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BERKS COUNTY  
CONSERVATION DISTRICT

RECEIVED  
IRRC

*Conserving Natural Resources for Our Future*

To: PADEP

2012 FEB 28 P 12: 42

From: Berks County Conservation District

Re: Formal Public Comment on the Annex 1 proposed revisions to PA Chapter 105

Date: February 27, 2012

The Berks County Conservation District has a delegation agreement with the Department to provide services for the General 105 Permit Program. Berks is one of only 2 conservation districts in the South Central Region of the Department that is delegated. The Berks County Conservation District has the following comments in regards to the proposed 105 Revisions. All but one of the comments is related to the fee structure for General Permits.

The 105 General Permit Program has evolved from its original intent. The basic idea was to develop a general permit with specific conditions to allow small water encroachments and or stream related activities. An individual could complete their project without a long drawn out permitting process, if they met the conditions of the permit. The current General Permit Program has morphed into a process which most private landowners cannot understand what the conditions are. Much of the additional requirements are because of: bog turtle habitat and other endangered species protection, different language and coordination with Army Corp of Engineers, and different interpretations even within the Department staff as to what permit applies where. The program is so complicated that to apply to use the general permit, a small landowner must employ a consultant to fill out the application. The program needs to be revamped to make it simple again. If not, remove the GPs and require everyone to apply for a joint permit.

The revisions do not mention the delegation agreements or the Conservation Districts other than to point out that an Erosion and Sediment Control Plan adequacy is needed to utilize the GP. We wonder if this is an oversight of the Department or intentional.

The fees to be charged for the general permit application at first appear to be very reasonable. However, with the program requiring more information than may be necessary, and with the added cost of the assistance of a consultant, it may put the use of the permit out of the reach of many. It is also noted that Municipalities will not be charged the fee. This has positive and negative points to it. Of the 50 GPs that Berks County CD processed in 2011, about 1/3 were for municipal work. If the program is to pay for itself it may be difficult without the fees from this sector.

The Berks County Conservation District is concerned because the proposed regulations are silent as to the role of Conservation Districts. Berks CD suggest that the fees for the general permits along with other Department funding be used to support the services provided by the CDs in the 105 Program. We would not want to see a similar situation as currently in the Chapter 102 program where Berks CD collected over \$80,000 fees for the department in this program yet received little funding or support in exchange.



The Berks County Conservation District hopes that these comments are taken into consideration by the Department. The BCCD's Mission Statement is "Dedicated to the encouragement and instruction of the wise stewardship of the soils and waters of Berks County so that present and future generations may have healthy land on which to live and work and clean water for drinking and recreation". We look forward to working with the Department to meet our joint missions.

Respectfully,

Dan Greig

BCCD District Executive

