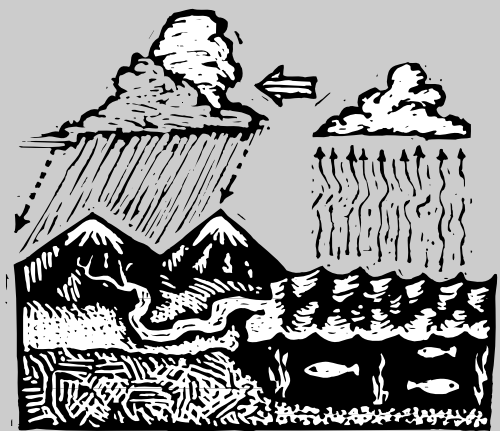



Government Agencies





Government Agencies

Federal and State Agencies COMPILED BY THE ALLEGHENY WATERSHED NETWORK	133
Municipal Government in Pennsylvania COMPILED BY PENNSYLVANIA ENVIRONMENTAL COUNCIL	137

Federal and State Agencies

Information compiled by the Allegheny Watershed Network

A number of federal and state agencies have responsibility for various aspects of watershed protection and restoration in Pennsylvania. These agencies are described below. For more information on these and other agencies, check the World Wide Web.

United States Department of Agriculture

U.S. Forest Service

The U.S. Forest Service (USFS) is a federal agency within the U.S. Department of Agriculture that manages public lands in national forests and grasslands. These public lands, known as the National Forest System, are managed for multiple uses and benefits including water, forage, wildlife, wood and recreation. The Forest Service conducts forestry research through a network of experiment stations and the Forest Products Laboratory. It also provides technical and financial assistance to state and private forestry agencies for lands in non-Federal ownership.

Natural Resources Conservation Service

The Natural Resources Conservation Service (NRCS) is the U.S. Department of Agriculture's lead conservation agency. Its mission is to assist people in conserving, improving and sustaining our natural resources and environment. NRCS works in partnership with state and federal agencies, as well as agricultural and environmental groups. The agency works very closely with county conservation districts.

NRCS employees offer technical assistance in a variety of fields, including soil science, soil conserva-



tion, agronomy, biology, forestry, engineering, geology, hydrology, cultural resources and economics. While most of the technical assistance provided by NRCS is directed at farmers and ranchers, the agency also provides assistance to rural and urban communities to reduce erosion, conserve and protect water, and solve other resource problems. Financial assistance programs are available, too.

United States Department of Defense

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE or Corps) provides comprehensive engineering, management, and technical support to the Department of Defense, other federal agencies, and state and local governments. Some of the responsibilities of the Corps include: protecting the nation's waterways and wetlands; planning, designing, building and operating projects that provide river and harbor navigation, flood control, water supply, hydroelectric power, environmental restoration, wildlife protection, and recreation; and performing disaster relief and recovery work.

U.S. Environmental Protection Agency

The mission of the U.S. Environmental Protection Agency (USEPA) is to protect human health and the natural environment. The agency is involved in air, water and land issues.

Within the USEPA is the Office of Water, which is responsible for implementing the Clean Water Act, Safe Drinking Water Act, portions of the Coastal Zone Act Reauthorization Amendments of 1990, Resource Conservation and Recovery Act, and several other marine-related statutes. The Office of Water works to prevent pollution and reduce risk for people and ecosystems. It works with other federal and state agencies, organized professional groups, land owners and managers, and the general public. The Office provides guidance, specifies scientific methods and data collection requirements, performs oversight, and facilitates communication among those involved. Departments that make up the Office of Water include: Office of Wetlands, Oceans and Watersheds; Office of Science and Technology; Office of Wastewater Enforcement and Compliance; and Office of Ground Water and Drinking Water.

United States Department of Interior

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is a bureau within the Department of the Interior that conserves, protects and enhances fish and wildlife and their habitats. The USFWS is responsible for migratory birds, endangered species, freshwater and anadromous fish, wetlands, habitat conservation, environmental contaminants, and the National Wildlife Refuge System. The USFWS consults with government agencies at the state and federal levels about environmental issues—including environmental impact statements and assessments prepared by other agencies—and advises on the potential effects that these other agencies' activities may have on fish, wildlife and habitat. States receive federal funds through the USFWS for wildlife management and education programs. The USFWS also works with private landowners to restore wetlands through its Partners for Wildlife program.

U.S. Geological Survey

The U.S. Geological Survey (USGS) is the country's largest earth science agency. The USGS is responsible for researching the quantity, quality, and location of the nation's water resources. USGS works in cooperation with other federal, state and local agencies, universities, and research centers to collect, interpret and analyze their water data.

One of the projects of the USGS is the National Water Quality Assessment Program (NAWQA). This program assesses historical, current and future water quality conditions in representative river basins and aquifers nationwide.

National Park Service

The National Park Service (NPS) manages areas in the National Park System—including natural areas, historical areas, and recreational areas—for enjoyment and education. The Park Service also provides assistance for river, trail and conservation projects. NPS staff can assist communities in river, trail and greenway planning, in regional assessments and inventories, and in networking with other professionals and citizens groups.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement, commonly known as the Office of Surface Mining (OSMRE or OSM), is a bureau of the U.S. Department of the Interior with the responsibility to protect citizens and the environment during coal mining and reclamation, and to reclaim mines abandoned before 1977.

Pennsylvania State Agencies

Department of Community and Economic Development

The Department of Community and Economic Development (DCED) coordinates and administers a number of housing, community and economic development programs for the state and its municipalities. It also gives technical assistance to municipalities on planning and zoning and is responsible for developing and administering a statewide flood plain management program.

Department of Conservation and Natural Resources

The Department of Conservation and Natural Resources (DCNR) is responsible for maintaining, improving and preserving state parks; managing state forest lands; providing information on the state's ecological and geologic resources; and administering grant and technical assistance programs that will benefit rivers conservation, trails and greenways, local recreation, regional heritage conservation, and environmental education programs.

Department of Environmental Protection

The Department of Environmental Protection (DEP) has responsibility for the administration and enforcement of Pennsylvania's environmental laws. It issues permits that are necessary for certain activities and provides services to address environmental issues, such as waste disposal, water quality protection, wetlands protection, air quality and radiation protection, mining, quarrying, community health and recreation, enforcement, and education.

Department of Transportation

The Pennsylvania Department of Transportation (PennDOT) has jurisdiction over the planning and construction of all roads other than township and county roads. Under the National Environmental Policy Act (NEPA), an environmental impact study is required for any road or facility using federal funds. Under state law (Act 120), PennDot must consider the environmental impacts of proposed roads and facilities and avoid taking wetlands, prime agricultural lands, etc., unless no alternatives exist. Public hearings must be held to respond to local environmental and social concerns.

Fish and Boat Commission

The Pennsylvania Fish and Boat Commission (PFBC) sets rules and regulations governing fishing and boating in and on all inland and boundary waters of the Commonwealth. In addition to managing and protecting the state's aquatic resources, the Commission is responsible for all of the state's reptiles and amphibians. Among its activities, the Commission offers a vari-

ety of educational programs, produces publications, and directs research, propagation, management and protection of fish, fisheries, habitat, reptiles and amphibians.

As an independent state agency, the Commission is supported by anglers' and boaters' dollars generated through the sale of fishing licenses and boat registrations.

Game Commission

The Pennsylvania Game Commission is responsible for managing all of Pennsylvania's wild birds and mammals. This includes monitoring wildlife populations, enforcing laws and regulations, setting seasons and bag limits, making habitat improvements, providing protection, informing and educating the public, and assessing public satisfaction. The Commission is funded primarily through license revenues, state game land timber sale profits, and a federal excise tax on sporting arms and ammunition. No General Fund appropriations are used to support the Commission.

Other Agencies**Chesapeake Bay Program**

The Chesapeake Bay Program is responsible for the restoration and protection of the Chesapeake and the living resources of the Bay. Membership consists of representatives from the U.S. Environmental Protection Agency, Maryland, Virginia, Pennsylvania, the District of Columbia and the Chesapeake Bay Commission.

Delaware Estuary Program

The Delaware Estuary Program was created by a Comprehensive Conservation and Management Plan adopted by Pennsylvania, Delaware and New Jersey. The program implements recommendations and plans that will protect and restore the living resources of the estuary while maintaining the economic vitality of the region.

Delaware River Basin Commission

The Delaware River Basin Commission is responsible for managing the water resources of the Delaware

River Basin through basin-wide planning and management. The commission's duties include establishing water quality standards and planning, designing, funding and operating facilities for water supply and pollution control.

Great Lakes Commission

The Great Lakes Commission is a partnership of eight states in the Great Lakes Watershed that works to guide, protect and advance the common interest of members in regional environmental quality, resource management, transportation and economic development. Input is provided by members, U.S. and Canadian federal agencies, and provincial, regional and tribal groups.

Interstate Commission on the Potomac River Basin

This commission was established through a 1948 Act of Congress to improve and preserve the water quality of the Potomac River. The commission works with member states for cooperation on a full range of watershed issues.

Ohio River Basin Commission

The Ohio River Basin Commission coordinates water-related land resource planning throughout the Ohio River Basin. The commission represents regional interests to Congress and other federal agencies and provides a forum for member states to discuss, study and develop regional policies and positions on interstate issues dealing with water quality and land resources.

Ohio River Valley Water Sanitation Commission

This interstate agency establishes pollution control standards regulating wastewater discharges to the Ohio River. The commission acts through a variety of programs that monitor water quality and identify pollution problems.

Resource Conservation and Development Councils

The Resource Conservation and Development (RC&D) program is a national initiative that helps rural communities improve their economies through the wise use and development of natural resources. Each RC&D area is an independent, nonprofit organization directed by local citizens, funded by a charitable trust, and administered by staff of the U.S. Department of Agriculture's Natural Resource Conservation Service.

Susquehanna River Basin Commission

The Susquehanna River Basin Commission is a federally funded agency that manages the water resources of the Susquehanna River, with a concern for protecting the receiving waters of the Chesapeake Bay.

Municipal Government in Pennsylvania

This information is adapted from The EAC Handbook published by the Pennsylvania Environmental Council (1996).

Local governments in Pennsylvania are deeply involved in a variety of issues affecting the protection of the state's water resources.

Understanding the different categories of municipal government, as well as their roles in relation to environmental issues, is critical to achieving success.

Five Categories of Municipal Government

There are five major categories of municipal government in Pennsylvania. Of these, three are different types of local government—boroughs, townships and cities. The fourth category of municipal government in Pennsylvania comprises the counties, and the fifth the home-rule municipalities. This latter category can include members of any of the previous four categories, provided they adopt a home rule charter according to the requirements of the law. Members of all five categories (even counties) are municipalities, and therefore are authorized under the law to establish environmental advisory councils.

In Pennsylvania, there are 2,639 of these municipal, or general purpose, units of government. Of these, 67 are counties. Including school districts and authorities in addition to the municipalities, there are a total of 5,792 government bodies in the Commonwealth.

The five forms of municipal government were established by the Pennsylvania General Assembly. By constitutional and common law, the state has authority over the land and water resources of Pennsylvania. Through the legislature, however, the state has chosen to delegate much of its power to regulate land to the local and county municipalities. As a result, each local government has only the powers specified by the legislation that created its form (e.g., borough or city). In most cases, the boundaries of local governments were



Stonycreek

established in the early stages of the state's development and were governed by natural barriers (rivers or ridges, for example) and not by state mandate.

The following is a brief overview of the five categories of municipal government in Pennsylvania.

Boroughs

Boroughs in Pennsylvania represent 38 percent of all general-purpose municipal governments. They range in population from under 1,000 to 36,000 and are governed by the Borough Code. Boroughs have a strong and dominant council—the official governing body—and a “weak” executive, or mayor. Other elected officials, including a tax collector and an assessor, are independent of the council.

Boroughs may be divided into wards, with each ward having one, two or three elected council representatives. Boroughs without wards have three, five or seven council representatives who are elected at large. In either case, the powers of the council are extensive and cover virtually the whole range of municipal functions. A borough manager or secretary is often appointed to carry out the day-to-day activities of the borough government.

Townships

There are two types, or classes, of townships: first class and second class. Townships are governed by the Township of the First Class Code and the Township of the Second Class Code, respectively. Townships of the first class generally serve urban and suburban areas and are more densely populated than townships of the second class, which generally serve more rural areas. Both classes, however, have less government than other classes of municipalities.

All townships are second class except those where first class status has been approved by local voters through referendum. A township of the first class has a population density of at least 300 people per square mile. Its governing body is comprised of five to 15 elected commissioners with staggered, four-year terms. A township of the second class has a governing body of three or five at-large supervisors elected to staggered five- or six-year terms. In both classes of townships, the governing body appoints a variety of officials, including a township secretary, engineer and solicitor. Other appointed positions can include: township manager, police chief, zoning officer, planner, building inspector, recreation director, emergency management coordinator, and sewage enforcement officer.

Third Class Cities

Third class cities operate under a commission form of government, with a mayor and four councilors. The mayor is a member and serves as president of the council. All third class cities are governed by the Third Class City Code. Each councilor is in charge of one of the city's major departments. These officials and the controller and treasurer are elected at large for four-year terms. Appointments of all other city officers and employees, including the city manager, are made by the council.

Home-Rule Municipalities

Philadelphia, Pittsburgh and Scranton—along with 11 other cities, 16 boroughs and 25 townships across the state—have adopted home-rule charters. The charters reflect variations of the mayor-council, council-manager, weak mayor, and commission forms of government.

Many home-rule boroughs and townships have adopted the title “municipality” to distinguish themselves from units operating under the borough and township codes.

In a home-rule municipality, the mayor, or executive, has broad appointive and removal powers and control over the administration of the municipality; is responsible for preparing the annual budget and recommending measures for consideration by the council; and can veto legislation. Mayoral vetoes can be overridden by a two-thirds majority vote in the council.

Counties

Counties are governed by the County Code and are funded to provide and coordinate a number of services to the municipalities that are located within their boundaries. Most county funding comes through taxation and bond issues. The state Constitution and state law establish the basic organization of county government, but each county may adapt this format to conform to its particular needs. The chief governing body is a three-member board of elected county commissioners. The 11 other elected officials in a county (including sheriff, district attorney and recorder of deeds) operate independently of the commissioners. All counties have, or share, a planning director and an appointed planning commission.

Nonmunicipal Local, County and Regional Government Units

The following nonmunicipal government units can play a significant role in environmental issues in Pennsylvania municipalities:

Authorities

Unlike boroughs, townships and cities, authorities are not government bodies with general powers. They are created by local municipalities or counties to perform specific services, such as the construction or operation of sewage or water systems. Authorities are authorized to finance these actions through borrowing and issuing bonds. Authority projects can include: public facilities such as school buildings; transportation facilities; marketing and shopping facilities; waterworks; sewage treatment plants; playgrounds; hospitals; and industrial

development projects. Authorities have become increasingly important entities, particularly for organizing and executing joint municipal projects, such as joint water and sewer systems.

County Conservation Districts

County conservation districts are the lead agencies, at the county level, for coordinating local resource conservation efforts. They are staffed by local volunteers as well as by technical and educational professionals who work to create programs that coordinate the conservation efforts of local municipalities and preserve the environmental characteristics unique to each county. County conservation districts were created by the state conservation commission under the County Conservation District Act. Sixty-six of Pennsylvania's 67 counties have conservation districts and the sixty-seventh, Philadelphia County, has a conservation partnership that carries out many of these same responsibilities.

The powers and duties of County Conservation Districts include: aid to farmers, particularly in promoting "best farming practices" in managing soil, nutrient and farmland resources; review of county development plans with regard to management and control of soil erosion, land use, stormwater runoff, farmland preservation and wetlands protection; issuance of permits for erosion and sedimentation control on behalf of the Department of Environmental Protection; assistance to developers through the provision of expertise in soil erosion control, woodlot management, wetlands protection and abandoned mineland reclamation; assistance to educators through environmental education programs; and assistance to engineers, contractors and foresters through seminars and workshops on topics related to local, state and federal laws and regulations.

Planning Agencies

MUNICIPAL PLANNING AGENCIES (planning commissions, planning departments or planning committees) are important components of local government. They are appointed by local governments to advise and make recommendations about land use and development issues.

PLANNING COMMISSIONS. The Pennsylvania Municipalities Planning Code provides for municipalities

to designate planning commissions as approving entities if so desired; however, this is rarely done. In most cases, planning commissions are charged only with making recommendations to elected officials; governing bodies then render decisions on development applications.

PLANNING DEPARTMENTS. A municipality may have both a planning commission and a planning department. The roles of a planning department may include providing technical assistance; reviewing plans and making recommendations to the planning commission, zoning hearing board, EAC, and governing body; managing day-to-day code enforcement; developing and updating plans and ordinance; and serving as a repository of community information. In general, counties, cities and large boroughs have planning departments, and less populous municipalities do not.

Powers and Duties of Planning Agencies

Under the Municipal Planning Code, planning agencies have a variety of powers and required duties, including preparation of a comprehensive plan. They may also, at the request of the governing body:

- make recommendations concerning the adoption or amendment of an official map to reflect the provisions and goals of the comprehensive plan;
- prepare or amend zoning ordinances;
- prepare and administer subdivision and land development and planned residential development regulations;
- prepare an environmental study to be presented to the governing body;
- develop recommendations to the governing body for a capital improvements program;
- prepare a water survey, consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission;
- promote public interest in and understanding of the comprehensive plan and planning in general;
- prepare a study of the feasibility and practicality of using renewable energy sources in specific areas of the municipality; and
- review the zoning ordinance, the subdivision and land development ordinance, the official map, local provisions for planned residential development, and other ordinances governing the development of land.

PLANNING COMMITTEES. If a municipality does not choose to create a planning commission or department, it may form a planning committee made up of elected members of the governing body to carry out the planning responsibilities of the municipality. However, even in very rural municipalities, the responsibilities of elected officials are significant enough that it is advisable to appoint a planning commission or department to carry out these time-intensive duties.

Zoning Hearing Board

Under Article IX of the MPC, any municipality that adopts a zoning ordinance must create a zoning hearing board (ZHB) to hear challenges to the validity of ordinances, appeals of the actions of the zoning officer or municipal engineer, and applications for variances or special exceptions. The powers of the zoning hearing board are enumerated in the MPC. ■