

DIRT, GRAVEL, AND LOW VOLUME ROAD MAINTENANCE PROGRAM - STATEMENT OF POLICY

Approved as final by action of the State Conservation Commission on January 17, 2018.

Section 1. Purpose. It is the intention of the Commission to provide local governments and other eligible entities with funds to:

(a) Fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(b) Establish a dedicated and earmarked funding mechanism that provides streamlined apportionment to the county level and enables local officials to establish fiscal and environmental controls.

(c) Fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved and have an average daily traffic count of 500 vehicles or less. Provide training to road crews on techniques of dirt, gravel, and low volume road maintenance which minimize negative environmental impact.

(d) Conduct demonstrations of new and innovative techniques of dirt, gravel, and low volume road maintenance to assist in training of road crews and educate the public on this matter.

Section 2. Definitions. The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act - The act of November 25, 2013, P. L. 974, No.89 (75 Pa.C.S. § 9106).

Advisory Workgroup - Advisory workgroups established by the Commission to assist and advise the Commission on the implementation and administration of the program.

Center - Center for Dirt and Gravel Road Studies at Penn State University

Commission - The State Conservation Commission created by the Conservation District Law (Act of May 15, 1945, P.L. 547, No. 217, as amended July 7, 2006 (P.L. 1059, No. 110) and subsequently amended July 9, 2008 (P.L. 986, No. 75) (3 P.S. §849 et seq.)).

Cooperating organization - An organization approved by the Commission to assist in implementing the act.

District - A conservation district as defined in the Conservation District Law.

Exceptional value - A stream or watershed which is designated as an exceptional value water under Chapter 93 (relating to water quality standards).

High quality - A stream or watershed which is designated as a high-quality water under 25 Pa. Code Chapter 93 (relating to water quality standards).

Low volume road - A road that is sealed or paved and has an average daily traffic count of 500 vehicles or less

Performance standards - The administrative policies or technical requirements, or both, adopted by the Commission for the implementation of the Program, including standards that prohibit the use of materials or practices which are environmentally harmful.

Program - The Dirt, Gravel, and Low Volume Road Maintenance Program.

Project area - A designated area where critical sediment or dust, or both, pollution problems have been identified.

Project participant - A municipality or State agency eligible to participate in a Program project under the act.

QAB - Quality Assurance Board-The administrative board impaneled by a district to administer the Program locally, under 75 Pa.C.S. § 9106(e).

Section 3. Cooperation.

(a) The Commission will encourage cooperation between Commonwealth and Federal agencies, the Center for Dirt and Gravel Road Studies and other organizations which have either direct or indirect involvement in the program to achieve the objectives to reduce pollution originating from dirt, gravel, and low volume roads.

(b) Agencies other than conservation districts will be encouraged to work closely with the appropriate conservation districts to promote local awareness of the projects and to effectuate the purposes of the Program.

Section 4. Apportionment Criteria.

(a) The Commission will apportion the amount of funds for each participating district under the program, based on the act and the criteria in subsection (c).

(b) The Commission may reallocate funds if an agreement cannot be fulfilled by the district, local government, contractor, and agency or cooperating organization.

(c) Apportionment criteria shall be based on the verified need to correct pollution problems related to the road and shall include consideration of the following:

- (1) The total number of miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year.
- (2) The total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.
- (3) Allowances for the local costs of limestone aggregate.
- (4) The commitments of grant applicants to comply with the nonpollution requirements established.
- (5) Other factors determined by the Commission to be appropriate.

(d) The Commission may allocate funds for training or road demonstration project, or both, to an aggregated budget managed by the Commission and may establish spending limits, consistent with the act, which includes the portion of the aggregated funds administered by the Commission.

Section 5. Payments by the Commission to Districts.

(a) State funds apportioned to districts under this Program will be utilized solely for implementing a county level Program.

(b) The Commission will provide apportioned funds to a participating district through an agreement between the Commission and each participating district.

(c) The Commission may withhold funds until the Commission has received any overdue Program reports and audit statements as required by the Commission.

(d) For purposes of disbursing funds to participating conservation districts, the Commission may process an advanced working capital payment as follows:

- (1) Upon the full execution of the grant agreement, the Commission may process up to 50% of the approved grant amount. Subsequent payments to the districts will be made on an "actual cash expended" basis to replenish the working capital advance.
- (2) Advance payments by a conservation district to an eligible project participant under a project agreement shall be considered "actual cash expended" when the advance is paid by the conservation district.

(3) The district shall request the payments to replenish working capital to the Commission in a format and time frame as prescribed by the Commission. The Commission may set a minimum payment level or time frequency, or both, for each request for payment.

Section 6. Advisory Workgroups. Advisory workgroups shall advise the Commission on the following:

- (a) Allocation of funds from the State level to conservation districts.
- (b) Development of Program and administrative procedures for QABs.
- (c) Review of administrative and technical guidance for the Program.
- (d) Other matters relating to the administration of the Program.

Section 7. District Responsibilities.

(a) A district participating in the Program shall enter into an agreement with the Commission establishing the duties and responsibilities of each entity.

(b) The district shall receive and manage funds for the Program that have been apportioned by the Commission to the district.

(c) The district is responsible for all aspects of the management and administration of the Program within that county.

(d) A participating district shall conduct its Program consistent with the act, this subchapter and all other policies and regulations established by the Commission.

(e) The district shall appoint and impanel a four-member QAB to administer the Grant Program within the county, under the supervision and direction of the district board of directors. The QAB is to be comprised of a non-voting chairperson appointed by the district and one local representative appointed by each of the following entities:

- (1) The Federal Natural Resource Conservation Service.
- (2) The Fish and Boat Commission.
- (3) The district.

(f) The district shall develop a fair and open project selection process, consistent with Commission policy, that provides general program information to all eligible project participants and includes sign-up periods necessary to receive requests for road maintenance and repair work

from eligible project participants. Special efforts will be made to enlist the cooperation of project participants with identified critical erosion or dust problems.

(g) Work completion by project participants will be subject to approval by the district under the performance standards adopted by the QAB.

(h) The district shall conduct an annual audit of Program expenditures in accordance with guidance provided by the Commission.

(i) The district shall submit the results of its annual audit to the Commission in a manner and time frame established by the Commission. The Commission reserves the right to audit all Program-related accounts and records to determine if funds were expended in accordance with Commission policies and the act.

(j) The district shall report Program accomplishments to the Commission on prescribed forms at times as specified by the Commission.

(k) The district shall maintain a separate accounting of funds received under the Program. The district shall maintain an itemized accounting of administrative costs claimed. Districts shall deposit funds in a Federally insured interest bearing account. Interest earnings from the account shall be applied only to the Program. The percent of apportioned funds utilized by the district for administration or training grants may not exceed those limits established by the Commission or the act, or both.

(l) Records shall be retained by districts for 3 years after completion of the work.

(m) The Commission reserves the right to examine all records and files maintained by the district related to the administration of the district's Program.

Section 8. QAB Responsibilities.

(a) The QAB impaneled by a district shall establish and administer the Program for the district under the direction of the board of directors of the district and consistent with the policies adopted by the Commission.

(b) The QAB shall consider and adopt the following:

(1) Written criteria to assure equal access for all eligible applicants within each funding category.

(2) Procedures that assure a minimum amount of procedural paperwork.

(3) Written criteria to specify priorities.

(4) Funding categories to provide separate budgeting for road maintenance projects, road demonstration projects, training grants and administrative costs:

(A) QAB training grants may not exceed limits established by the Commission.

(B) Administrative costs may not exceed 10%.

(5) Incentives for training road managers and equipment operators.

(6) Standards that prohibit use of materials or practices which are environmentally harmful.

(7) Site inspection requirements to verify completion of work.

(c) The QAB shall review applications and recommend project participants to be funded through the Program.

(d) The QAB shall consider and adopt procedures for the conduct of business by the Board, including the following:

(1) Meeting schedules and procedures for public notice of meetings.

(2) Recordkeeping and provisions to make minutes and records available to the public.

(3) Rules of conduct, including rules necessary to avoid conflicts of interest by members of the QAB.

Section 9. Application by Project Participants.

(a) Applications will be on a form approved by the Commission. Applications should be submitted to the local conservation district at the times designated by the local district. Handwritten applications will be acceptable.

(b) An application shall be specific to one work location and shall include the following:

(1) A short description of the problem being solved.

(2) The basis of the cost estimate.

(3) The proposed project work schedule.

(4) The basis for successful completion.

(5) The type of pollution to be reduced.

(6) Other items specified by the Commission.

(c) The QAB may expedite the approval process by inserting additional requirements which become binding when accepted by the applicant.

Section 10. Agreements.

(a) An agreement is required between a district and project participants.

(b) The form of agreements between the district and project participants shall be approved by the Commission.

(c) Each agreement shall provide that the parties agree to comply with the conditions in this subchapter, the general contract conditions adopted by the Commission and the performance criteria adopted by the QAB of the district.

(d) The term of the agreement shall be sufficient to cover the duration of work implemented under the agreement.

Section 11. Eligible Expenses.

(a) Eligible expenses include all Program and project costs associated with the administration and implementation of the Program, and the design, review, approval, implementation and maintenance of any project approved and funded by the Program. Eligible costs payable to project participants for Program projects and eligible costs payable to conservation districts for the overall administration and implementation of the Program will be determined by the Commission.

(b) Eligible expenses for project participants include the materials, services and labor required to design and implement a project, including, but not limited to, construction and maintenance supplies and materials, equipment rental and transportation charges, demurrage, reimbursement for use of participant owned equipment, salaries and benefits, automotive and hauling travel including room and board expenses, contracted specialized services, miscellaneous expenses, certain engineering and technical fees as determined by the Commission and other expenses necessary for the satisfactory completion of a project as determined by the Commission.

(c) Eligible expenses for participating conservation districts shall include eligible costs defined in subsections (a) and (b) for project participants, plus materials, services, labor, insurance/liability coverage and all other expenses necessary for the overall administration and implementation of the Program, the development and delivery of training/education programs, demonstration projects, resource assessment, site inspections and other expenses determined by the Commission to be necessary to administer and implement the Program.

Section 12. Project Participant Responsibilities.

(a) Project participants shall conduct the dirt, gravel, and low volume road maintenance project in accordance with the project agreement with the district, the work plan for the project, the standards established by the QAB for the district, and the policies adopted by the Commission.

(b) Project participants may not use materials or practices that are environmentally harmful.

(c) Project participants shall apply for necessary local, State and Federal permits required for the project and provide the district with suitable documentation of permit issuance and requirements.

(d) Project participants shall report Program accomplishments to the district in a manner prescribed in the agreement.

(e) Claims for payment shall be submitted to the district in accordance with the schedule contained in the agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the budget outlined in the agreement. The claims shall also include receipts, weigh slips or other appropriate supporting information, as determined by the Commission, to document actual expenditures by the project participant.

(f) The district and the Commission reserve the right to audit project related accounts and records to determine if funds were expended in conformance with the agreement.

(g) A project participant shall maintain a separate accounting of the funds received under the Program.

(h) Records shall be retained for 3 years following the last payment for the project.

(i) Upon the request of the district or the Commission, or both, project participants shall provide access to all records, files and documents related to Program projects.

Section 13. Performance Standards.

(a) The Commission will establish, as it deems appropriate, performance standards for the implementation of the Program. These standards may include specific administrative policies or technical requirements, or both, adopted by the Commission for the implementation and administration of the Program, including standards which prohibit the use of materials or practices which are environmentally harmful.

(b) Standards which prohibit the use of materials or practices which are environmentally harmful shall include the following minimum requirements:

(1) The commercial products used by project participants within a project area shall be used or installed, or both, according to manufacturer's recommendations and label requirements.

(2) Materials toxic to aquatic life, as defined by The Clean Streams Law (35 P. S. §§ 691.1--691.1001), may not be used where surface runoff may enter surface or ground waters.

(3) Compliance with applicable Federal, State and local laws, regulations and permit requirements.

Section 14. Payment of Eligible Expenses to Project Participants.

(a) Payments made by a district pursuant to a project agreement shall be solely for eligible expenses.

(b) Claims for payment shall be submitted by a project participant to the district in accordance with the schedule and terms contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the project cost summary contained in the approved project application and work plan. Claims may include receipts, weigh slips, equipment use time sheets, employee time sheets or other appropriate supporting information to document actual expenditures by the project participants.

(c) For the purpose of dispersing funds to a project participant under a project agreement, the district may process an advanced working capital payment as follows:

(1) Upon the full execution of the project agreement, the district may process an advanced payment to a project participant of up to 50% of the approved project expenses.

(2) Subsequent payments to the project participant will be made on an actual cash expended basis.

(3) In all cases, the district shall withhold payment of at least 30% of the approved project expenses until the satisfactory completion of the project. Final payment for the project expenses shall be made only after a final inspection by the district determines that the work was performed consistent with the project application and the work plan, and to the satisfaction of the district.