

MINUTES

Regular Meeting

September 22, 2009

I. CALL TO ORDER AND INTRODUCTION OF GUESTS

The meeting was called to order by Vice Chairman Eisiminger at 10:10 a.m. at the Second Floor Conference Room, County Office Building, Waynesburg, PA. Directors present were Bradley Eisiminger, Vice Chairman; Tom Headlee, Treasurer; Jim Cowell, Secretary; Dave Coder, Commissioner Representative; Archie Trader, Director; Jim Kenney, Director; Frank Blaker, Associate Director; Greg Hopkins, Associate Director; and Bill Wentzel, Associate Director. Guests and District staff in attendance included Abbie Owoc, Assessment and Planning Chief, DEP; Sherene Hess, RC&D Coordinator, Penn's Corner; Kim Moninger, Program Assistant, NRCS; John Scott, Regional Director, PA Department of Agriculture; Bob Niedbala, Staff Writer, Observer Reporter; Tracy Zivkovich, Director, Human Resources; Robbie Matesic, Acting District Manager; Martin Niverth, Research Associate, Economic Development; Lisa Snider, Assistant District Manager/Watershed Specialist; Laurel Rush, Ag Manager; and Becky Salosky, Fiscal Officer.

II. EXECUTIVE SESSION

A motion was made by Archie Trader to enter in to Executive Session and Tom Headlee seconded. (Motion Passed)

Vice Chairman Eisiminger granted approval for Ms. Zivkovich and Ms. Matesic to attend.

III. MEETING RECONVENED

Following the Executive Session, a motion was made Archie Trader to reconvene the meeting. Jim Cowell seconded. (Motion Passed)

IV. PUBLIC COMMENTS

No Public Comments were received.

V. APPROVAL OF MINUTES

On a motion by Tom Headlee, the minutes of the August 18th meeting were approved as mailed. Dave Coder seconded. (Motion Passed)

VI. TREASURER'S REPORT

On a motion by Jim Cowell, the Treasurer's Reports were approved with the following additions. Dave Coder seconded. (Motion Passed)

General Fund

Ck 595 Pitney Bowes – Machine Rental - \$161.72

Ck 596 Lisa Snider - Expenses - \$5.20

Ck 597 Scotty's Pizza – Meeting Lunch - \$68.44

NPDES/CWF

Ck 232 Design & Copy – Fed. Ex. - \$27.26

Ck 233 Lisa Snider – Expenses - \$306.77

West Nile Virus

Ck 251 County of Greene – Sept. Truck - \$1,200.00

VII. CORRESPONDENCE

There was no Correspondence discussed.

VIII. REQUESTS FOR ASSISTANCE

Laurel presented the following Requests for Assistance.

James & Heather Gilbert – Wayne Twp. – 18 acres

A motion was made by Archie Trader to accept this Request for Assistance and Tom Headlee seconded. (Motion Passed)

John Wasieleski, III – Morris Twp. – 227.3 acres

A motion was made by Jim Kenney to accept this Request for Assistance and Archie Trader seconded. (Motion Passed)

Tom & Kathryn Yeager – Wayne Twp. – 42 acres

A motion was made by Tom Headlee to accept this Request for Assistance and Archie Trader seconded. (Motion Passed)

IX. OLD BUSINESS

- a. Lisa presented three nominating organization petitions from Southwestern PA Woodlot Owners Association, Greene County Association of Township Officials, and PA Cleanways of Greene County. Laurel said that the Farmland Preservation Board is also interested and will return the application. **After discussion, a motion was made by Dave Coder to approve the four organizations. Tom Headlee seconded. (Motion Passed)**
- b. Lisa reported that a letter was drafted to Tony Shaw of DEP regarding the petitions of Consol and Alpha Coal Companies to reclassify the streams. Robbie apologized for not having the letter with her and said that it will be mailed to the board. She also said that it was essentially the same letter that was written last year, it just combines the two petitions and that we asked that DEP outreach the Conservation District before a decision is made. Lisa said that they are currently in the review process and that two streams were found to be Exceptional Value (EV) for existing use. Those changes have been made to the existing use and they are protected by law. Lisa also said that it would be nice to have both existing and designated use changed which would make it a higher standard.

X. NEW BUSINESS

- a. Laurel discussed the next item of business, the Nutrient Management Agreement Proposal. She reported that the State Conservation Commission passed a proposed budget, pending the state budget, and Greene County will receive \$11,880 this year. She said that most of that money will go to salary and benefits with \$400 allocated for travel and \$34.11 for administrative costs. Mr. Cowell asked how much money we received last year. Laurel thought that approximately \$13,000.00 was

received. **A motion was made by Archie Trader to approve the Nutrient Management Agreement Proposal. Jim Cowell seconded. (Motion Passed)**

- b. Martin discussed the next item, the Dunkard Creek fish kill. He said that on or about September 1st the fish kill was observed. It was comprehensive in nature, in that, it affected everything from the bottom of the food chain to the top, the macro invertebrates, the mussels, the amphibians, and the fish. The effect was found along approximately 30 miles of the stream. The Environmental Protection Agency (EPA), PA Department of Environmental Protection (DEP), PA Fish and Boat Commission, and WV Department of Natural Resources (DCNR) conducted independent surveys. The culprit appears to have been the concentration of Total Dissolved Solids (tds) in the stream. He explained that normally a total dissolved solids test of the creek would find 400-5,000 parts per million (ppm) and after the kill they were getting readings of 25,000-50,000 ppm. Martin said that these readings were found during low flow which made the situation worse. In discussion with the above mentioned agencies and the Water Resources Institute of West Virginia University, it's their feeling that the pollution had multiple sources of entry. Readings above the Blacksville #2 Mine discharge point were 5,000 ppm and readings below it were as high as 50,000 ppm, leaving some to believe this to be the problem, until a fish kill was found 1½ miles upstream. Martin went on to say that there are various things going on such as the the disposal of brine water from coal bed methane drilling into the Blacksville #1 shaft. He said that the EPA granted this permit to CNX Gas in 2005 without notifying the county. He explained that the Blacksville #1 mine pool leans toward the Blacksville #2 mine pool meaning that if there is head pressure it's on the #1 side and if the barrier is broken, it would flow with the head pressure. He also said that CNX was cited by the EPA for failing to manage that borehole. As required by the permit, they failed to provide security, staff, and volume records at the site. E-Coli was also found at the site. In closing, Martin said that they are exploring all of the above mentioned to determine what caused the fish kill.

Robbie presented a draft Resolution (attached) prepared by the staff for board consideration. She said that the Resolution lists the investment by the County Commissioners and Conservation District and the efforts we have taken. A \$460,000 investment by the Commissioners for three Act 537 plans and two sewage line developments in the Dunkard Creek

Watershed, a \$15,000 contribution by the Conservation District to the PA Fish and Boat Commission for the study of aquatic life on the Monongahela River, the start of an Act 167 storm water quality plan aimed at controlling the quality and quantity of water discharges throughout the county, and participation in a study with WVU and AMDRI to explore the collection and treatment of acid mine drainage on Dunkard while treating municipal sewage. She also said that meetings were held with the EPA, and DEP's Brownfield team regarding a \$15-million investment to take care of the legacy problems and the need for municipal sewage in the Dunkard Creek Watershed. Meetings were also held with various entities to establish a public accessible water monitoring network in the river. Greene County has been selected by the "Speakers Journal Volume" to write a paper on critical infrastructure and the connection between water quality and the opportunity to expand energy development in the county. Robbie continued stating that a \$67,000 investment was made for Non Point Source Agricultural Best Management practices and a \$70,000 investment in the cleanup of dumps throughout the watershed.

Robbie said that we have received a copy of the consent order fining CNX \$157,000.

Robbie said that Lisa will be mailing the Resolution to the Board and asked for their consideration in requesting that the agencies work together to act quickly on this matter.

Martin read the Resolution (attached) and discussion ensued. **A motion was made by Archie Trader to approve the Resolution. Jim Kenney seconded. (Motion Passed)**

Discussion continued regarding a solution to this problem and preventing future ones. Robbie said that there was no evidence that the county was ever notified of the EPA permit. She also said that as a Conservation District, we have the authority to invite the agencies involved to come before the board to address this issue. **Consequently, a motion was made by Archie Trader to have the EPA, PA DEP, WV DNR, and the PA Fish and Boat Commission come to our next meeting. Jim Kenney seconded. (Motion Passed).** It was then decided that a special meeting could be held, but that it should be public to give everyone the opportunity to attend. Mr. Hopkins requested that the Conservation District in West Virginia be invited as well.

- c. Lisa requested that a committee be formed to work on a budget for 2010. Mr. Headlee and Mr. Kenney volunteered for the committee. Mr. Trader suggested that we wait a few weeks to see about the state budget.
- d. The next item of business discussed was the Annual Awards Luncheon. Lisa stated that the staff discussed the economic issues and thought that perhaps we should scale back on an awards luncheon. She asked for board input. **The board agreed, and a motion was made by Dave Coder to allow the staff to scale down the event by having it in conjunction with a meeting, perhaps the November meeting, with light refreshments and food. Jim Cowell seconded. (Motion Passed).** Since there would be no charge for the fairgrounds, Mr. Trader suggested that we reserve one of the buildings.

Also regarding the awards luncheon, Laurel asked that a committee be named to visit the farms of award nominees. Last year, Mr. Kenney and Mr. Cowell served and will do so again this year.

- e. An addition to New Business that did not appear on the Agenda was the Annual 102-105 training scheduled to be held September 20-22 in State College. **Approval was granted to Lisa to attend this meeting on a motion by Jim Kenney. Dave Coder seconded. (Motion Passed)**
- f. Another addition not appearing on the Agenda was the Cover Crop Field Day hosted by the Jefferson Conservation District. Laurel said that the field day scheduled for October 9th has a \$10.00 registration fee. **A motion was made by Jim Kenney to permit Laurel to attend the field day and Dave Coder seconded. (Motion Passed)**
- g. **Since there were conflicts with the next scheduled meeting date, a motion was made by Dave Coder to change it to October 27th. Jim Cowell seconded. (Motion Passed)**

XI. STAFF REPORTS

Staff reports were submitted with the meeting notices or at the meeting.

Lisa gave an update on the Monongahela River Monitoring Project. She said that they completed the electro fishing on sites in both Pennsylvania and West Virginia and they have received the data. Paddlefish were collected at the tail waters of the Maxwell Lock & Dam and they were the first Paddlefish collected while electro fishing in Pennsylvania. Also, they collected all five species of Red Horse, which is generally a pollution intolerant species that appeared at several sites in the river. They also collected three species of Carp Sucker, which are also a pollution intolerant species, at the Braddock Lock & Dam. Currently, they are compiling that data for reports. Lisa said that she went out with them in mid September when they put out the Hester Dendi Samplers. They installed 300 samplers at the tail waters at each of the lock and dams. Mr. Trader requested that the next report be copied and mailed for review. Lisa added that they have established a special fund for the project so reports can be given. Martin said that they will provide an itemized report of the funding and upon completion; the PA Fish & Boat Commission will attend a meeting and do a presentation.

Mr. Kenney asked if we ever received a response from the neighboring Conservation Districts regarding providing funding for the study. Martin said that the letter he wrote was held back and it was never sent. He said that he did contact Fayette County and they are very different from us. He said that when the Mon Valley Express Way went through, Fayette County Conservation, received mitigation money. He said that he can mail the letter now. Mr. Kenney thought that we should wait until the budget is settled to mail the letter and he said that we should also include West Virginia in the request.

In closing, Lisa said that since she has completed the E&S Boot Camp, she will begin reviewing plans. She is scheduled to receive additional training through Darl Rosenquest.

Laurel reported that the field day was held on Saturday and was very successful with approximately 30 people in attendance. She also said that the Washington Township Agricultural Security Area has finally been recorded.

XII. REPORTS FOR COOPERATING AGENCIES AND GUESTS

- a. John Scott – John said that his agency is experiencing difficulties due to the lack of a state budget. He said that the Department of Agriculture has had 22% percent of the furloughs. There were 7 employees in his position covering the state and now there are 3. Secretary Wolfe has

stepped down and the former Executive Deputy, Russell Redding has assumed the position. He also said that the state office staff has also been reduced from 5 down to 3.

- b. Abbie Owoc was present to represent Chuck Kubasik, who had undergone heart surgery, and will be gone several weeks. She distributed a summary from their last conference call and said that there was some funding left from the CDFAP which will be distributed to Conservation Districts (about \$720 per District). A public meeting will be held on September 29th for comments on Chapter 102. Comments are still being accepted for NPDES General Permits, they can be sent to Barb Beshore. In closing, Abbie said the Southwestern PA Roundtable Meeting will be held on October 30th at the Westmoreland Conservation District barn. She said that agenda items are being accepted and that the Dunkard Creek fish kill may be a topic of discussion.
 - c. Kim Moninger was present to provide the NRCS report. Farm Bill Program contracts for 2009 have been completed with 9 Greene County farmers including 496 acres of funding of approximately \$114,450. She announced a new program, the Conservation Stewardship Program. The program rewards agricultural producers for being good stewards of the land. Rankings are based on conservation systems that have already been implemented. Practices included are crop land, hay land, pasture land and forest land. The deadline for this year's program is September 30th. Lastly, Kim reported that Suzy will be participating in the Land Judging contest on October 2nd.
 - d. Sherene Hess reported that work continues to promote and educate on agricultural best management practices, forest management, invasive species, water quality and watershed management issues. They now have a watershed protection committee which will cover a number of things including Marcellus Shale. They are developing their Annual Plan of Work and she will be meeting with Robbie, Lisa, and Laurel following this meeting. She also mentioned the Conservation Stewardship Program and said they will be receiving funds to do outreach for the program. She said that although this year's program ends soon, it will restart in January and there will be opportunities for farmers, including tree farmers.
- XIII. The Next Regular Meeting was changed and will be held on **October 27th**

XIV. ADJOURNMENT

On a motion by Archie Trader, the meeting was declared adjourned at 11:45 a.m. Tom Headlee seconded. (Motion Passed)

Respectfully submitted,

Rebecca K. Salosky
Fiscal Officer