ready for June's meeting.

- c. Robbie made available directories with over 300 advertisers and maps showing locations of Marcellus Shale drilling that were distributed at the Ti-County Oil and Gas Expo.
- XI. The next Regular Meeting will be June 15th.
- XII. ADJOURNMENT

With no further business to discuss, a motion was made by Tom Headlee to adjourn the meeting at 11:45 a.m. Dave Coder seconded. (Motion Passed)

Respectfully submitted,

Rebecca K. Salosky
Fiscal Officer