

STATEMENTS OF POLICY

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 83]

State Conservation Commission; Amendments to Chesapeake Bay Nonpoint Source Pollution Abatement Program

The State Conservation Commission (Commission), under the authority contained in the Conservation District Law (act) (3 P. S. §§ 849—864) amends Chapter 83, Subchapter C (relating to Chesapeake Bay Nonpoint Source Pollution Abatement Program—statement of policy) to read as set forth in Annex A. These amendments will provide the opportunity to advance funds for employment and associated costs for technical personnel employed by conservation districts to provide assistance in implementing the Commonwealth's Chesapeake Bay Nonpoint Source Pollution Abatement Program (Program).

A. Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information, contact Karl Brown, Executive Secretary, State Conservation Commission, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 (717) 787-8821. Persons with a disability may use the AT&T Relay Service by calling (800) 654-9584 (TDD users) or (800) 654-5788 (voice users) and request that they relay the call. In support of the Commission, the Department of Environmental Protection (Department) has made this proposal available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The revisions to the guidelines are authorized under sections 4(1), (5)(c) and (6) of the act (3 P. S. §§ 852(1), (5)(c) and (6), which establishes the Commission and grant it the power to approve conservation district programs and allocate funds as it deems appropriate.

D. Background

Conservation districts administer the Chesapeake Bay Program at the local level. They provide technical assistance to landowners for the implementation of agricultural best management practices. Costs for technical personnel are reimbursed to conservation districts by the Commission. Providing timely funding for salary expenses incurred by conservation districts for their staff time to implement the program is proving to be increasingly difficult. All payments currently are made on a reimbursement basis each quarter. Actual reimbursement occurs approximately 5 months following the initial costs to the conservation district. This process is causing serious cash flow problems for some conservation districts. At its March 14, 1996, meeting the Commission approved proposed amendments to its statement of policy to provide the opportunity to advance funds to conservation districts for employment and associated costs of technical personnel to implement the Chesapeake Bay Nonpoint Source Pollution Abatement Program. Advance

payment of no more than one fourth of the contract amount will be made at the beginning of the contract period with the remaining quarterly payments being made on a reimbursement basis. The reimbursement for the 3rd and 4th quarter minus the original advance payment will be used to determine the final payment. Conservation districts were given the opportunity to provide comments on the proposed amendments. On May 8, 1996, the Commission, at its public meeting, formally adopted the revised policy for the Chesapeake Bay Nonpoint Source Pollution Abatement Program.

(Editor's Note: The regulations of the State Conservation Commission, 25 Pa. Code Chapter 83, are amended by amending a statement of policy in §§ 83.132, 83.134 and 83.135 to read as set forth in Annex A.)

JAMES M. SEIF,
Secretary

Fiscal Note: 7-504. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

Subchapter C. CHESAPEAKE BAY NONPOINT SOURCE POLLUTION ABATEMENT PROGRAM—STATEMENT OF POLICY

TECHNICAL ASSISTANCE FUNDING PROGRAM

§ 83.132. Application requirements.

(a) An application for available funds shall be in writing on forms furnished by the Commission. An application shall be received by the deadline established by the Commission for filing the applications.

(b) An application shall describe the problem (why the project is required), purpose and objectives, methods and procedure, summary of requirements—for example, projected completion dates, required personnel, including time allotted for expected work tasks, special services, physical resources and estimated costs—and projected completion date for report of results.

(c) The Commission will execute an agreement with an approved applicant including the terms and conditions for completing work and a budget for submitting reimbursement claims or request for advance payments. Eligible costs incurred by the applicant will include those items determined by the Department to be necessary to carry out the agreement.

§ 83.134. Reporting requirements.

(a) Project sponsors shall report program accomplishments to the Commission in a manner prescribed in the agreement.

(b) Claims for reimbursement or requests for advance payments shall be submitted to the Commission in accordance with the schedule outlined in the agreement. The claims shall show the utilization of funds. Advance

payments will be based on demonstrated need in accordance with the budget outlined in the agreement.

(c) The Commission reserves the right to audit Federal and State project related accounts and records to determine if funds are expended in conformance with the agreement.

(d) Records shall be retained for 3 years following the last payment from the Commission.

(e) A project sponsor shall maintain a separate accounting system for funds received under the Technical Assistance Funding Program.

§ 83.135. Reimbursement procedures and advance payments.

(a) The Commission will not process a program claim for reimbursement or request for advance payment until all reports related to the program are received in the Commission's office.

(b) The Commission will not process a final claim for reimbursement under the agreement until the conditions of the agreement have been met and are acceptable to the Commission. No advancement of funds will be made until final approval of the previous quarterly report of expenditures is given by the Department.

(c) Claims for reimbursement or requests for advance funds shall be filed with the Commission within 15 days of the date prescribed in the agreement showing the utilization of funds in accordance with the approved budget.

(d) Acceptable reimbursement claims or requests for advance funds submitted in compliance with subsections (a)—(c) will be forwarded by the Commission to the comptroller for payment within 15 working days after the claim or request is received in the Commission office.

[Pa.B. Doc. No. 97-445. Filed for public inspection March 21, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 15]

Implementation of Antidegradation Requirements

The Department of Environmental Protection (Department) is holding a public hearing and soliciting public comments on a proposed policy for implementation of antidegradation requirements in the water quality standards program.

The public hearing will be held on May 7, 1997, at 10 a.m. in the 2nd floor auditorium, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA.

The proposed policy contains details of the implementation procedures for the proposed antidegradation regula-

tion at Chapter 93 (relating to water quality standards), which appears at 27 Pa.B. 1459 (March 22, 1997). Included in the procedures are implementation of the chemistry and biology tests that must be met to qualify a water for High Quality and Exceptional Value Waters protection, and procedures for completeness and acceptability of antidegradation evaluation reports submitted to the Department by a person who petitions the Environmental Quality Board for assessment of waters for potential classification as High Quality or Exceptional Value Waters. The Department will evaluate complete reports to determine if the petitioned water qualifies for antidegradation protection.

A copy of the proposed policy is available from Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555 (express mail: Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101-2301), (717) 787-9637. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. The proposed statement of policy is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

Persons wishing to present testimony at the public hearing are requested to contact Mary Houghton, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555 (717) 787-9637 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Houghton directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Comments, suggestions or objections regarding the proposed statement of policy should be sent to Edward Brezina or may be submitted electronically at RegComments@A1.dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Comments must be received by May 21, 1997. Comments submitted by facsimile will not be accepted.

JAMES M. SEIF,
Secretary

(*Editor's Note:* For a proposed rulemaking relating to this notice, see 27 Pa.B. 1459 (March 22, 1997).)

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