

MEMORANDUM OF UNDERSTANDING

Between the State Conservation Commission
and the
Pennsylvania Department of Agriculture
and the
Pennsylvania Department of Environmental Protection

This Memorandum of Understanding ("MOU") is entered into this 5th day of February, 2020 by and between the State Conservation Commission ("Commission"), the Pennsylvania Department of Agriculture ("PDA"), and the Pennsylvania Department of Environmental Protection ("DEP").

B A C K G R O U N D

WHEREAS, the PDA is the Commonwealth agency responsible for the development of programs to encourage and promote agriculture and related industries throughout the Commonwealth;

WHEREAS, the DEP is the Commonwealth agency responsible for protecting and preserving the land, air, water, and public health through the implementation and enforcement of state environmental laws;

WHEREAS, the Commission is a departmental administrative commission under the concurrent authority of both the DEP and the PDA, that is responsible for the protection and restoration of the Commonwealth of Pennsylvania's natural environment through the conservation of soil, water, and related resources and is assigned certain legal, policy and administrative responsibilities related to the Commonwealth's: Nutrient and Odor Management Program; Manure Hauler and Broker Certification Program; Conservation District Fund Allocation Program; Dirt, Gravel and Low Volume Roads Program; Resource Enhancement and Protection (REAP) Tax Credit Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program and Unconventional Gas Well funds;

WHEREAS, Sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182) require Commonwealth departments and agencies to coordinate their work and activities with other Commonwealth departments and agencies;

WHEREAS, the Conservation District Law, 3 P.S. §§ 849 *et seq.*, allows the DEP, the PDA and the Commission to: establish joint offices to facilitate cooperation; cooperate in the use of employees, land, building facilities and equipment; and establish a single point of contact for the support, funding, administration and oversight of county conservation districts;

WHEREAS, the Conservation District Law, 3 P.S. §§ 849 *et seq.*, directs the DEP, the PDA and the Commission to develop an agreement to define and delineate the roles and responsibility of

each agency in assisting the Commission in fulfilling its duties, which generally include the Commission's duty to support and provide oversight to county conservation districts; and

WHEREAS, the DEP, the PDA, and the Commission desire to execute a MOU that clearly defines and delineates the roles, responsibilities and duties of each party, generally, and as they relate to the administration of the Commonwealth's: Nutrient and Odor Management Program; Manure Hauler and Broker Certification Program; Conservation District Fund Allocation Program; Dirt, Gravel and Low Volume Roads Program; Resource Enhancement and Protection (REAP) Tax Credit Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program and Unconventional Gas Well funds.

NOW, THEREFORE, the parties to this MOU set forth the following as the terms and conditions of their understanding.

1. PDA Duties and Responsibilities. To the extent feasible, the PDA will:
 - a. administratively house the Commission, as provided for in Section 852(1)(a) of the Conservation District Law, 3 P.S. § 852(1)(a);
 - b. pay the Commission's administrative expenses and the salaries of the Commission's Executive Secretary and administrative/clerical support staff as a part of PDA's general government operating budget or other available funds;
 - c. provide staff, and pay the salaries and expenses of staff directly assigned to programs administered by the Commission, including: Nutrient (NM) and Odor Management (OM) Program; Dirt, Gravel and Low Volume Roads Program (DGLVRP); Resource Enhancement and Protection (REAP) Tax Credit Program; technical certification programs (NM, OM, Manure Hauler and Broker); Conservation District Fund Allocation Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program; and other programs intended to support and/or oversee county conservation districts, as outlined in Addenda A and C-F;
 - d. provide technical and administrative support to the Commission in the development, implementation, and enforcement of those programs administered by the Commission, including: Nutrient (NM) and Odor Management (OM) Program; Dirt, Gravel and Low Volume Roads Program (DGLVRP); Resource Enhancement and Protection (REAP) Tax Credit Program; technical certification programs (NM, OM, Manure Hauler and Broker); Conservation District Fund Allocation Program; Conservation Excellence Grant Program; Agriculture-Linked Investment Program; and other programs intended to support and/or oversee county conservation districts, as outlined in Addenda A and C-F. Funds to support these staff salaries and expenses may be drawn out of appropriate funds (i.e. NM Fund, DGLVRP Fund, PDA General Government Operations, etc.) consistent with law and Commission policies;

- e. provide office space and support services to the Commission's Executive Secretary, clerical support, and all other staff positions directly assigned or detailed to the Commission;
- f. provide staff and other resources to assist the Commission in carrying out its obligations under the Conservation District Law, 3 P.S. §§ 849 *et seq.*, for PDA programs, including:
 - i. developing and implementing initiatives to increase the technical and administrative capabilities of county conservation district directors and staff;
 - ii. providing program information to county conservation districts;
 - iii. transferring available funds to county conservation districts as approved by the Commission through the Conservation District Fund Allocation Program Statement of Policy and other appropriate mechanisms; and
 - iv. providing oversight to district utilization of funds provided by PDA;
- g. in cooperation with the Commission, define specific expectations and services to be provided under this MOU by:
 - i. maintaining a list of program responsibilities and associated core functions to be performed by PDA staff (Addenda A, C-F) and appropriately incorporating these in PDA staff job responsibilities and performance expectations;
 - ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU;
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and
 - iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
- h. meet with the Commission as requested to discuss progress on shared priority objectives and the programs delegated to or contracted out to county conservation districts;
- i. ensure that its central and regional offices work cooperatively with county conservation districts to administer delegated programs in an efficient and consistent manner;

- j. identify PDA programs and responsibilities that may be delegated to or contracted out to the county conservation districts for local administration;
- k. provide state funding to reimburse county conservation districts for their efforts in administering PDA program responsibilities delegated to county conservation districts, consistent with Section 859(2)(d) of the Conservation District Law, 3 P.S. § 859(2)(d);
- l. consult with the Commission and the DEP in the administration of the Nutrient and Odor Management Program and the Manure Hauler and Broker Certification Program;
- m. promote the installation of conservation, nutrient and odor management, invasive species control and integrated pest management practices on agricultural land;
- n. collaborate with the Commission, the DEP, and county conservation districts on studies, pilot projects or surveys related to agricultural wastes, erosion and sedimentation control, nutrient and odor management, pesticide usage, sustainable agriculture, invasive species control and integrated pest management;
- o. ensure and document, where necessary, the installation and implementation of conservation plans or agricultural erosion and sediment control plans, and nutrient management or manure management plans, if applicable, on all agricultural production lands owned or administered by PDA;
- p. keep county conservation districts apprised of impending issues or legislation of mutual concern to PDA and county conservation districts;
- q. cooperate with all parties in the administration of programs that involve PDA, DEP and the Commission, such as soil survey, non-point source pollution control, geographic information systems, farmland mapping, and prime agricultural land policy development and implementation;
- r. cooperate with the DEP and the county conservation districts with regard to Pennsylvania's Chesapeake Bay Program (CBP), including:
 - i. providing technical advice and support to DEP on CBP matters related to agriculture;
 - ii. serving on CBP workgroups and committees that involve agriculturally related issues and concerns;
 - iii. consulting with DEP and the Commission regarding CBP issues involving agriculture and conservation districts; and

- iv. encouraging farmers, farm organizations and agri-businesses to be actively engaged in the development and implementation of the Phase III Watershed Implementation Plan (WIP), as well as other aspects of the CBP; and
 - s. provide representation at Commission meetings by the Secretary of PDA, as outlined in the Conservation District Law, 3 P.S. §§ 849 *et seq.* If the Secretary is unable to attend, a Deputy Secretary or other proxy designee will represent PDA.
 - t. provide legal representation to the Commission through PDA's Office of Chief Counsel as required by law and requested by the Commission as outlined in Addenda A and C-F. In the event of an ethical conflict in such legal representation, PDA's Office of Chief Counsel will coordinate with DEP's Office of Chief Counsel to ensure appropriate representation.
- 2. DEP Duties and Responsibilities. To the extent feasible, the DEP will:
 - a. pay per-diem and meeting-related expenses of appointed Commission members for carrying out the official business of the Commission;
 - b. provide funding and reimbursement to county conservation districts for their efforts, including the provision for assessing fees, in administering DEP contracted and delegated program responsibilities, consistent with Section 859(2)(d) of the Conservation District Law, 3 P.S. § 859(2)(d);
 - c. provide sufficient DEP central and regional office staff to assist the Commission in carrying out its obligations under the Conservation District Law, 3 P.S. §§ 849 *et seq.*, including, the core responsibilities listed in Addendum B hereto;
 - d. in cooperation with the Commission, define specific expectations and services to be provided under this MOU by;
 - i. maintaining a list of program responsibilities and associated core functions to be performed by DEP staff (Addenda B and C) and appropriately incorporating these in DEP staff job responsibilities and performance expectations;
 - ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU;
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and

- iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
 - e. meet with the Commission as requested to discuss progress on shared priority objectives and the programs delegated to or contracted out to conservation districts;
 - f. provide staff for technical, legal and administrative support to the Commission in the development, implementation and enforcement of those portions of the Nutrient and Odor Management Program as outlined in Addenda B and C;
 - g. with regard to Pennsylvania's CBP, through its Chesapeake Bay Office ;
 - i. serve as PA state lead regulatory, administrative and Executive branch agency regarding CBP matters and serve as the primary liaison with US EPA on matters related to the CBP, including legal agreements and WIPs;
 - ii. consult with the PDA and the Commission on a regular basis regarding policy and administrative decisions related to CBP that directly affect county conservation districts and agricultural producers; and
 - iii. provide the Commission with a draft copy of the contracts or delegation agreements that DEP intends to enter into with county conservation districts to implement the CBP and allow the Commission a reasonable opportunity to comment on these draft documents; and
 - h. provide representation at Commission meetings by the Secretary of DEP, as outlined in the Conservation District Law, 3 P.S. §§ 849 et seq. If the Secretary is unable to attend, a Deputy Secretary or other proxy may be designated by the Secretary to represent DEP.
 - i. provide legal representation to the Commission through DEP's Office of Chief Counsel as required by law and requested by the Commission as outlined in Addenda B and C. In the event of an ethical conflict in such legal representation, DEP's Office of Chief Counsel will coordinate with PDA's Office of Chief Counsel to ensure appropriate representation.
3. Commission Duties and Responsibilities. To the extent feasible, the Commission will:
- a. in cooperation with PDA and DEP, define specific expectations and services to be provided under this MOU by:
 - i. maintaining a list of program responsibilities and associated core functions to be performed by PDA staff (Addenda A, C-F) and DEP staff (Addenda B and C) under this MOU;

- ii. meeting periodically to discuss priority goals and objectives of the Commission and partner agencies for programs and activities cooperatively carried out under this MOU; and
 - iii. determining staffing and other resources available to assist in accomplishing these priority goals and objectives; and
 - iv. meeting as requested with county conservation districts to discuss progress and any concerns regarding programs that have been delegated or contracted to county conservation districts;
- b. cooperate with PDA and DEP staff in developing and administering programs to increase the technical and administrative capabilities of county conservation district directors and staff;
- c. coordinate and cooperate with PDA and DEP in the development, administration, and support of programs as authorized by the Conservation District Law, 3 P.S. §§ 849 et seq.;
- d. administer the Nutrient and Odor Management Program created by the Nutrient Management and Odor Management Act, 3 Pa. C.S.A. §§ 501 et seq., and coordinate resources between PDA and DEP to effectively and efficiently carry out the program, as outlined in Addendum C.
- e. administer the Dirt, Gravel and Low Volume Road Maintenance Program created by Section 9106 of the Motor Vehicle Code, 75 Pa.C.S.A. § 9106, and coordinate resources with DEP and PDA to effectively and efficiently carry out the program as outlined in Addendum D;
- f. provide oversight for and assistance in the administration of the Nutrient and Odor Management Specialists Certification Program and Manure Hauler Broker Certification Program as outlined in Addendum E;
- g. administer the Resource Enhancement and Protection (REAP) Tax Credit Program established under the Resource Enhancement and Protection Program, 72 P.S. § 8703-E, and coordinate resources with DEP and PDA to effectively and efficiently carry out the program as outlined in Addendum F;
- h. administer the Conservation Excellence Grant Program created by § 3102, 3 Pa.C.S.A. §§ 3101 et seq., as outlined in Addendum F;
- i. administer the Agriculture-Link Investment Program created § 1721, 3 P.S. §§ 1721 et seq., as outlined in Addendum F;

- j. coordinate program needs with appropriate program managers and staff in DEP and PDA central and regional offices;
- k. cooperate with PDA, DEP and county conservation districts on studies, pilot projects or surveys related to agricultural wastes, nutrient and odor management, erosion and sedimentation control, pesticide usage, invasive species control and integrated pest management;
- l. cooperate with all parties in mutually beneficial programs such as soil survey, non-point source pollution control, geographic information systems, farmland mapping, and prime agricultural land policy development and implementation;
- m. with regard to Pennsylvania's CBP:
 - i. review and consider for approval any proposed contract related to CBP that will be entered into between the DEP and county conservation districts,
 - ii. review and consider for approval any proposed delegation agreement related to CBP that will be entered into between DEP and county conservation districts;
 - iii. provide technical and policy advice and support to DEP and PDA on CBP matters related to agriculture, conservation, and non-point source pollution control,
 - iv. provide advice and support to DEP and PDA regarding matters related to county conservation district administrative authority and technical capacity, and
 - v. where appropriate, serve on CBP workgroups to represent Pennsylvania's agricultural, conservation and environmental interests;
- n. review and consider for approval any proposed delegation of PDA or DEP programs and responsibilities through a delegation agreement to county conservation districts under the Conservation District Law, 3 P.S. §§ 849 et seq.;
- o. review and consider for approval where appropriate, any proposed contract between PDA and/or DEP and county conservation districts under the Conservation District Law, 3 P.S. §§ 849 et seq.; and
- p. report annually to the Secretary of PDA and the Secretary of DEP on accomplishments, problems and concerns related to the Commission, its annual work plan or county conservation district programs.

4. General Provisions.

- a. This MOU is not intended to, and does not create, any contractual rights or obligations with respect to the signatory agencies, or other parties.
- b. The parties may modify this MOU only by means of a written amendment executed in the same manner as this original MOU, except that the parties may amend Exhibits A through F annually utilizing a less formal form of written mutual consent of the parties.
- c. This MOU will become effective on the date first indicated above and will remain in effect until terminated by any party upon sixty (60) days prior written notice of the termination to the other parties.
- d. Issues or disputes that arise under this MOU shall be resolved at the lowest appropriate level. Where such disagreements cannot be resolved by the parties, such disputes shall be submitted to the Office of General Counsel for final resolution.
- e. This MOU represents the entire understanding between the parties. All representations, understandings, promises and agreements pertaining to the subject matter of this MOU made prior to or at the time this MOU is executed are superseded by this MOU unless specifically accepted by any other term or provision of this MOU. There are no conditions precedent to the performance of this MOU except as expressly set forth herein.
- f. This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- g. The contact person for the Commission shall be: Executive Secretary for the State Conservation Commission, 2301 N. Cameron Street, Harrisburg, PA 17110, Telephone Number (717) 787-8821.
- h. The contact person for the PDA shall be: Deputy Secretary for Animal Health and Food Safety, 2301 N. Cameron Street, Harrisburg, PA 17110, Telephone Number (717) 705-8895.
- i. The contact person for the DEP shall be: Deputy Secretary for Water Programs, 400 Market Street, Harrisburg, PA 17105-2063, Telephone Number (717) 787-6490.
- j. Any party may change its designated contact person by providing written notice to the other parties.
- k. This MOU shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any

conflict of laws provisions) and the decisions of the Pennsylvania courts. The parties consent to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The parties agree that any such court shall have in personam jurisdiction over them, and consent to service of process in any manner authorized by Pennsylvania law.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS THAT, the parties have duly executed this MOU on the date first indicated above.

DEPARTMENT OF AGRICULTURE

By: Greg Hastetter
Title Deputy
Date: 1-22-2020

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Amica Y. Akusson
Title Deputy
Date: 1-22-2020

STATE CONSERVATION COMMISSION

By: [Signature]
Executive Secretary
Date: 1-22-2020

The signing of this memorandum of understanding on behalf of the State Conservation Commission was authorized by a resolution at its meeting on January 22, 2020.

Approved as to legality and form:

[Signature]
Chief Counsel
Department of Agriculture

[Signature]
Chief Counsel
Department of Environmental Protection

[Signature]
Office of General Counsel

ADDENDUM A

CORE RESPONSIBILITIES

DEPARTMENT OF AGRICULTURE (PDA)

Administrative Assistance to the State Conservation Commission ("Commission"). The Pennsylvania Department of Agriculture ("PDA") will:

1. assist the Commission's Executive Secretary and staff with scheduling meetings, developing agendas, duplicating meeting materials, managing audio visual aids, recording minutes upon request, and other necessary tasks related to the meeting;
2. assist the Commission and its Executive Secretary with developing long-range plans, annual work plans and reports, policy and position statements, contracts, agreements, and Memoranda of Understanding with agencies;
3. develop budget proposals for the Commission to consider when managing funds under the Conservation District Fund Allocation Program, the Nutrient and Odor Management Program, and the Dirt, Gravel and Low Volume Road Program;
4. processes claims and monitor the submission of accompanying reports under the programs mentioned in 3;
5. provide assistance with County, Pennsylvania and North American Envirothons, if requested;
6. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested;
7. develop, process and administer contractual agreements that support the Nutrient and Odor Management Program, the Commercial Manure Hauler and Broker Program, the Conservation District Funding Allocation Program, the Dirt, Gravel and Low Volume Roads Program, Conservation Excellence Grant Program, Agriculture-Linked Investment Program, and other Commission approved programs;
8. provide assistance to the Leadership Development Program through: staffing; coordinating and preparing for Leadership Development Committee meetings, which may include the duplication and distribution of meeting materials; developing plans and programs; and preparing for training programs and conferences;
9. assist the Commission and Department of Environmental Protection in obtaining state funds to reimburse county conservation districts for the services provided under the Conservation District Fund Allocation Program and contracted or delegated programs to the extent funds are available;

10. assist in developing and implementing the Resource Enhancement and Protection Program, 72 P.S. §§ 8703-E et seq.;
11. assist the Commission in planning and conducting the Joint Annual Conference of the Commission and the Pennsylvania Association of Conservation Districts;
12. consult the Commission's Executive Secretary through the PDA's Bureau of Administrative Services, Office of the Budget on matters related to funds in PDA's budget where the Commission has been designated by law, regulation or policy as the administering agency;
13. provide legal representation to the Commission through PDA's Office of Chief Counsel as required by law and requested by the Commission; and
14. assist county conservation district directors and staff in understanding the requirements of the Conservation District Fund Allocation Program and other PDA funding and cost-share assistance programs, including related policies and procedures for participation, application criteria for grants and funds, and the submission of quarterly reports.

ADDENDUM B

CORE RESPONSIBILITIES

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

Administrative and Program Assistance to the State Conservation Commission ("Commission"). The Department of Environmental Protection ("DEP"), through its staff located in its Central Office and regional offices, as outlined below, will:

CENTRAL OFFICE - GENERAL SUPPORT AND ASSISTANCE

1. work with the Commission on improving the Commonwealth's conservation efforts, including offering support services and oversight to county conservation districts. Support services and oversight offered to county conservation districts shall not include human resources or information technology services provided by the Commonwealth's Office of Administration, Conservation and Environment Delivery Center;
2. work with the Commission on administrative procedures that improve efficiency, including standardized forms, and computerized reports and invoices;
3. work with the Commission to develop and enhance program and funding opportunities for delegated county conservation districts, including the receipt of fees for services rendered;
4. assist the Commission and Pennsylvania Department of Agriculture in obtaining state funds to reimburse county conservation districts for the services provided under the Conservation District Fund Allocation Program and contracted or delegated programs to the extent funds are available;

CENTRAL OFFICE - WATER PROGRAMS

Administrative Assistance to the Commission

5. process reimbursement requests of Commission member expenses and per-diem;
6. assist the Commission and its Executive Secretary with developing long-range plans, annual work plans and reports, policy and position statements, contracts, agreements, and Memoranda of Understanding with agencies;
7. monitor the submission of required reports by county conservation districts, including budgets and financial reports, audits, and annual reports;
8. assist the Commission with its annual conservation recognition awards;

Program Assistance to the Commission

9. provide assistance with County, Pennsylvania and North American Envirothons, if requested;
10. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested;
11. provide assistance to the Commission for the Dirt, Gravel and Low Volume Road Program, including providing appropriate staff assistance with Dirt, Gravel and Low Volume Road committees and workgroups;
12. develop program funding proposals for the Commission's consideration and approval, and allocate funds to county conservation districts for administration, technical assistance and cost-sharing, and the implementation of best management practices for the Chesapeake Bay Program;
13. consult with the Commission on the development of Chesapeake Bay Program grant applications and budgets;
14. monitor and supervise the administration and implementation of the Chesapeake Bay Program by county conservation districts by conducting periodic evaluations;
15. at the request of the Commission, assist in the administration of the Nutrient and Odor Management Program, including planning, policy development, program assessment, and financial and technical assistance;
16. provide assistance to the Leadership Development Program through: staffing; coordinating and preparing for Leadership Development Committee meetings, which may include the duplication and distribution of meeting materials; developing plans and programs; and preparing for training programs and conferences;
17. assist the Commission in planning and conducting the Joint Annual Conference of the Commission and the Pennsylvania Association of Conservation Districts;
18. provide administrative and technical assistance in budgeting, project evaluation, contracting and implementation under the Landowner Reclamation Program;

Support to Conservation Districts

19. provide technical assistance and training as described in program delegation and contract agreements;
20. serve as a resource for informational programs and workshops;

CENTRAL AND REGIONAL OFFICES -- BUREAU OF FISCAL MANAGEMENT AND OFFICE OF CHIEF COUNSEL

21. consult the Commission's Executive Secretary through the DEP's Bureau of Fiscal Management and Office of Chief Counsel on matters related to funds in DEP's budget where the Commission has been designated by law, regulation or policy as the administering agency;
22. provide legal representation to the Commission through DEP's Office of Chief Counsel as required by law and requested by the Commission;

REGIONAL OFFICES

General Support and Assistance

23. provide assistance to the Commission and to county conservation districts through regional office staff including Program Managers, Conservation District Field Representatives, and other staff as deemed appropriate by the DEP;
24. provide assistance to the Commission and to county conservation districts through Conservation District Field Representatives ("CDFR"), Chesapeake Bay Field Representatives ("CBFR") or other regional office staff, as deemed appropriate by DEP;

Assistance to State Conservation Commission

- a. assist with the implementation and adherence to the policies and procedures of the Commission including district director appointments, submission of annual reports, financial audit reports, budgets, financial statements, and other required items (CDFR or other regional office staff as deemed appropriate by DEP);
- b. serve as requested as a communication link between the Commission and county conservation districts (CDFR or other regional office staff as deemed appropriate by DEP);
- c. assist in the dissemination of information on memoranda between the Commission, county conservation districts and other agencies (CDFR or other regional office staff as deemed appropriate by DEP);
- d. provide guidance and assistance to county conservation districts on Commission requirements (CDFR or other regional office staff as deemed appropriate by DEP);

- e. provide monthly reports on county conservation district activities, issues and results to Central Office and the Commission during the regularly scheduled DEP CO/SCC/CDFR monthly conference calls or sooner by telephone or email if circumstances warrant. (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);
- f. provide assistance to the Leadership Development Program (CDFR or other regional office staff as deemed appropriate by DEP);

Assistance to Conservation District Directors and Staff

- g. assist in facilitating the nomination, appointment and swearing in of new district directors;
- h. meet with and provide guidance and direction to county commissioners and chief clerks on the director nomination and appointment process (CDFR or other regional office staff as deemed appropriate by DEP);
- i. provide orientations and assist in the training of district directors related to delegated programs (CDFR or other regional office staff as deemed appropriate by DEP);
- j. assist county conservation districts with the facilitation and development of strategic plans, priority objectives, action plans and budgets including contracted or delegated program commitments, and coordinate these activities with DEP programs, priorities and funding (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);
- k. provide assistance and advice to district directors on program development, budget preparation, financial accounting, auditing, and the preparation of grant proposals and management of personnel in accordance with DEP program delegations, applicable regulations and Commonwealth policies (CDFR or other regional office staff as deemed appropriate by DEP);
- l. provide assistance to district directors and managers concerning the hiring of staff, which may include assisting the district in the preparation of job descriptions, standards and specifications, review of job vacancy advertisements, and training in conducting interviews for DEP delegated work or positions. DEP regional staff may, upon request of the district, participate in the interview and selection process for managers and staff, but may not direct or have a vote in the selection (CDFR or other regional office staff as deemed appropriate by DEP);

- m. provide guidance, advice, consultation, and direction in the development of training programs for district directors and district staff (CDFR or other regional office staff as deemed appropriate by DEP);
- n. assist the district directors in the development of proper field work and implementation policies and procedures related to DEP delegated program administration and field work including: staff evaluation and position descriptions in delegated programs; staff retention, discipline and termination policies in delegated programs; and proper documentation of DEP delegated actions and activity procedures (CDFR or other regional office staff as deemed appropriate by DEP);

Funding and Cost-Share Assistance Programs

- o. assist county conservation district directors and staff in understanding the Conservation District Fund Allocation Program and other DEP funding and cost-share assistance programs, including the policies and procedures for participation, application for grants and funds, and the submission of quarterly reports (CDFR or other regional office staff as deemed appropriate by DEP);

Program Coordination

- p. assist in providing training to the county conservation districts on the administration and implementation of delegated or contracted programs (CDFR, CBFR or other regional office staff as deemed appropriate by DEP);
- q. provide technical assistance and training as described in program delegation or contract agreements (Appropriate regional office staff);
- r. assist with the implementation of the Dirt, Gravel and Low Volume Road Maintenance Program, including training, QA/QC evaluations, and serving on the Dirt, Gravel and Low Volume Road Maintenance Program committees as requested (CDFR or other regional office staff as deemed appropriate by DEP);
- s. provide assistance with County, Pennsylvania, and North American Envirothons upon request (Appropriate regional office staff);
- t. represent the Commission on the Pennsylvania Envirothon Board of Directors, if requested (Appropriate central or regional office staff);
- u. coordinate DEP actions and activities that relate to county conservation district programs, delegated and contracted functions (Appropriate regional office staff);

- v. serve as a resource for informational programs and workshops (Appropriate regional office staff);
- w. assist in conducting on-site inspections in a training role with county conservation district staff (Appropriate regional office staff);
- x. provide assistance in the evaluation of delegated and contracted programs including the preparation, conducting the evaluation, and follow-up (Appropriate regional office staff);
- y. provide assistance, guidance and coordination of compliance activities and oversee enforcement actions as described in delegation or contract agreements (Appropriate regional office staff);
- z. provide timely and appropriate responses to compliance and enforcement cases referred by county conservation districts for DEP action (Appropriate regional office staff); and
- aa. provide legal services as described in delegation or contract agreements (Appropriate regional office staff).
- bb. assist the Commission and county conservation districts with public information and public relation activities and events (Appropriate regional office staff)

Addendum C

Agency Support Roles for the Nutrient and Odor Management Program

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Nutrient and Odor Management Program. The Pennsylvania Department of Environmental Protection (“DEP”) and the Pennsylvania Department of Agriculture (“PDA”) will assign staff to assist the Commission in administering the various aspects of the Nutrient Management and Odor Management Program and the support activities outlined below.

The following list identifies the major program support activities for DEP and PDA. These responsibilities are identified as primary support functions (“lead agency”), and secondary support functions (“assisting agency”). The Commission will coordinate regular interagency meetings between DEP, PDA and Commission staff to evaluate program priorities and the success of the program.

PDA’s Primary Support Responsibilities of the Nutrient and Odor Management Program

1. assist the Commission and its Nutrient Management Advisory Board (“NMAB”) in formulating regulations and policies;
2. provide administrative support for the Nutrient Management Fund;
3. implement nutrient management and odor management education programs in cooperation with the NMAB, the Pennsylvania State University Cooperative Extension, the United States Department of Agriculture, Natural Resources Conservation Service, DEP and county conservation districts, and provide outreach activities to farm organizations, agribusiness, general public and the banking industry;
4. develop, implement and monitor certification programs for nutrient and odor management specialists;
5. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Nutrient Management and Odor Management Program. This includes the legal interpretation of the Nutrient Management and Odor Management Act, Act, 3 Pa. C.S.A. §§ 501 *et seq.*, (“Act 38”) and its regulations; review of Commission policies; review of contracts and agreements entered into by the Commission or county conservation districts; and defense in actions brought against PDA related to Act 38 certifications;
6. develop and promote alternative uses of excess manure, in cooperation with the NMAB, and through coordination with DEP for applicable environmental and regulatory considerations;
7. assist the Commission in providing outreach and technical services to farmers where county conservation districts are not involved;

8. when a farmer is aggrieved, assist the Commission in reviewing the county conservation district's implementation of the Nutrient and Odor Management Program;
9. develop, implement, and monitor the Commission's financial assistance programs associated with the Nutrient and Odor Management Act Program, including the Plan Development Incentives Program, the Agriculture Linked Investment Program, and the Nutrient Management Plan Implementation Grants Program;
10. provide and oversee training on regulations and technical issues as part of the certification and education programs;
11. support the Commission in all enforcement activities relating to the implementation of Act 38;
12. assist the Commission in providing technical and program information to interested persons, including certified nutrient management and odor management specialists and county conservation districts;
13. assist with the development, implementation, and any future revisions of the delegation agreements, administrative and technical manuals;
14. assist the Commission in evaluating the county conservation district's performance of duties under the Nutrient and Odor Management Program delegation agreements;
15. provide support to the Commission in developing and maintaining computer software ("PaPlants") that tracks certification program participants and other related information, and software that manages reporting data and other information related to the Nutrient and Odor Management Program;

DEP's Primary Support Responsibilities of the Nutrient and Odor Management Program

16. provide administrative support for the Nutrient and Odor Management Program, including planning, policy development, program assessment, and financial and technical assistance;
17. assist with the development and management of delegation agreements related to nutrient, odor and manure management;
18. coordinate the Nutrient and Odor Management Program with other DEP programs to promote efficient and effective use of program resources. These programs include: National Pollutant Discharge Elimination System, Concentrated Animal Feeding Operation; Manure Management; and Chesapeake Bay (central and regional office staff);
19. support the Commission in its enforcement of the Clean Streams Law, 35 P.S. §§ 691.1 et seq. (central and regional office staff);

20. DEP's Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Nutrient and Odor Management Program. This includes the legal interpretation of Act 38 and its regulations, the promulgation of Act 38 regulations, review of Commission policies, review of contracts and agreements entered into by the Commission or county conservation districts, legal support for appeals and enforcement actions of the Commission consistent with the provisions of the Conservation District Law, 3 P.S. §§ 849 et seq., and Act 38, and defense in actions brought against the Commission (central and regional office staff);

DEP's Secondary Support Responsibilities of the Nutrient and Odor Management Program

21. assist with the maintenance of regulations and policies by providing input on environmental considerations, including water quality impacts (Central Office staff);
22. assist in education and outreach activities (central and regional office staff);
23. assist the Commission and PDA in evaluating county conservation district Nutrient and Odor Management Programs (central and regional office staff); and
24. assist in identifying best management practices ("BMPs") for proper nutrient management, provide technical assistance to conservation districts and the agricultural community on BMPs, and provide continuing evaluation of the BMPs sustainability and effectiveness (central office staff).

Addendum D

Agency Support Roles for the Dirt, Gravel and Low Volume Road Maintenance Program

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Dirt, Gravel and Low Volume Road Maintenance Program under § 9106 of the Motor Vehicle Code, 75 Pa.C.S.A. § 9106. The Pennsylvania Department of Agriculture (“PDA”) will assign staff to support activities outlined below. The following list identifies the major program support activities for PDA.

PDA’s Support Responsibilities of the Dirt, Gravel and Low Volume Road Maintenance Program

1. assign staff positions to the Commission reporting to the Executive Secretary and funded under the Dirt, Gravel and Low Volume Road Maintenance Program. The primary function of the staff members is to provide oversight and administration of the program;
2. provide staff participation in the Dirt, Gravel and Low Volume Road Maintenance Program meetings, including Quality Assurance Board advisory meetings and other advisory committees, as requested (central and regional office staff);
3. assist the Commission in the development and implementation of Quality Assurance and Quality Control evaluations;
4. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission in the administration of the Dirt, Gravel and Low Volume Maintenance Program. This includes the legal interpretation of Section 9106 of the Motor Vehicle Code and its regulations, review of Commission policies, review of contracts and agreements entered into by the Commission and county conservation districts, and defense in actions brought against the Commission;
5. assist in the planning and implementation of the annual training conference;
6. assist in the planning of regional Environmentally Sensitive Maintenance Training; and
7. promote the Dirt, Gravel and Low Volume Road Maintenance Program to townships and municipalities, as needed (central and regional office staff).

Addendum E
Agency Support roles for Certification Programs

The Pennsylvania Department of Agriculture (“PDA”) is charged with the authority to develop and implement the Nutrient Management Specialist and Odor Management Specialist certification programs under the Nutrient Management and Odor Management Act, 3 Pa. C.S.A. §§ 501 et seq. (“Act 38”) and the Commercial Manure Hauler and Broker Certification program under the Commercial Manure Hauler and Broker Certification Act, 3 P.S. §§ 2010.1 et seq. (“Act 49”). The State Conservation Commission (“Commission”) assists PDA in the implementation and administration of these programs. PDA will assign staff to support activities outlined below. The following list identifies the major program support activities for PDA:

PDA’s Support Responsibilities of the Nutrient Management Specialist and Odor Management Specialist certification programs.

1. develop, implement and monitor certification programs for nutrient management specialists and odor management specialists;
2. implement nutrient management specialist and odor management specialist education programs in cooperation with the Pennsylvania State University Cooperative Extension, the United States Department of Agriculture, Natural Resources Conservation Service and the Department of Environmental Protection, and provide outreach materials and activities to county conservation districts, agribusiness (i.e. private sector consultants) and agricultural organizations;
3. assist in the development of regulations and policies related to certification programs;
4. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the Nutrient Management Specialist and Odor Management Specialist certification programs. This includes the legal interpretation of Act 38 and its regulations, review of Commission policies, and defense in actions brought against PDA; and
5. provide support to the Commission in developing and maintaining computer software (“PaPlants”) to track certification program participants and other information related to the programs.

PDA’s Support Responsibilities of the Commercial Manure Hauler and Broker Certification Program.

- 1: develop, implement and monitor a certification program for commercial manure haulers and brokers;
2. implement commercial manure hauler and broker education programs in cooperation with the Pennsylvania State University Cooperative Extension, the United States Department

of Agriculture, Natural Resources Conservation Service and the Department of Environmental Protection, and provide outreach materials and activities to the commercial hauler and broker industry, agribusiness and agricultural organizations;

3. assist in the development of regulations and policies related to certification programs;
4. PDA's Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the Commercial Manure Hauler and Broker Certification Program. This includes the legal interpretation of Act 49 and its regulations, review of Commission policies, and defense in actions brought against PDA; and
5. provide support to the Commission in developing and maintaining computer software ("PaPlants") to track certification program participants and other information related to the program.

Addendum F
Agency Support roles for Financial Assistance Programs

The State Conservation Commission (“Commission”) is charged with the authority to develop and implement the Resource Enhancement Protection Program (“REAP”), 72 P.S. §§ 8703-E et seq. and the Conservation Excellence Grant Program (“CEG”), 3 Pa C.S. A. §§ 3101 et seq. and assist the Pennsylvania Office of the State Treasurer (Pa Treasury) in the implementation of the Agriculture-Linked Investment Program (“AgriLink”), 3 P.S. §§ 601 et seq. The Pennsylvania Department of Agriculture (“PDA”) will assign PDA staff to support activities outlined below. The following list identifies the major program support activities for PDA:

1. assist the Commission in developing policy and procedures to administer, implement and maintain the REAP tax credit program in conjunction with the Department of Revenue; the AgriLink loan program in conjunction with the Pa Treasury; and the CEG grant program consistent with enabling legislation;
2. assist the Commission in developing and maintaining a financial management and budget management system to track all approved tax credits, CEG grants and AgriLink loans and monitor funds available for tax credits, grants and subsidy support of AgriLink loans;
3. function as the liaison between the Commission and the Department of Revenue to efficiently communicate information from the Commission to the Department of Revenue to ensure tax credits are properly applied to taxpayer accounts;
4. function as the liaison between the Commission and the Pa Treasury to efficiently communicate information from the Commission to the Pa Treasury to ensure AgriLink loans are properly applied to eligible applicants through approved state depositories and the Farm Credit Bank;
5. assist the Commission in developing promotional and educational materials describing the benefits of the REAP tax credit program, the CEG grant program and the AgriLink loan program for distribution throughout the state;
6. provide support to the Commission in developing and maintaining computer software to track program applicants, tax credit awards, grant awards, loan support and other information related to these programs;
7. PDA’s Office of Chief Counsel will provide legal advice and representation to the Commission as it administers the REAP tax credit program consistent with 72 P.S. §§ 8701-E et seq.; the CEG program consistent with 3 Pa C.S. A. §§ 3101 et seq.; and the AgriLink loan program consistent with 3 P.S. §§ 601 et seq. This includes the legal interpretation of the statutes and regulations for each program; review of Commission policies; review of contracts and agreements entered by the Commission or county conservation district; and defense in actions brought against PDA.

