

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
ALLEGHENY COUNTY CONSERVATION DISTRICT  
AND  
\_\_\_\_\_ Municipality  
(Municipality Name)**

WHEREAS, the Allegheny County Conservation District, hereafter referred to as “ACCD,” and \_\_\_\_\_ Municipality, hereafter referred to as Municipality, have common areas of responsibility in serving the citizens of “Municipality” and

WHEREAS, there are common areas of work that require communication and support of each of these parties to the other party, and

WHEREAS, the District and the Municipality desire to formalize their interactions in relation to common programs and responsibilities, and

WHEREAS, this Memorandum of Understanding will serve as a foundation for a cooperative and mutually beneficial working relationship between the District and the Municipality,

NOW THEREFORE, the parties agree to jointly enter into this Memorandum of Understanding. The Memorandum of Understanding has seven component parts as listed herein:

- I. Erosion and Sediment Pollution Control/NPDES for Stormwater Discharges Associated with Construction Activities - Chapter 102**
- II. Water Obstructions and Encroachments - Chapter 105**
- III. NPDES Municipal Separate Storm Sewer Systems - MS4**
- IV. Agricultural Related Activities**
- V. Watershed Program**
- VI. Dirt and Gravel/Low Volume Roads Program**
- VII. Data Collection and Information Systems**
- VIII. Execution**

# **I. Erosion and Sediment Pollution Control/NPDES for Stormwater Discharges Associated with Construction Activities - Chapter 102**

## **PURPOSE**

Erosion and the resulting deposition of sediment in our waterways is the primary pollutant by volume of our streams. Minimizing erosion and sediment pollution of our streams requires initiatives at all levels of government. The purpose of this Memorandum of Understanding (MOU) is to:

- Serve as a joint commitment to control erosion and prevent sediment pollution to the waters of the Commonwealth, which may result from the conduct of earth disturbance activities
- Serve as a basis for stating the role of each party in administering Municipal ordinances in relation to erosion and sediment (E&S) pollution control.

## **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities and within the scope of its Delegation Agreement with the Pennsylvania Department of Environmental Protection (DEP), administer and implement the Commonwealth's Erosion and Sediment Control Program (Chapter 102) as follows:

## **RECORDS, RESOURCES, MATERIALS, AND DOCUMENTS**

- a. Provide to the Municipality a schedule of plan review fees via the ACCD website. ACCD will provide notification of any change in the plan review fee schedule and provide updated forms and educational materials in a timely manner via the website.
- b. Make available on the ACCD website National Pollutant Discharge Elimination System (NPDES) permit applications and related worksheets, checklists, and other forms and documents necessary to successfully prepare an E&S plan as well as non-NPDES applications for discharge of stormwater from construction activities. Municipalities are encouraged to provide links to the ACCD website from municipal websites. This activity provides additional outreach and satisfies relevant MS4 requirements.
- c. Serve as a repository for all erosion and sediment control plans, permit applications, plan and permit reviews, complaints, inspection reports, correspondence, and other materials and documents concerning the conduct of earth disturbance activities permitted or approved under the municipal ordinance in keeping with the PA DEP records retention protocols and public information policies.
- d. Maintain a filing system, in accordance with DEP's Records Retention Policy, that is available for review under formal or informal Right to Know procedures (also found on the ACCD website).

## **PLAN REVIEWS AND PERMITTING**

- a. Receive all applications and Erosion and Sediment Control Plans required by NPDES permitting regulations and complete administrative and technical reviews within time frames established by DEP.
- b. Receive all E&S plans required by municipal ordinance or submitted voluntarily, and complete reviews of the plans within time frames established by ACCD.
- c. Provide copies of the stamped permits to applicants and to the Municipality.
- d. Within 10 calendar days of a review action, forward to the Municipality, applicant and/or responsible party:

1. Notice of NPDES permit decisions including permit and plan approvals and renewals, deficiency letters, denials and withdrawals.
2. Notice of E&S plan decisions where NPDES permits are not required including approvals and deficiency letters.

## **INSPECTIONS**

- a. ACCD will inspect earth disturbance activities to ensure that the approval, implementation and maintenance of the E&S plan, and E&S practices are in compliance with the NPDES program and Chapter 102 regulations.
- b. Inspections will be performed:
  1. At a minimum, in compliance with DEP inspection schedules for permitted projects.
  2. At the request of the Municipality.
  3. Within 8 calendar days of receipt, in response to a complaint from the Municipality or the public
  4. Routinely, as time, workload, or staffing resources may allow.
- c. Within 8 business days of completion, ACCD will forward to the Municipality and applicant (or responsible party) inspection reports resulting from complaint investigations and other inspections.
- d. If voluntary compliance cannot be achieved, ACCD will initiate enforcement actions within the scope of the delegation agreement between ACCD and the PA DEP.

## **MUNICIPAL ASSISTANCE**

- a. ACCD will assist the Municipality with environmental problems, permit applications, and resource management issues within the scope of ACCD's role under the NPDES and Chapter 102 program. ACCD will enlist assistance from cooperating agencies when appropriate.
- b. ACCD will invite the Municipality to all appropriate educational events.
- c. At the request of the Municipality, ACCD will review appropriate sections of municipal stormwater management, subdivision and land development ordinances, and make recommendations for consistency with current Chapter 102 regulations and NPDES permit requirements.

## **MEETINGS**

- a. ACCD staff, at the request of the Municipality, will meet with municipal representatives to provide information or to discuss issues related to NPDES permitting and Chapter 102 regulations.
- b. ACCD staff, where appropriate, will notify the Municipality of site meetings related to inspections, violations, or complaints and invite the Municipality to attend these meetings.

## **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall provide the following:

### **1. RESOURCES AND INFORMATION**

- a. Inform those involved with earth disturbance activities of any Erosion and Sediment Pollution Control and NPDES permitting requirements involving municipal ordinances.
- b. Provide contact information for ACCD staff to the public (refer to website).

- c. Retain correspondence from ACCD in keeping with record retention schedules such as copies of inspection reports, permit authorizations, denials and withdrawals, notices of violation, E&S plan approvals, and other correspondence.
- d. Provide ACCD with changes to its contacts as to where the Municipality would like copies of correspondence sent.

## **2. NOTICE AND REFERRAL TO THE DISTRICT**

ACCD shall perform the following on behalf of the municipality (check one):

Review E&S plans with an earth disturbance from 5,000 square feet up to 0.99 acres in addition to reviewing permit applications for projects with an earth disturbance of one acre or more.

Review permit applications for projects with an earth disturbance of one acre or more.

- a. Forward complaints involving earth disturbance activities to ACCD within 10 calendar days of receipt for inspection.
- b. Forward all questions related to the preparation of E&S plans and NPDES permit applications to ACCD.
- c. Forward to ACCD a consistency letter to confirm that projects meet the intent of the Municipality's stormwater ordinance.

## **3. MUNICIPAL APPROVALS AND ACTIONS**

- a. Before issuing any permits or approvals, with the exception of local stormwater approvals, require evidence of an issued Individual NPDES permit, authorized General NPDES permit, or approved E&S permit (if required), or an approved E&S plan where municipal regulations require an approved E&S plan (where NPDES or E&S permits are not required). Per Section 102.43, Municipalities may not issue building or other permits to applicants proposing earth disturbance activities requiring a permit under Chapter 102 without that permit being issued.
- b. Where violations of Chapter 102 or NPDES permitting regulations are discovered, cooperate with ACCD to document and resolve the violations. Cooperation may entail providing access or copies of approved subdivision or land development plans, issued permits, review comments, revocation of municipal permits, and other reasonable measures legally and practically available to the Municipality.
- c. Encourage the preservation and responsible use of all of Allegheny County's natural resources.

## **II. Chapter 105 – Water Obstructions and Encroachments**

### **PURPOSE**

Pennsylvania's Chapter 105 program regulates obstructions and encroachments to waterways, their 100 year floodways, and wetlands in the Commonwealth. It also establishes the thresholds for permitting requirements for encroachment or obstruction activities to jurisdictional waters and wetlands. The regulations also specify for requirements related to dam and floodway activities. This section of the MOU establishes the delegation authority for the Chapter 105 program given to ACCD by PA DEP.

### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities and within the scope of its Delegation Agreement with PA DEP, administer and implement the Commonwealth's Chapter 105 program.

#### **1. RECORDS, RESOURCES, MATERIALS and DOCUMENTS**

- a. Provide to the Municipality a schedule of Chapter 105 application fees and sufficient quantities of all necessary forms via the ACCD website. ACCD will promptly notify the Municipality of any changes in the application fees.
- b. Make available on the ACCD website information and materials related to the Chapter 105 program. Municipalities are encouraged to provide the link to ACCD website on their own municipal website.
- c. Serve as a repository for all Chapter 105 General Permit applications and associated E&S plans, inspection reports, complaint information, and other materials and documents concerning the conduct of encroachment and obstruction activities related to the Chapter 105 program.
- d. Maintain a filing system, in accordance with DEP's Records Retention Policy and public information policy, that is available for Municipality review.

#### **2. CHAPTER 105 GENERAL PERMIT REVIEW & PERMIT ACKNOWLEDGEMENT**

- a. Receive all Chapter 105 General Permit numbers 1, 2, 3, 4, 5, 6, 7, 8 and 9 applications (and corresponding fees) for review. Applications will be processed within timeframes established by DEP.

#### **3. INSPECTIONS**

- a. ACCD will periodically conduct inspections of acknowledged Chapter 105 General Permits 1-9 to ensure compliance with permit conditions and Chapter 105 regulations.
- b. ACCD will conduct on-site investigations of complaints regarding both permitted and illegal water obstructions and encroachments, with the exception of dams, flood control structures constructed, owned (or maintained by a governmental unit), and commercial dredging activities.

#### **4. MUNICIPAL ASSISTANCE**

- a. ACCD will assist the Municipality with environmental problems, permit applications and resource management issues within the scope and resources of ACCD's role under the Chapter 105 program. ACCD will enlist assistance from cooperating agencies when appropriate.
- b. ACCD will provide an invitation to the Municipality to all appropriate educational events.

#### **5. MEETINGS**

- a. ACCD staff, at the request of the Municipality, will meet with municipal representatives to provide information or to discuss issues related to the Chapter 105 regulations.

- b. ACCD staff, where appropriate, will notify the Municipality of any site meetings related to inspections, violations or complaints and invite the Municipality to attend these meetings.

### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall provide the following:

1. Refer residents to ACCD when they have questions on permitting or earth moving activities related to streams, wetlands, ponds, springs, or other waters regulated under Chapter 105.
2. Distribute fact sheets and other educational materials provided by ACCD.
3. Retain copies of correspondence in keeping with records retention schedules from ACCD pertaining to the Chapter 105 program for municipal purposes.
4. Forward any complaints related to the Chapter 105 program to ACCD within 10 calendar days of receipt.
5. Provide ACCD with changes to its contacts as to where the Municipality would like copies of correspondence sent.

### **III. NPDES Municipal Separate Storm Sewer Systems - MS4**

#### **PURPOSE**

Most Municipalities in Allegheny County and the County itself are subject to NPDES permit requirements for Municipal Separate Storm Sewer Systems (MS4). The purpose of this agreement is to coordinate, where possible and desirable, the activities of the Municipalities and the County associated with MS4 permit requirements. While not all requirements lend themselves to coordination, several of the requirements are such that coordination could result in decreased compliance cost and greater efficiency for both the Municipality and County. The following details the municipal and ACCD responsibilities by Minimum Control Measure (MCM).

#### **MCM 1 – PUBLIC EDUCATION AND OUTREACH**

##### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities:

1. Distribute an educational publication to developers, contractors, farmers, or other stakeholders in Allegheny County once per permit year at minimum.
2. Maintain on the ACCD website information related to stormwater regulations, educational materials, and resources. It is recommended that Municipalities provide a link from the municipal website, if available, to the ACCD website.
3. Annually, no later than 30 days after the end of the permit year, provide a summary to each regulated Municipality of the above activities and any other educational activities conducted by ACCD that would be applicable for MS4 permit compliance. Include, where possible, copies of the educational materials, the dates distributed, and a summary or list of those the material was distributed to in the summary.

##### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Where practical and applicable, notify ACCD of opportunities or ideas for joint educational opportunities that ACCD might host to help fulfill MS4 requirements.
2. Where practical and applicable, notify ACCD at least 30 calendar days in advance of municipal public outreach events where ACCD could play a role in providing public outreach.

#### **MCM 2 – PUBLIC PARTICIPATION**

##### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Convene a relevant public participation event in Allegheny County, once per permit year at minimum.
2. Annually, no later than 30 days after the end of the permit year, provide a summary to each regulated Municipality of the above activities and any other public participation activities conducted by ACCD that would be applicable for MS4 permit compliance.

##### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Where practical and applicable, notify ACCD of opportunities or ideas for joint activities that ACCD might host to help fulfill MS4 requirements.

2. Where practical and applicable, notify ACCD at least 30 calendar days in advance of municipal public outreach events where ACCD could play a role in providing public outreach.

#### **MCM 4 – CONSTRUCTION SITE STORMWATER MANAGEMENT DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities:

1. Meet all of its responsibilities listed in the E&S section of this MOU.
2. Annually, no later than 30 days after the end of the permit year, provide a summary to each regulated Municipality of ACCD activities conducted in the Municipality. The summary will include:
  - a. The number of sites inspected and the number of inspections conducted.
  - b. The number of complaints received, the number of inspections conducted in response to complaints, and the number of complaints referred to other parties.
  - c. The number of enforcement actions taken.
  - d. A list of NPDES permits issued with the date of issuance, expirations and permit number
  - e. The number of E&S plans reviewed.

#### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. The Municipality will meet all of its responsibilities listed in the E&S section of this MOU.
2. Retain all correspondence from ACCD in keeping with the records retention schedule including copies of inspection reports, permit authorizations, notices of violation, E&S plan approvals and other correspondence needed by the Municipality for MS4 documentation purposes.
3. Provide copies of ordinances related to stormwater management, erosion and sediment control and illicit discharges within 30 days of adoption.

## **IV. AGRICULTURAL RELATED ACTIVITIES**

### **PURPOSE**

To conserve the agricultural resources of Allegheny County, by educating local Municipalities and the public. This document encompasses but is not limited to, Nutrient Management, erosion control on farms, and compliance related topics.

### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD serves as a source of technical assistance, resources, and leadership relating to agricultural farming. The following are applicable to Municipalities across Allegheny County:

1. Ensure that each farmer has a Manure Management Plan (Chapter 91.36) developed for every farm that produces or applies manure on its ground, with no limit on size or scope of operation. Once the farm size reaches certain thresholds based on livestock, further considerations for nutrient management may be required (such as Act 38 or CAFO). These plans must be available upon request for review from the operator on site/landowner, but are not required to be submitted for review or approval.
2. Administer the State's Act 38 program (also known as the Nutrient Management Law). ACCD staff reviews nutrient management plans and conducts onsite yearly status reviews relating to nutrient application. The act states that "concentrated animal operations" will be required to develop and maintain a nutrient management plan. Concentrated animal operations (CAOs) are defined as agricultural operations where the animal density of all livestock on the farm exceeds 2 animal equivalent units (AEUs) per acre on an annualized basis. The definition includes all livestock, including nonproduction animals such as horses used for recreation and transportation. An operation with less than 8 AEUs is not considered to be a CAO regardless of the animal density.
3. Oversee 25 PA Code Chapter 102.4(a) (Erosion & Sediment Control) relating to agriculture operations. Chapter 102.4 requires all farming operations that disturb at least 5,000 sq. ft. to have a Conservation Plan or an Agriculture E&S plan developed and implemented. This also includes no-till planting, as well as Animal Heavy-Use Areas (AHUAs) where at least 5,000 sq. ft. of earth is disturbed. These plans must be available upon request for review by ACCD from the operator on site/landowner, but are not required to be submitted for review or approval.
4. Conduct complaint investigations regarding nutrient and sediment pollution events.
5. Provide the Municipality with related resource materials at the request of the Municipality.

### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, within the limits of its capabilities and available resources, the Municipality shall:

1. Forward to ACCD any agricultural complaint relating to, but not limited to nutrient pollution and sediment pollution.
2. ACCD highly recommends that the Municipality require development of these plans before building permits for agricultural operations are approved. The Municipality should not release permits to agricultural operations, until those landowners can produce a Nutrient or Manure Management Plan AND Conservation (or Agriculture E&S) Plan.
3. Make available to the public any educational materials provided by ACCD.

## **V. WATERSHED PROGRAM**

### **PURPOSE**

ACCD's Watershed Program goals are to educate, create, and foster grassroots volunteer watershed efforts, monitor water quality, and serve as a resource on all things water related in Allegheny County. The Watershed staff should be used as a resource by community members, businesses, schools, and especially Municipalities. The Watershed staff can help Municipalities address issues such as stream water quality, wetlands, pond management, stormwater education, groundwater recharge, and volunteer conservation efforts among many others. An important job of the Watershed staff is to help remove local streams from the state's list of impaired waterways, which can be accomplished by combining the efforts of ACCD, surrounding landowners, businesses, and the Municipality. This MOU helps to define how ACCD and the Municipalities can work together to achieve all of these goals.

### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities:

1. Help to keep the Municipality informed of local watershed associations/group activities within its jurisdiction. The types of activities these organizations conduct can assist Municipalities in their MS4 requirements (i.e. public education and public participation).
2. Provide copies of resource and educational materials ACCD may create on topics such as stormwater management, riparian buffers, floodplains, groundwater recharge, water conservation, backyard conservation, and other natural resource issues.
3. Provide current and useful information on the ACCD website that the Municipality can use on how to protect water resources (i.e. local watershed plans, lists of volunteer watershed groups, stormwater action plans, electronic versions of educational publications, and a host of other useful tools).
4. Assist the Municipality with watershed or water quality/quantity issues and permit applications that fall within ACCD's area of expertise. ACCD will enlist the services of cooperating agencies when necessary.
5. Distribute an educational publication to developers, contractors, farmers, or other stakeholders in Allegheny County once per permit year at minimum.
6. Provide the Municipality with watershed technical training opportunities once per MS4 permit year at a minimum.
7. Notify Municipalities of public participation events, as appropriate, 30 days prior to the event.

### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Support local volunteer watershed groups as they devise ways to educate, restore, or improve the local watershed within your Municipality.
2. Inform ACCD of water related natural resource issues.
3. Where practical and applicable, notify ACCD at least 30 calendar days in advance of municipal public outreach events where ACCD could play a role in providing public outreach.
4. Cooperate with ACCD on studies, pilot projects, or surveys related to water resource conservation within the Municipality.

## **VI. DIRT AND GRAVEL/LOW VOLUME ROADS PROGRAM**

### **PURPOSE**

ACCD administers the Dirt, Gravel, and Low Volume Roads (DGLVR) Program in Allegheny County. The DGLVR Program was established to fund projects which promote cost-effective, environmentally sound maintenance practices to correct erosion, runoff, and pollution problems. The mission of the Dirt, Gravel, and Low Volume Roads Program (and therefore the responsibility of ACCD) is to provide education, technical assistance, and funding to minimize the impact of unpaved roads and trails on natural landscapes and hydrology.

### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum, ACCD shall, within the limits of its capabilities, staff the Dirt, Gravel, and Low Volume Roads program for the Municipalities in Allegheny County, including:

1. Provide technical assistance in the identification and prioritization of candidate roadways.
2. Provide technical assistance in the preparation of grant applications and supporting documentation.
3. Provide technical assistance in the execution of the projects.
4. Engage expert guidance from the Penn State Center for Dirt and Gravel Road Studies as needed.
5. Execute the program in keeping with state guidelines in order to ensure continuing access to the funds by the Municipality.
6. Inform the Municipality as to when the grant rounds are open and proposals are being accepted.

### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Ensure that at least one staff or board member attends a no-cost, two-day Environmentally Sensitive Maintenance course presented by the Penn State Center for Dirt and Gravel Road Studies. At least one person must have completed the course within the past five years for the Municipality to be eligible for program funds.
2. Be knowledgeable of the program guidelines and execute programs in keeping with them.
3. Ensure that quality projects are put forward for program grants such that the funds are put to the highest and best use.

## **VII. DATA COLLECTION AND INFORMATION SYSTEMS**

### **PURPOSE**

Data, information systems, and technological infrastructure are prerequisites for providing meaningful analysis, recommendations, insight, and forecasting for future initiatives. As such, both parties acknowledge, support, and promote the foundational importance of data, information systems, and technological infrastructure. This agreement provides the basis for collecting and sharing data amongst the agreeing parties.

### **DISTRICT RESPONSIBILITIES**

In carrying out the intent of this memorandum ACCD shall, within the limits of its capabilities, continue to develop, maintain, support, and use data to perform the duties and responsibilities of our programs and initiatives.

1. Data collected by ACCD will only be utilized to promote clearly definable, mutually supported objectives, functions, programs, and appropriate public uses of data.
2. ACCD will provide appropriate data, imagery, analysis, reports, and insight to Municipalities.
3. ACCD will not use data in any way that misrepresents the integrity, quality, or accuracy of the data collected.
4. ACCD will protect data from unauthorized use by employees or others not associated with this agreement.
5. ACCD will support and maintain the technology infrastructure necessary to perform the duties and responsibilities as outlined in this agreement.
6. ACCD will continue to explore, develop, and recommend emerging information systems that provide value, ease of use, and mutual benefit.

### **MUNICIPAL RESPONSIBILITIES**

In carrying out the intent of this memorandum, the Municipality shall, within the limits of its capabilities:

1. Support ACCD in defining clear, mutually supported objectives, functions, programs, and appropriate public uses of data.
2. Support ACCD in collecting and interpreting relevant Municipal data.
3. Refrain from utilizing ACCD data and analysis in any way that misrepresents the integrity, quality, or accuracy.

Agreeing parties also acknowledge that information and technological systems continuously change and evolve. Any new advances, datasets, or initiatives that push the limits of this agreement may be resolved through the use of addendums.

## VIII. EXECUTION

This Memorandum of Understanding shall become effective only after it has been adopted by vote of the governing bodies of both parties. Signatures must be those of a member of the governing body authorized to sign for the governing body.

This Memorandum of Understanding may be terminated by either party for any reason. Termination of this Memorandum of Understanding must be by certified mail. Termination shall become effective 30 days after receipt of the notice of termination.

This Memorandum of Understanding shall be reviewed periodically by either or both parties and may be amended by mutual consent of both parties.

With the execution of this Memorandum of Understanding any previous Memorandum of Understandings between the Municipality and the District shall be invalid.

This Memorandum of Understanding will be reviewed every three years and, as appropriate, revised and re-executed.

### **ALLEGHENY COUNTY CONSERVATION DISTRICT (To be signed in approval upon return)**

By (Digital Signature):

Date:

\_\_\_\_\_ **Municipality** (Please sign and return to ACCD)

By (Digital Signature):

Title:

Date: