

**DOVER TOWNSHIP
BOARD OF SUPERVISORS MEETING
Work Session Minutes
April 12, 2010**

The Dover Township Board of Supervisors held a work session on Monday, April 12, 2010, which began at 6:00 PM in the Meeting Room of the Dover Township Municipal Building. Dover Township Supervisors present were Chairman Curtis Kann, Madelyn Shermeyer, Michael Husson, Duane Hull, and Monica Love. Laurel Wilson, Township Manager; Terry Myers, Township Engineer; Charles Farley, Public Works Director; and Dawn Slegel, Recording Secretary were also present. Atty. Charles Rausch arrived later after the meeting commenced. In attendance were Eric Jordan and Karen Ward from the York County Conservation District. There wasn't any public present.

Chair Kann announced that the York County Conservation District are present to discuss a renewal of the Memorandum of Understanding (MOU).

Eric Jordan and Karen Ward from the York County Conservation District presented a template of the MOU with the option for any changes from the Board. Dover Township signed the last MOU version on March 4, 2003. This memo was prepared for several reasons: 1. To renew the commitment to protect water quality; 2. To help understand the District's role in protecting water quality and erosion/sediment control, and the Federal MS-4 Stormwater Program and the municipality's role so that they can be dovetailed together; 3. Providing written documentation for the EPA meeting those federal requirements; and 4. To meet DEP regulations for the District to develop MOUs with area municipalities. They are trying to coordinate the MS-4 Stormwater Program Regulations through the levels of Federal, State, County, and Local. A template of the updated MOU was provided to the Board for their review. He began explaining the part of the agreement which dealt with the expectations of the municipality. The Township's role consists of: 1. To remind citizens, contractors, developers, builders, and farmers that there are erosion and sedimentation and stormwater requirements. Requirements do exist for the clearing and grubbing of agricultural land over 5,000 square feet and they should be referred to the York County Conservation District; 2. For the Code Official to distribute the District's *Guide to Developing an Effective Erosion and Sediment Control Plan for Single Lot Projects* to building/grading permit applicants on proposed project between 5,000 square feet to .99 acres of earth disturbance; 3. This is not a building permit requirement in Dover Township's Municipal Ordinances to request that the applicant does not begin building without the approval of an erosion and sedimentation plan; 4. The Township must submit all projects proposing 1 acre or more of earth disturbance to the York County Conservation District to determine if an NPDES Permit is required. If this regulation is not followed and the Township issued the approval, the Township would be in violation of Chapter 102.43 according to DEP and is subject to a fine. Mr. Myers stated that this requirement appears as a Township regulation in either the Subdivision and Land Development Ordinances or the Stormwater Ordinances; 5. Meetings should be scheduled for preliminary land development plans with the applicants, the York County Conservation District and the Township Engineer as early as possible to allow them more time to get involved in the process and coincide with the State and Federal requirements; 6. Notify the York County Conservation District within 10 calendar days of any plan revision to the PCSM Plan if the NPDES Permit was already issued by the District; 7. As an MS-4

Work Session Minutes of 4/12/10 - Page 2.

requirement, an engineer review of PCSM plans must be conducted to ensure that DEP water quality requirements have been met and report any revisions to the District; 8. Include the York County Conservation District in any preconstruction and/or scheduled inspection prior to the Township's adoption of streets, final improvements, etc.; 9. The York County Conservation District will only perform inspections during and post construction. Should complaints be reported after completion, it is the Township's sole responsibility; 10. Withhold issuance of any building or other permits or final land development plan approval if applicant has not contacted the York County Conservation District for a NPDES Permit which is the Township's responsibility under Chapter 102.43. If a builder/developer takes over an existing project, the Township must make certain that they have received a co-permittee acknowledgment letter from the York County Conservation District on NPDES permitted sites or withhold building permits or other permits until the co-permittee letter is obtained. The co-permittee acknowledgment letter from the York County Conservation District should be added to the Building Permit Checklist. The York County Conservation District will check into providing an online database of Open Projects throughout York County that are NPDES-permitted to their website. It is the Township's decision whether they choose to withhold the issuance of grading, building, or other permits on the District's request if a responsible party does not comply with Chapter 102 regulations as documented on two or more DEP E & S inspection reports; 11. Alert the York County Conservation District of all third party complaints of earth disturbance activities causing sediment pollution to the waters of the Commonwealth or even potential sediment pollution and also report any earth disturbance projects that have begun without receiving E & S plan and/or NPDES Permit approval; 12. It is the Township's responsibility to handle all stormwater complaints that do not involve earth disturbance activities and to assist the District in getting stormwater issues resolved; 13. The Township needs to comply with Chapter 102/NPDES requirements in their own construction/earth disturbance projects and to lead by example; 14. The Township should provide the District with copies of all current Erosion & Sediment Control /Post Control Stormwater Management Ordinances. The York County Conservation District will review any proposed updates of Township Ordinances for compliance with the State and Federal regulations; 15. Requesting that the Township provide enforcement in the event that the permittee fails to comply with the approve Post Control Stormwater Management Plans.

Atty. Rausch advised that if the violation is determined to be from the Subdivision and Land Development Ordinance, the Township receives financial security which is withheld and then there is also a maintenance bond which are effective enforcement methods.

Mr. Jordan continued reviewing the Memorandum of Understanding regarding the York County Conservation District's responsibilities which consist of: 1. The District will invite the Township Engineer to all scheduled NPDES pre-application meetings; 2. The District will review all E & S plans proposing 1 acre or more of earth disturbance to determine the requirement of a NPDES permit within a 50 calendar day period of submission or 30 calendar days of receiving a revised plan; 3. A technical review is not required by the Township's Ordinances for E & S plan proposing 5,000 square feet to .99 acres of earth disturbance so this item is not applicable; 4. Their technical E & S plan reviews are done in accordance with the District's delegation agreement with the PA DEP,

Work Session Minutes of 4/12/10 - Page 3.

current Chapter 102 regulations, and the most current PA DEP Erosion and Sediment Pollution Control Program Manual. The Township Engineer will review the Township's more stringent E & S Ordinances; 5. The District will provide Dover Township with copies of all administrative and technical plan review deficiency letter to the applicant, E & S plan approval letters, and copies of the stamped approved E & S plans and final PCSM plans. All correspondence to the Township will be through email except for the stamped approved plans; 6. The District will provide Dover Township with the *Guide to Developing an Effective Erosion and Sediment Control Plan for Single Lot Projects* prepared by York County Conservation District as an educational tool; 7. The District has established a web page (www.yorkccd.org) which contains useful information (all forms, the Guide, etc.); 8. The District will hold periodic education workshops on both the erosion & sediment controls and post construction stormwater management with an invitation to area municipalities; 9. The District can withhold issuance of a NPDES permit or a revision to a NPDES permit until the Township's 30-day comment period has expired in compliance with Acts 67, 68 and 127 amending the Municipalities Planning Code. The applicant must notify the Township and they must insure that their plan is consistent with the Township's Zoning and Subdivision and Land Development Ordinances. If the plan is inconsistent, the Township has that 30 day window of time to submit comments to the District and DEP before a formal decision is made by the York County Conservation District.

Atty. Rausch inquired about their procedure of a complaint.

Ms. Ward replied that after the complaint has been received, the District has ten calendar days to respond. If it is an erosion and sedimentation control issue, an inspection is performed and the report is documented. The responsible party is contacted of any violation. She usually attempts to contact them by phone first. They will monitor the situation if corrections are required until the problem has been resolved. The complainant will remain unanimous. If their site inspection is determined to be an E & S but specifically agriculture-related, photos will be taken and a report written and then referred to that department of their District for any further action with the farmer. Stormwater complaints are documented based upon their investigation. The municipality, the complainant, and any other responsible party will all receive copies of their findings. This type of complaint will then become the Township's responsibility. Plus, there may be various miscellaneous complaints which are unfounded.

Atty. Rausch questioned the average amount of complaints received per year.

Ms. Ward responded that they receive between 250 and 300 complaints per year.

Mr. Jordan noted that the Township will not only receive emails of their letters, they will also receive the photographs that were taken and their inspection report.

Supervisor Shermeyer asked about problems with unnamed tributaries and whether they are handled by their District.

Ms. Ward answered affirmatively. They are determined to be Waters of the Commonwealth and must be protected.

Work Session Minutes of 4/12/10 - Page 4.

Mr. Jordan reported that 90% of the streams are unnamed.

Ms. Ward stated that their stream bank restorations specialist is Gary Peacock who knows where to acquire grant money for these types of projects.

Manager Wilson noted that she will notify Mr. Jordan of any revisions needed to the proposed Memorandum of Understanding.

Chair Kann closed the work session at 6:55 PM.

Respectfully submitted by:

Dawn D. Slegel, Secretary