Lancaster County Conservation District
Erosion & Sedimentation Committee Meeting Agenda
Thursday May 23, 2024
1:30 P.M. – 3:00 P.M.
Farm & Home Center Room 149 - Downstairs
Available virtually via Microsoft Teams
Teams Link
Meeting ID: 266 664 235 873
Passcode: sdnEkR

1:30 PM Meeting Called to Order

1. Committee Business
   a. Review & Discussion of May Informational Update regarding Pre-Application Meetings & Review Timeframes

2. Informational Updates
   a. 259 Auction Road – Penn Township – Enforcement Update

   b. File & Workflow Digitization

3:00 PM Meeting Adjourned

Next Scheduled Meeting
Thursday June 27, 2024 @ 1:30 PM
Farm & Home Center and virtually Microsoft Teams

From:	Adam Stern
To:	Jay Snyder (jayrsnyder6@gmail.com); Deryk Shaw; rdagostino@lancastercountypa.gov; Greg Strausser; danloriz5761@gmail.com; Frank Burkhart (fdburkhart@embarqmail.com); Matthew Mack
Cc:	Chris Thompson (ChristopherThompson@lancasterconservation.org); Matt Kofroth (MattKofroth@lancasterconservation.org); Eric Hout (EricHout@lancasterconservation.org); Morgan Regan; Shannon Erdman; Rachel DiRosato (racheldirosato@lancasterconservation.org); Kaylyn Gordon (KaylynGordon@lancasterconservation.org); Alex Flurry (AlexFlurry@lancasterconservation.org); Ryan Riebling; Steve Wyld (stevewyld@lancasterconservation.org)
Subject:	E&S Committee Update in lieu of Meeting
Date:	Thursday, April 25, 2024 5:07:00 PM
Attachments:	Feedback from Other CCDs.docx Collected Data Summary.pdf

Hello all,

In lieu of a formal meeting of the E&S Committee this month, I committed to providing an informational update regarding two items that the committee directed staff to begin work on. My goal was to demonstrate to you all that I haven't dropped these topics and am working on them as I have time between other tasks. Nothing is needed from the committee at this time (vote, concurrence, etc.), however certainly open to any feedback as I start to put the information I've gathered in front of other staff and work on any concrete suggestions for improvements, goals, changes to procedure, etc.

1. Pre-Application Meetings
    a. Our Department currently offers pre-application meetings for no additional cost to all applicants.
    b. We rarely (if ever) decline a request for a pre-application meeting.
    c. We especially encourage them in complex or unusual scenarios including, but not limited to:
        i. Alternative BMP design or use of alternative design standards
        ii. Individual NPDES Permits (require PCSM review by PA DEP regional office)
        iii. Consultants who are unfamiliar with the submission process (in general or with our office specifically)
    d. Ideally, the applicant or their consultant provides us enough of an overview of the project to help us determine whether or not we should coordinate the meeting with PA DEP or just handle the meeting ourselves. This doesn't always occur and sometimes items of concern aren't brought up until the pre-application meeting actually happens. If DEP is not involved in the meeting and our staff aren't able to answer questions because they are not within our delegated scope, we are forced to forward questions to DEP or encourage the applicant to schedule an additional meeting. Our current general practice is that the PA DEP regional office is invited to participate when we are aware that:
        i. The submission will be an Individual Permit
        ii. The submission will require cross-bureau coordination (impacts to waterways/wetlands requiring Chapter 105 permitting, brownfields, air quality, solid waste, etc.)
        iii. It is apparent that the applicant/consultant have significant PCSM technical questions
    e. We don't currently have any marketing, outreach, advertisement etc. that I could think

of specifically concerning pre-app meetings. Staff are in the habit of encouraging them anytime folks reach out with questions regarding a pending submission that aren't straightforward (i.e. what fees to pay or do I need xyz form completed)

f. I took a look back and it appears that we participated in 76 pre-application meetings in 2023. For reference, in 2023 we issued 187 NPDES permits (I believe the 187 number includes major & minor amendments and renewals. I wouldn't necessarily expect or encourage a pre-application meeting for straightforward minor amendments or renewals.).

g. I sent out a request for feedback to the ES Tech email listserv that is run by PACD. 5 other districts responded with answers. I organized those responses into the attached Word Doc that you're welcome to review. I haven't looked through this specifically with other staff yet, but will plan to do so in order to see if there are any helpful suggestions or ideas.

h. I had a Teams call with the Montgomery County Conservation District earlier this week to discuss their recent conversations around improving submission quality and their current practices for pre-application meetings and pre-submission meetings. From our conversation, it seems that they are particularly frustrated with the situations where it is clear that professional consultants are not completing QA/QC before submissions are sent in and essentially defaulting to a "design by review" mentality. We experience that here at the District with certain projects, but not with every singled submission through our door. They have a system in place for pre-application meetings as well as pre-submission meetings. Their pre-submission meetings are scheduled for ~2 hours and are intended to essentially be a Completeness Review with District staff, the applicant, and their consultant prior to a submission. The expectation is that a design is complete and ready for submission prior to requesting a pre-submission meeting. District staff go through the submission page by page and markup their initial comments/deficiencies for revision prior to submission. My impression was that they have had mixed success with these meetings.

1. Review Timeframes/Backlog
   a. I crunched a significant amount of data from our database called Practicekeeper. This is where our Department logs all of the work that we do (reviews, inspections, complaints, etc.). I wanted our first step in this item to be identifying what the "backlog" actually is and where our review timeframes stand.
   b. I condensed all of the information I gathered into a table in the attached PDF.
      i. The gray boxes on the left list the task that I evaluated. I did not evaluate our response times on subsequent reviews/resubmissions, just how long it took us to finish the first completeness review after submission, the first technical review after deeming a submission complete, and the first review of a standalone E&S plan.
      ii. For NPDES Permits, I included new submissions and major amendments. I did not include minor amendments and renewals.
      iii. I collected data for all submissions received in 2023 and then all submissions received in the first quarter of 2024.
   c. Data columns are:
      i. Count – How many of the specific review type we did in that time period

    ii. Average – Average time (business days or calendar days) that it took us to complete the review type in that time period
    iii. Max – Max time (business days or calendar days) that it took us to complete the review type in that time period

d. The goal column lists the timeframe we are aiming for. For NPDES submissions, this comes from the DEP SOP. For E&S Plans, this is the timeframe we have internally told clients we aim for.
e. Green boxes are places where the average or max is within the goal timeframe. Blue boxes are places where the average or max is not within the goal timeframe.
f. This simple table pulls data from a number of other tables that I prepared. If information you're looking for isn't captured here, feel free to pose a question and I'll do my best to gather what's most helpful.
g. I have made a personal commitment to myself that when reporting this type of data for our Department, I will not pass up the opportunity to remind all involved that the staff on our team complete many tasks beyond what is captured by these 4 categories. Other key tasks they take on include, but aren't limited to:
    i. Review of resubmissions after they deem a submission incomplete or inadequate (ideally just one re-review is required but it's not all that unusual to take multiple resubmissions)
    ii. Routine inspections of earth disturbance sites and follow up inspections of sites when violations are identified
    iii. Implementing the enforcement program/SOPs when major violations occur or responsible parties don't cooperate with District recommendations for compliance
    iv. Administrative review of Notice of Termination (NOT) submissions and final site inspections
    v. Complaint inspections regarding earth disturbance, stormwater, etc.
    vi. Outreach to the regulated community for guidance on the regulations, how to complete submission materials, guidance on problematic site conditions, etc.
    vii. Pre-application meetings
    viii. Review of field changes, minor amendments, & permit renewals
    ix. Professional development/trainings to stay up to date on changing regulations, guidance, and environmental technologies
    x. District committees

I'm hopeful that this information is helpful to the committee as we dig into these and other discussion topics. Don't hesitate to let me know if there are questions, I know this email contains a lot of information.

Cheers,
Adam

Adam J. Stern, CPESC
E&S Program Manager

Lancaster County Conservation District
O: (717) 874-2546 | M: (717) 723-9129
1383 Arcadia Road, Room 200, Lancaster PA 17601
www.lancasterconservation.org

Questions sent to the ES Techs email listserv:

1. **Do you have any estimates on how many NPDES submissions to your office start with a pre-application meeting? No specific data needed, any estimate (percentage, number, guess, etc. are all helpful).**
2. **Do you currently or have you in the past implemented any policies or procedures specifically aimed at increasing the number of pre-application meetings? If so, did you see any success with them?**
3. **Are they any tools, forms, strategies, etc. that you have found to be particularly helpful in making pre-application meetings more productive for all parties involved?**
4. **Does your fee schedule currently charge for pre-application meetings?**
5. **Any other wisdom, advice, pro-tips, or two cents you have on pre-application meetings!**
6. **I also followed up with responses to find out if they are PCSM delegated and how often their DEP Regional office is involved or invited to pre-apps.**

Responses

1. About 30-40% request a pre-application meeting.
2. We do not have any procedures or policies in place. If I know a project is coming, I let them know that a pre-application meeting is “highly encouraged”.
3. Having the pre-app. Meeting available virtually is helpful.
4. We do not charge for pre-app. Meetings. I think this would deter the applicant/consultant from doing it even more.
5. Allowing for multiple pre-application meetings to occur, especially as they get closer to submitting the permit. If a meeting is held and they are only in the beginning stages of planning and designing, my guidance at that stage only goes so far, and doesn’t get into the nitty gritty details compared to when a plan is ready to be submitted.
6. No, we are not PCSM delegated. It’s hard to guess, but if it is an individual permit, they are usually invited and involved. At least on the bigger projects.

---

1. I would say 90%. We have had a few lately that didn’t have meetings, but the completeness letters were so long they likely won’t be skipping them next time. While we can’t mandate pre-ap meetings, we HIGHLY recommend them.
2. We don’t allow expedite reviews unless they have an “adequate” formal pre-application meeting where we red-line their documents and give them the comments after the meeting
3. We have a pre-ap form they need to fill out, but it needs a lot of work and we haven’t gotten to the revisions yet.
4. It does not change. But we have discussed lately if it is a possibility to financially incentivize those meetings. What is currently hurting us is that we are booked two months out. They rather submit than wait for a meeting slot.
5. The red-line formals really work well. We have a one hour informal where we discuss overall concepts. We point out big flaws with concepts. The 2 hour formal is to go over the infiltration testing and spreadsheets and all of the Modules and NOI/Applications. We use adobe to make changes. We also go over the plans and point out issues we find. They are on the first part of the meeting then they leave and we mark up the documents while we are all on Zoom. Then we send back the marked up docs. We used to do these in person. We generally have 4 staff at the formal pre-ap meetings.
6. Correct and correct. I would say that the region is never involved unless the applicant totally disagrees with our assessment and has gone behind us and reached out to DEP. Then those meetings, if held, are generally not considered pre-ap meetings. A lot of those come up w/r/t common plan of development etc. as to whether or not a permit is required. Most of those are solved via email with the region and then we communicate with the applicant.

Good questions. I'll start out by saying – I hear you! Your timing is interesting, because we have just recently started to have some serious discussions internally and with our board regarding submission quality and accountability. We feel that we try to help at extraordinal lengths, but we can only do so much.

1.
    a. In 2023, we had 92 "pre-application" meetings / 24 "pre-submission" meetings. This is out of approximately 120 projects. So, a good number are having some sort of interaction prior to submission.
    b. "Pre-application" meetings vary a lot – could be just an FYI that a project is coming, might have a layout, may/may not have testing information. Usually pre-apps are cursory, but we try to ask the right questions to get them going in the right direction. Suggestions do often fall on deaf ears and projects come in not addressing items brought up early on.
    c. "Pre-submission meetings" are in-depth formal meetings where the applicant is *supposed* to come prepared to submit (all forms filled out, plans, calcs). We try to go through everything for completeness. It is like the ultimate hand-holding meeting. This type of meeting was at the request of our board, who wanted us to implement this because they knew Lehigh did this. We have mixed results. For some, it works great and any small items can be addressed and it comes in complete first try. Others are a struggle and a huge time investment.
2. We don't have any policy saying they have to have a meeting – but we do have a lot of engagement already.
3. I wish had an answer to this one. I'd also really like to know if others have good responses for this. We are really struggling with trying to get the meetings to be more productive/have more accountability from the consultants. We try to request the applicant attend, but that doesn't often happen. For our pre-submission meetings, we mark-up plans/forms and give them back to the consultant (but again, we have mixed results on this – I have one today that had BOTH a pre-app and pre-sub and some of the same items are still wrong upon submission.)
4.
    a. We do not charge for meetings currently.
    b. Our board is considering a fee for "pre-submission" meetings since they take a significant amount of time and effort.
    c. I don't think there is a plan to implement a fee for pre-application, because we want to encourage folks to come to us.
5.
    a. Patience – I'm still working on this one!
    b. I just try to cover my bases every meeting, every time. I cover the biggest issues hot-topics (identifying receiving waters, number of analyses, testing requirements) every meeting, whether it's my first interaction with someone, or a repeat client who has been through our office dozens of times.
    c. For a few who have been particularly difficult to work with, I email them a list of resources (NOI Instructions, MRC document) and bullet points after the meeting, so I can say, look, we talked about this, but we can't be doing meeting minutes for every single meeting or we'd never get anything else done.

1. We historically have been receiving about 1/3 of our Individual NPDES permit applications without pre-app meetings. Sometimes we will just randomly get a big box delivered by UPS or Fedex, sometimes they will call and arrange electronic submittal and brush off the recommendation for a pre-app. Those applications submitted without pre-app meetings have been the most incomplete and had significantly more comments. The review process is often significantly more involved and painful than those with pre-app meetings. I reached out about this to DEP last year as I re-did our fee schedule and information form and found they can't be required.
2. I discussed it with our board and we decided to offer a 10% discount on our portion of the earth disturbance fee/fee for services. So far the applicants are very happy with this discount. Every chance I get I recommend applicants have a pre-app meeting, now I get to mention the discount as encouragement. It's only been in effect since 1/1/24 so I can't comment on if it's been effective we would need a few years to know if it's working.
3. We don't have any specific forms for them to use beyond the standard DEP request for pre-app meeting. Having a checklist to go through would be really helpful.
4. We do not charge for pre-apps, we offer a discount for having them.
5. I like to get the site address prior to pre-app meeting then draft a basic outline of the site noting the water quality, stream locations, wetland locations, and make a list of any concerns specific to the site bring up prior to the meeting. I will often start that when they first call to schedule the pre-app. I've had a few sites that had work proposed in the riparian buffer zone or other significant issues that they were able to revise before the pre-app.
6. We're not PCSM delegated and as such we have DEP attend each meeting.

---

1. Maybe 1/3 approximately? For individual permits closer to 75%.
2. We encourage them certainly. No specific policy or procedure to increase. We do have an employee assigned as a POC to schedule and have a website portal where someone could schedule.
3. Having the PADEP pre-app form is a good template to request ahead of time.
4. We do not and I have specifically asked BOD/Heather that we not do this – it creates another layer of tracking/admin time I'd like to avoid. Best to just capture in permit review fees is my perspective.
5. I think a review discount would be a really powerful way to make more people come in for pre-apps if you really want to get #'s up. Maybe some blanket amount? $100 off review fee?
6. We are not PCSM delegated. I would say roughly half of our meetings involve PADEP? The region does send us their weekly pre-app schedules and we can reach out to attend. We also sometimes invite them directly to meetings we schedule if we think it is needed – MRC, JPA, specific cross-program questions, etc.

		2023	Q1 2024	Goal
NPDES First Completeness Review	Count	132	40	Bus. Days
	Average	37	25	15
	Max	100	53	15

		2023	Q1 2024	Goal
General NPDES First Tech Review after deemed Complete	Count	107	12	Bus. Days
	Average	23	21	22
	Max	88	44	22

		2023	Q1 2024	Goal
Individual NPDES First Tech Review after deemed Complete	Count	13	5	Bus. Days
	Average	27	25	47
	Max	79	52	47

		2023	Q1 2024	Goal
First E&S Plan Review	Count	157	32	Cal. Days
	Average	24	25	30
	Max	95	54	30

Meets Goal	
Does Not Meet Goal	