



August 20, 2019

Mr. Michael W. Price  
Beaver County Conservation District  
156 Cowpath Road  
Aliquippa, PA 15001

Dear Mr. Price:

The Pennsylvania Department of Environmental Protection (the “Department” or “PA DEP”) is exercising its right to terminate the delegation agreement dated December 12, 2016<sup>1</sup> (the “Delegation Agreement”) between the Department and the Beaver County Conservation District (the “District”), and approved by the State Conservation Commission, regarding the Erosion and Sediment Control Program and the National Pollutant Discharge Elimination System Permit Program (collectively referred to as the “102 Program”). Pursuant to Section I of Attachment C of the Delegation Agreement (the “Termination Provision”), **the Delegation Agreement will terminate 60 calendar days from the receipt of this letter, on or about October 18, 2019 (the “Termination Date”).**

Please note that this termination affects only the 102 Program delegation. The District is delegated other responsibilities pursuant to other delegation agreements and arrangements, and those delegated responsibilities are not being terminated by this letter. We will contact you in the next two weeks to schedule a meeting to perform an evaluation of the District’s performance under the Chapter 105 program delegation.

Pursuant to the Termination Provision, the Department and the District must coordinate the transfer of 102 Program responsibilities back to the Department. To that end, the Department is directing the District to do the following:

- a. Do not initiate review of any 102 Program applications received after the receipt of this letter.
- b. Continue to review and complete any 102 Program applications already started and which are anticipated to be concluded prior to the Termination Date.
- c. In consultation with the Department, prepare instructions and information to be posted on the District’s website to inform applicants and the public regarding changes to the 102 Program application process as a result of this termination.
- d. Provide detailed information on current permit applications, permitted sites, construction sites, and complaints received in the format specified by the Department in correspondence to follow this letter.

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<sup>1</sup> The Delegation Agreement is titled “Administration Responsibilities in the Erosion and Sediment Pollution Control (E&S) Program and National Pollutant Discharge Elimination System (NPDES) Permitting Program for the Discharge of Stormwater Associated with Construction Activities.”

- e. Provide a list of any planned or upcoming workshops or events related to Chapter 102 to be hosted by the District.
- f. Take all actions necessary to compile and provide all 102 Program files and records to the Department within 10 calendar days of the Termination Date.
- g. Continue to abide by all requirements of the Delegation Agreement unless directed otherwise in writing by the Department until the Termination Date.

Pennsylvania's conservation districts are an important resource and partner in protecting the environment and supporting local communities. The Commonwealth wishes to utilize these resources through the delegation process where the Department can be assured that delegated duties are being fully implemented in accordance with our regulations, policies, and guidance. Termination of a delegation agreement is rare, but extraordinary circumstances warrant termination at this time. The Department welcomes the opportunity to discuss those circumstances and the reasons for this termination with the District.

One of the factors in the Department's decision was the recent evaluation of the District's 102 Program on April 23-24, 2019, by the Department. A copy of the "Chapter 102 Program Evaluation Report" is included with this letter.

In the event the District wishes to discuss regaining 102 Program delegation, the Department will provide information and support for the steps the District will need to take for the Department to consider delegation again in the future. These steps include, but are not limited to:

- a. Develop a plan, to include objective and reportable measures, demonstrating how the District will address and avoid future occurrences of any deficiencies identified in the recent audit of the District's 102 Program delegation.
- b. Develop a management evaluation report prepared by the District's Board of Directors wherein the Board presents its own findings and recommendations related to the operation and management of the District's 102 Program delegation, as well as any other program delegated by DEP to the District.
- c. Set forth a Training Plan that the District will implement to ensure that its employees are (1) properly qualified to implement and manage the 102 Program; (2) properly and currently trained to implement and manage the 102 Program; and (3) able to be trained by qualified personnel upon transition or staff turn-over in the future.
- d. Identify a Conservation District who is willing to mentor and train District staff regarding implementation and management of the program for a period of twelve months following delegation. Describe the mentoring plan and the role and responsibilities of the mentoring district.

If you have any questions about this termination, or to arrange a time to discuss the Conservation District's performance, please contact Steven Wm. Taglang at PA DEP Bureau of Clean Water, PO Box 8774, Harrisburg, PA 17105-8774, or by email at [staglang@pa.gov](mailto:staglang@pa.gov) or by telephone at 717.787.5017.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick McDonnell". The signature is fluid and cursive, with the first name "Patrick" and last name "McDonnell" clearly distinguishable.

Patrick McDonnell  
Secretary

Enclosure

cc: Karl Brown - State Conservation Commission  
Roger Adams - Bureau of Waterways Engineering and Wetlands  
SWRO  
File