

MCM#5

**POST CONSTRUCTION STORMWATER
MANAGEMENT**

MEMORANDUM OF UNDERSTANDING

Between the

LUZERNE CONSERVATION DISTRICT

And the

MUNICIPALITY OF LEHMAN TOWNSHIP

This Memorandum has been prepared jointly and agreed upon by each party for the following purposes:

To serve as a joint commitment by the signatory parties to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earth disturbance activities in Lehman Township.

To serve as a basis for stating the role of each party in administering the provisions of the Lehman Township's Subdivision and Land Development Ordinance and PA Code, Title 25, Chapter 102 which regulate Erosion and Sediment Pollution Control ("Ordinance").

I. In carrying out the intent of this memorandum, the **Luzerne Conservation District** shall:

A. Provide to Lehman Township a listing of its plan review/service fees for inclusion or use of the municipality in the Ordinance. The District will promptly notify the municipality of any changes in the plan review/service fee schedule.

B. Receive all Erosion and Sediment Control Plans (Plan) as required under the Ordinance and complete an initial administrative review of the Plan within 20 calendar days of its receipt. Reviews of second and third Plan submissions (technical reviews and revisions) will be completed within 30 calendar days of their receipt.

C. Within two (2) working days of completion, notify the applicant and municipality of all Plan approvals or Plan adequacies, and all determinations that a Plan cannot be approved upon completion of the third review because of inadequate information and/or a failure of the applicant to develop a Plan in compliance with the provisions of the Ordinance.

D. Upon request, provide all applicants with a DEP Erosion and Sediment Control Program Manual and related forms, worksheets, checklists, etc., necessary to successfully prepare an adequate Plan.

E. In accordance with a routine inspection schedule and/or upon the request of the municipality and/or upon receipt of a request from a third party, inspect ongoing earth disturbance projects and complete a Standard PA DEP Earth Disturbance Inspection Report. In conjunction with this responsibility, the District shall:

1. Advise the municipality of all third party complaints within 10 calendar days of their receipt. The source of the complaint shall remain anonymous in accordance with PA Department of Environmental Protection policy.

2. Provide a copy of all inspection reports to the affected earthmover and municipality within 10 calendar days of their completion.

F. Serve as the repository for all Plans, complaints, inspection reports, correspondence, etc., that involve earth disturbance activities. All such information shall be contained in a filing system which shall be available for inspection by municipal officials by appointment.

G. Commit the necessary staff time, and provide all information necessary to assist the municipality in conducting enforcement proceedings as specified in Ordinance.

II. In carrying out the intent of this Memorandum, the Municipality of Lehman Township shall:

A. Retain a sufficient quantity of the District's Erosion and Sediment Control Plan Review Applications and Review Fee Schedule and issue such forms to all parties for projects that require such review in accordance with the provisions of Ordinance.

B. Forward all questions pertaining to the preparation of Plans and Applications to the District.

C. Forward all third party complaints about ongoing earth disturbance projects to the District for their inspection.

D. Upon notification by the District, withhold all Land Development Plans, Subdivision Plans, Stormwater Management Plans, Building Permits and Occupancy

Permit Approvals when and where it has been determined that an applicant has failed to secure an adequate Plan review or approval from the District.

III. This Memorandum of Understanding shall become effective immediately. It shall be reviewed periodically, as the need arises by either or both parties, and may be amended by mutual consent of both parties. This Memorandum of Understanding may be terminated at any time, by either party, following a 30 day written notice to the other party.

FOR THE MUNICIPALITY OF LEHMAN TOWNSHIP by:

 4/27/09
Supervisor Date

Raymond J. Swowski 4/27/09
Supervisor Date

 4/27/09
Supervisor Date

FOR THE LUZERNE CONSERVATION DISTRICT by:

Timothy Ference 5/14/2009
Chairman Date

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FOR THE MUNICIPALITY OF LEHMAN TOWNSHIP by:

Robert H. Selt 4/27/09
Supervisor Date

Raymond J. Swanoski 4/27-09
Supervisor Date

Douglas W. De 4/27/09
Supervisor Date

FOR THE LUZERNE CONSERVATION DISTRICT by:

Chairman Date