

PA Phase 3 WIP Countywide Action Planning

Tier 3 and 4 County FAQs

Countywide Action Plans (CAPs)

1. How can counties partner with each other to make a regional CAP?

Counties can partner with each other to make a regional CAP by sharing a coordinator to meet county nutrient pollution reduction goals. For example: A group of counties could use their shared coordinator to develop a single CAP that would share goals all counties are trying to meet. If counties work together and write a combined CAP, they may share the load reduction goals among all of the counties. All of the counties could then implement Best Management Practices (BMPs) to meet the combined goal. Alternately, each county in the regional grouping may use the shared coordinator to write individual CAPs for each county and implement BMPs in their individual counties to meet the CAP goal for their individual county.

2. Can a county split their time among groups (and coordinators) to address different issues and different sections of the county?

The goal is to create a CAP that is realistic and implementable by local communities as a county works to meet its nutrient pollution reduction goals. The county and coordinators will be addressing all of the issues that the CAP team identifies as priority initiatives. The CAP lead team may want to form a leadership group to guide the process, and subgroups/action teams with specific focuses to address different issues and sections of the county and the CAP. Regarding the coordinator funds: Multiple individuals may work together, hired internally and/or contracted externally, utilizing the maximum amount of \$100,000 dedicated per coordinator through this state-funded program.

3. Can two counties partner together, or does it have to be three or four in each regional grouping?

There are a total of 10 coordinator positions available for 26 counties, with each position funded at \$100,000. Counties can do groups of two, if that is what they think will work the best. DEP will do our best to accommodate the proposed groupings, given the funding available.

4. Can counties who choose to be regionally grouped take credit for nutrient reductions regionally or is it county-specific?

Counties that develop a singular regional CAP among multiple counties may share the total load from all of the counties participating in the grouping. This means practices could be placed in neighboring counties and credit would be provided toward the overall reduction of the regional grouping. Alternately, if counties write and develop individual CAPs, they would focus on the loading assigned specifically to their county.

5. *Working regionally can require Memorandums of Understanding (MOUs) between counties and/or districts. Is there a template that can be provided to assist in this process and to create continuity among the groups?*

Counties may use existing MOUs as a template (e.g. Nutrient and Manure Management Delegation). Contact your Conservation District Field Representative (CDFR) in Southcentral and Northcentral and the Waterways and Wetlands Program in Northeast for further assistance. The CBO has created a MOU template that the counties can customize. It is available on the [Clean Water Academy](#).

6. *What is the month for CAP project completion in 2025? What month are the annual progress reports due?*

All CAP Best Management Practices must be implemented by December 2025. Annual progress reports are due by September 30th of each year. Every 2 years, both progress reports and milestone updates will be due September 30th. DEP will provide you with a timeline each year that will assist you with tracking due dates.

7. *Is there public review, advertisement requirements for the CAP? Does the Sunshine Act apply to CAP development and adoption?*

DEP does not require any public review or advertisement requirement for the CAP. County partners are encouraged to follow any county-specific requirements and guidance, as this may differ. Since outreach and engagement are key foundational components to successful implementation of CAPs, DEP encourages CAP lead teams to publicly share the CAP with county stakeholders to ensure it fully meets the goals and ensures local buy-in and participation.

8. *Is September 2021 a "hard" due date for CAP development or is that somewhat flexible?*

September 2021 is a hard/firm due date for CAP development. The Tier 3 and 4 CAPs must be included in Pennsylvania's Phase 3 WIP Milestone update to U.S. EPA by December 2021 in order for PA to meet its commitments and avoid further potential backstop action by EPA. In order for DEP's Chesapeake Bay Office to meet the December 2021 deadline, all Tier 3 and 4 CAPs must be completed by September 2021. It's important to remember that the CAP process is adaptable and that CAPs can be updated and changed every two years as counties progress. CAPs should continue to match county needs and goals as the process evolves and as counties see progress.

9. *What is the County Commissioner's role?*

The role that the County Commissioners play in this process depends on the county. Although there is no requirement for County Commissioners to be involved, they are important county leaders who the Tier 1 and Tier 2 counties have found to be excellent advisors and supporters of their CAP planning and implementation efforts. DEP Region Support Teams are available to meet with County Commissioners, as needed, to share information and encourage their support of the CAP process and its goals to improve local water quality, quality of life, property values and recreational activities while addressing local issues such as flooding and impaired streams.

10. Will DEP do the planning for the counties that do not participate in this voluntary process?

DEP will not complete a Countywide Action Plan on behalf of the county. However, the conservation districts will still be required to implement programs and practices, as part of their delegation agreements and contractual obligations. No additional implementation funding will be provided beyond that which is already provided to the conservation districts and other entities within the counties (e.g. Growing Greener, Section 319). No coordinator funding or assistance will be provided to the county.

Right now, this is a voluntary effort for the counties. As was shared in the [Why WIP – The Local Role in Developing a Countywide Action Plan](#) and the “[Dear County Leader Letter](#)” that was sent to all the Tier 3 and 4 county leaders, and the [EPA’s Expectations](#) document, if the U.S. Environmental Protection Agency determines that Pennsylvania is falling short of its clean up responsibilities, it may step in. If this happens, likely consequences include:

- More livestock operations and municipalities subject to federal regulations
- EPA may withhold or redirect funding
- Require additional reductions from point sources, such as wastewater and industrial facilities
- Impose new water quality standards stream-by-stream in Pennsylvania

11. What bearing does the lawsuit Maryland filed against the EPA have on Pas WIP and CAP effort?

We will continue to move forward as planned with implementing our Watershed Implementation Plan and cannot speak to the lawsuits filed with EPA by Chesapeake Bay Foundation or other jurisdictions.

12. What is the role of municipalities with NPDES MS4 permits in the CAP?

The areas targeted in the CAP for BMP implementation include agricultural lands and developed lands outside of areas regulated by MS4 permits. Therefore, municipalities currently regulated by a NPDES MS4 permit are encouraged to take part in the CAP planning process but will not be required to implement additional BMPs beyond the pollutant load reduction obligations in their permit-required Pollutant Reduction Plans (PRP).

13. What is NY doing as it relates to the Chesapeake Bay?

All jurisdictions are required to submit milestone commitments and annual programmatic and numeric progress reports, as well as publishing their commitments and programmatic progress to their state website.

Clean Water Coordinators

14. What is the CAP Coordinator’s role?

The CAP coordinators serve as the point of contact to their assigned county(ies) and are funded through an agreement between DEP and the lead entity/agency of the county planning team. These coordinators provide regular progress updates to the DEP Chesapeake Bay Office CAP coordination team. They support county efforts to develop and implement their CAP(s) by:

- facilitating planning team efforts and coordinating regular meetings;
- facilitating and supporting the development and implementation of the CAP;
- seeking financial resources to support county efforts (grants, partnerships, etc.);
- helping counties with permitting of plan related projects;
- developing and updating county plans and progress as needed;
- submitting annual reports; and
- coordinating the practice verification process within their designated county(ies).

15. Can you provide a list of consultants who are under contract working as CAP coordinators in the Tier 1 and 2 counties?

- Herbert, Rowland and Grubic, Inc. (HRG), Erin Letavic, 717-564-1121, eletavic@hrg-inc.com, Cumberland and Centre Counties
- LandStudies, Mike LaSala, 717-627-4440, mike@landstudies.com, Lancaster, Lebanon and Bedford Counties
- Lancaster Farmland Trust, Jeff Swinehart, 717-687-8484, jswinehart@lancasterfarmlandtrust.org, Cumberland and Lancaster Counties

16. If hiring a consultant as the county(ies) CAP Coordinator, does it need to be a competitive process through an RFP?

The requirements grantees are held to are outlined in the attachments to their CAP coordinator agreement. While there is no state level competitive process for contracting coordinators, depending on the grantee, their county policies may require a competitive process.

17. Can a Council of Governments, watershed group, etc. rather than a Conservation District or County Planning office be the grantee of the CAP Coordinator Grant?

The grantee, with signatory authority on the CAP Coordinator Grant, must be a government entity. Non-governmental entities (such as a watershed group) can be awarded as a contractor or sub-awardee. This does not mean that a non-governmental entity cannot be the lead entity in the CAP development and implementation process. For example, a watershed group or coalition could be the lead partner in the CAP development, and any and all grant monies would be provided through the government grantee partner / sponsor. Additionally, as multiple counties are grouping together with one county government entity as the grant signee, the lead entity for each of those counties can be non-governmental entities (such as a watershed association).

An example of this approach is in Lancaster: Lancaster County Conservation District is the grant signatory, but the Lancaster Clean Water Partners, a coalition of stakeholders in Lancaster that includes the conservation district, is the lead entity.

18. What happens if the coordinator/consulting fee comes back over the \$100,000 amount provided in the grant?

The coordinator grant will only cover up to \$100,000. If the fee for a consultant or in-house hire is greater than that, the county(ies) will need to provide additional funds to close the gap.

19. Is there a match component to the grant?

No. However, matching funds can be used to stretch these grant dollars further. There may be local policies related to match (e.g. conservation district cost-share policies) that the county should ensure they are familiar with.

20. Are the grants set at a \$100,000 amount or can we apply for more or less than that amount for each coordinator position?

Pennsylvania is providing \$1,000,000 in state funds to support 10 CAP coordinator positions (at \$100,000 per position) in the remaining 26 counties. Applicants cannot apply for more, however, applicants can apply for less.

21. When will funds be made available?

Funds to hire CAP Coordinators will be made available to the Tier 3 and 4 counties when the regional groups are identified.

22. Can CAP funding support an existing county or Conservation District grant-funded position?

The CAP funding can support an existing position only if that position is not already being fully funded by state funds (e.g. 50% funded by Chesapeake Bay Technicians and 50% funded by Nutrient Management Technicians).

23. How long does the funding last?

CAP coordinator positions will continue to be funded as long as funds are available. The \$100,000 is for a one-year budget; however, the grant agreements will be multi-year agreements.

24. Will all of the deliverables/work objectives identified in the CAP coordinator grant be required to be met?

Yes.

25. Why are Tier 3 and 4 counties being asked to share a coordinator instead of being given a grant to use as they need/want to?

Due to limited funding and smaller nutrient load reductions than Tier 1 and 2 counties, paired with the experience, information and resources built and collected during the pilot and Tier 2 planning and implementation processes, it was decided that one coordinator position could cover multiple counties with the same impact. Tier 3 and 4 CAP coordinators and lead county partners will have access to an extensive collection of CAP information and resources provided through the WIP State Workgroup recommendations, the CAP Clean Water Academy, previous county CAPs, SRBC and DEP technical support, etc. that the Tier 1 and Tier 2 counties did not have when they began this process two years ago. This experience, and the accompanying information and resources, have been built and developed during the pilot and Tier 2 county phases of planning and implementation and serve to assist Tier 3 and 4 counties in streamlining the CAP process.

Best Management Practices (BMPs)

26. County and Conservation District folks have concerns that all water quality improvements are based on the CAST model and not actual water quality assessments/monitoring.

The Chesapeake Assessment Scenario Tool (CAST) is a modeling tool that all Chesapeake Bay jurisdictions use to predict how we will meet water quality standards associated with the Chesapeake Bay TMDL. CAST uses water quality monitoring data to inform and calibrate the modeled load reductions. The Chesapeake Bay model receives monitoring data from many different partners including DEP, USGS, SRBC, and other partners. The Community Clean Water Technical Toolbox that each county will receive will have more detailed information on how water quality monitoring plays a significant role in the Phase 3 WIP and the model.

27. Are Dirt, Gravel, Low Volume Road projects used in the CAST Model as a BMP for sediment reductions?

Yes, they are counted in the CAST model.

28. Will counties receive credit for educational activities that result in BMP implementation? I.e. Rain Barrel workshops with barrel distribution to participants.

Counties can include educational activities in their CAPs as priority initiatives. Progress is shown toward these initiatives by counties documenting what outreach, events, and activities the county has conducted. The resultant approved BMPs, once verified, will receive credit in CAST. Nutrient and sediment reduction credit is not given unless a project is implemented, verified and reported.

29. Can all project types be included in the CAP? Including those that are located within an urbanized, who might be an MS4?

The CAP is a comprehensive plan that will include all water quality initiatives that are implemented in your county. This includes incorporating the initiatives being implemented in the MS4 urbanized area as part of the Pollutant Reduction Plans.

30. If BMPs that are identified in the CAP have already been implemented, how far back can we include these BMPs for reduction credit?

When reporting Best Management Practices, it is important to report all practices that are implemented on the landscape. This means there is no cutoff date for how far back you can back report a practice. Reporting new practices is important to attain credit and record keeping of new practices. For existing practices, practices must be reverified overtime to ensure the practice is still functioning. For example, agricultural BMPs implemented through the Chesapeake Bay Special Projects program had been previously reported as “new” when first installed but should be tracked in the PracticeKeeper system in order to ensure that those BMPs continue to be documented as functioning. Through reverification we account for the practice as still functioning and therefore renew the credit duration for a particular practice. Each practice is assigned a lifespan ranging from 1 year to 25 years, and when the lifespan of that practice expires, we must reverify and rereport that practice for additional crediting. This is why we do not assign a cut off dates for how far back practices can be reported.

31. What PracticeKeeper data entries will be required as part of the CAP development and implementation?

As part of the CAP planning process, you will identify what additional effort may be needed for data tracking and reporting. Where this effort intersects with Ag. BMPs, this will require PK data entry because Ag. BMPs will be entered through the PracticeKeeper Database.

However, this does not necessarily mean that this additional work will be completed by existing CCD employees. As part of the CAP planning process, you will identify resource needs to implement the plan and this may include staff time to complete this work.

32. How are BMPs reported to DEP? What tools are available?

PracticeKeeper (PK) is used for reporting agriculture BMPs by the County Conservation District staff, County Planning staff, and Agricultural Contractors. Each County Conservation District has a PK license/log-in for Agricultural BMP reporting through PK. County CAP teams should work with their county Conservation District to report Agricultural BMPs. The BMPs reported by the agricultural contractors, Team Ag and Larson, are reported into PracticeKeeper. Each year we submit the BMPs that have been reported into PracticeKeeper to EPA/CAST.

FieldDoc is used by the Countywide Action Plan (CAP) Coordinator and those trained by the CAP Coordinator. The focus of FieldDoc is for urban BMPs and select Ag BMPs *not* part of state or federal agencies cost shared grants and/or permitting/regulatory programs.

For example, a local watershed group plants trees with no state agency funding – this is reported to FieldDoc and then DEP reports the BMPs to EPA/CAST. The Chesapeake Bay Foundation's Keystone 10 Million tree program is reporting directly to DEP so these should *not* be entered into FieldDoc

33. When past Ag E&S plans and Manure Management Plans are entered into PracticeKeeper, will it be added to the CAST Model and contribute to a counties CAP nutrient reduction goals? Or will the CAST Model only count plans that are developed and entered into PracticeKeeper from this point forward?

Ag. E&S Plans are counted as Soil Conservation and WQ Plans which are a 10-year practice. DEP is inspecting our non-CAFO, non-CAO operations once every 10 years, we are reporting these directly from the verified Ag. E&S Plans as part of the CBAIP program. The nutrient and sediment reductions associated with the BMPs in Ag. E&S Plans will be credited and are not otherwise captured in CAST; however, the reductions associated with the Ag. E&S Plan itself is currently captured in other ways. This may change in the future as the universe of Ag. E&S Plans known to meet program requirements grows in the PK Database, so please keep adding them.

- To assure the most recent verification date is captured and appropriately restarts the credit duration of the implemented BMPs in these plans, the county should add an inspection instance with the date of the plan walk as the performed on date for each implemented BMP verified during the writing of the plan.

- There are plenty of other reasons to get historic Ag. E&S Plans into the database including being able to target outreach, BMP implementation efforts, and grant applications to where planned BMPs are known.

For Manure Management Plans (MMPs) Core N and the associated Supplemental NM BMPs are annual practices and the MMPs entered into the NMP Module of PK are incorporated into DEPs known universe of verified MMPs. The MMPs verified through the CBAIP are considered an inspected subset of those plans. Efforts on entering MMPs is two-fold:

- Enter as many MMPs and NBSs as you have verified or written in the PK database so that DEP can continue to expand our universe of plans that meet program requirements.
- Please check MMP records during your CBAIP inspections (and enter that information in PK as part of the inspection program) so that we can verify that those plans are being implemented and increase our percent compliance with MMPs.

Doing these two things will drastically increase the amount of Core N and associated Supplemental NM BMPs being reported and credited in their counties.

34. What reporting platform will be the standard when the counties begin to implement their CAPs?

PracticeKeeper will be the reporting platform for all agricultural related projects. FieldDoc will be utilized to report unreported stormwater practices and to view transparent progress. If a project is funded through a state or federal grant program, or as a part of an MS4, it will continue to be reported through its respective program.

35. How will FieldDoc be updated to easily report BMPs from the CAP?

The Data Tools Review Team workgroup has been reviewing and modifying FieldDoc to improve overall usability. This team is comprised of stakeholders from county coordination teams as well as from state agencies. FieldDoc is a priority and will continue to be enhanced to meet the needs of our local partners.

36. How will PracticeKeeper be updated to include all BMPs – urban, natural, and agriculture – so that they can be reported and tracked?

BMPs can be added to PracticeKeeper. If a BMP is not in PracticeKeeper currently, and a user would like to track that BMP in PracticeKeeper, please contact DEP so that we can determine the appropriate workflow to record that BMP.

37. Are 102 Stormwater BMPs being reported to the model?

Yes, DEP currently receive Chapter 102 permitted practices from the program that are reported each year. These BMPs are submitted to EPA for crediting.

38. How can potential inaccuracies in the Toolbox be addressed throughout the development of the CAP?

The toolbox provides a baseline of information that is available through the Chesapeake Bay Model (CAST) and other resources that we have available to us. Through the CAP development process you will have the ability to improve reporting of existing BMPs and future BMPs. Many of the other graphics are reliant on information from land use analysis, water quality monitoring, and census data. These graphics are updated periodically based on availability of the data. These graphics will not be updated through the CAP process. So through the CAP process you have the ability to improve the existing reporting of BMPs.

39. Will the minimal loading counties (Wayne, Wyoming, Carbon, McKean, Elk, Cameron, Jefferson, Indiana, and Somerset) report BMP's and projects to DEP to be entered into the CAST model?

Yes

Funding

40. Can funding be used to hire grant writers?

Yes, this is part of the CAP coordinator job description.

41. Will Bay Special Projects funding be brought back for this project?

Special Projects as we know it will not be brought back. Instead, the CAP Implementation funding program will take its place and will provide block grant funding to counties to implement projects in support of their CAPs with a focus on maximizing nutrient reductions. CAP Implementation funding was provided to the pilot counties who requested it last year, and is now also being offered to Tier 2 counties who are finalizing their CAPs. The block grant concept allows counties to spend as their CAPs indicate and spend on projects that they prioritize to maximize nutrient reductions.

42. As CAP development is a group process, will implementation funding be distributed to each individual county, or as a lump sum to the group?

We are actively considering the distribution of CAP Implementation Grant funding for Tier 3 and 4 Counties, and are open to further discussion with the Region CAP Support Teams and counties as to the best means of allocating/distributing these funds once the CAPs are completed.

43. Can the CAP Coordinator funding be extended for implementation?

No. CAP Coordinator funding is to be spent on coordinator positions only.

44. Is there a list of funding sources for the pilot counties that are implementing their CAPs?

There are a wide variety of funding sources available, and counties are also finding additional funding sources as they build teams and coalitions in support of their CAP. To see descriptions and links of some of the funding sources available to CAP counties, please visit:

<https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/Pages/Funding-Opportunities.aspx>

- Example funding / incentive opportunities
 - Phase 3 WIP Chesapeake Bay CAP Implementation Grants
 - NFWF grants
 - Growing Greener
 - REAP tax-credits
 - Agrilink low-interest loans
 - Conservation Excellence Grants
 - PennVEST
 - NRCS Funding – EQIP, RCPP
 - EPA Most Effective Basin (MEB) Funds

Common Concerns – derived from the Tier 1 and 2 county experience

45. Capacity and Resources: “We are strapped right now and don’t have the people or the resources to do extra work.” and “We have a lot on our plate and not enough time for this.”

The DEP Chesapeake Bay Office (CBO) and its Region Support Teams are here to help you. They are one of your partners in your CAP development and implementation. The CBO provides data and outreach materials, technical assistance, tools, and training needed for county outreach and CAP planning and implementation. The CBO provides funding to support County Clean Water Coordinators at the county or regional level (varies by Tier) to support CAP planning and implementation efforts. They also serve as a direct line of communication between you and the Phase 3 WIP Action Leaders who are committed to assisting local partners in their CAP efforts.

The CBO is taking steps to make sure counties and local partners are equipped with the resources needed to successfully develop and implement their CAPs. You and your CAP team know what is happening at the local level and have on-the-ground knowledge of who to reach out to and who needs to connect to whom. Counties will use this knowledge to leverage existing partnerships, build new relationships, work with local organizations/businesses, and find local champions.

This is a countywide plan that requires significant engagement and input at the county level, but no one person is responsible for doing this work. It is a team effort, and CAPs should leverage existing resources and support existing goals whenever possible. CAPs serve as a catalyst to bring together all of the good work and programs going on, while also identifying other county-based needs to improve water quality in local waterways.

46. Funding and Budgets: “We don’t have funds in our current budget for this.” And “How much is this going to cost.”

Funding challenges are familiar territory for governments and nonprofits. The Pilot and Tier 2 counties found that some existing projects fit within their CAPs, so new dollars were not needed; they also identified projects and programs that needed funding, and used their CAP as the catalyst to seek funding and resources.

Pennsylvania has dedicated a large chunk of dollars to support CAP development and implementation. This includes funds for counties to hire staff to coordinate CAP planning and

implementation efforts. Funds have also been created and set aside to support on-the-ground projects with more streamlined funding approaches.

In addition to state funds, many organizations have funds available to support a wide variety of clean water efforts. County CAP partners are on the front line as these opportunities become available and they receive communications as these funding sources are identified.

As the Pilot and Tier 2 counties worked through CAP planning and began the implementation process, they and their partners continued to come up with a variety of traditional and creative ways to fund their projects. Estimating project costs is an important part of CAP plan development that makes finding funding options easier.

47. Adaptability and Flexibility: "If we put this in writing and aren't able to complete something in our CAP, will DEP penalize us?" and "What happens when we aren't able to do something that is in our CAP?"

CAPs are living documents. The CAP effort is a work in progress. No one can know everything that is needed or anticipate every detail. Change is expected as you implement your CAP and see results or challenges come up. It is expected that each CAP will change over time to fit each county's current situation. Priorities may change as your county gets closer to reaching its pollution reduction goals. In fact, DEP encourages each county to track and evaluate efforts to see what works, what doesn't, and how the plan can evolve based on lessons learned.

48. Reporting and Data: "The data doesn't tell the real story. We've done so much more and it hasn't been documented." And "If we were able to report our own projects, you'd see all of the good work our county has already done to clean up our streams."

One of the top priorities for the DEP CBO and the Phase 3 WIP is to make sure that your existing work and projects get counted. We want to know the good work you've already done and see that you get credit for it. There are efforts going on at DEP and beyond to ensure that all practices are counted.

The technical toolbox that the DEP CBO provides to each county includes a variety of county-specific surface and ground water data. It should be used as a starting point for each county to identify ways to improve local water quality and reach your county's clean water goals.

There are also a lot of other technical tools, data and resources available from other organizations. Those tools can be helpful, and the DEP CBO technical team can assist county CAP teams with ways to add other tools that may fit your local situation.

49. Permitting: "It takes so long to get permits. That's why we can't get projects completed." And "How can we get permits for the projects we put in our CAP?"

Permitting can take time. The DEP's Regional Office staff is committed to working with county partners on ensuring the smoothest possible permitting process. As projects are being considered as part of your CAP, you are encouraged to schedule a visit with the DEP regional permitting office in advance to discuss the project, let them know this is part of your CAP, review required paperwork,

and identify any potential issues they see in advance. A little work up-front will save time down the road--and your CAP helps you to track those needs as you identify projects you want to implement.