

Important Information Regarding the Contents of this Document

Please note that the policies and information presented in this document are current through the date given below. The documents made available within the [Center's Conservation Districts web pages](#) are intended to serve as a guide for the policies set by each Conservation District. While these policies may in fact be current at the time of your viewing, it is strongly recommended to contact the relevant Conservation District for the most current version.

Document Current Date: March 16, 2023

Lackawanna County Conservation District
Dirt, Gravel & Low Volume Road Maintenance Program
Quality Assurance Board Policies & Procedures

Purpose: The purpose of the Quality Assurance Board (QAB) in Lackawanna County is to establish and make recommendations to the Lackawanna County Conservation District (District) Board a grant program under Section 9106 Dirt, Gravel and Low Volume Road Maintenance of the PA Motor Vehicle Code. The QAB will assist the Lackawanna County Conservation District in carrying out the Administrative, Educational and Contractual responsibilities of the Dirt, Gravel and Low Volume Road Program. The QAB will establish priorities and requirements for funding through the Dirt, Gravel and Low Volume Road Program for Lackawanna County. The QAB responsibilities include reviewing applications submitted for funding, conducting site visits (as necessary and determined by the QAB) and recommending eligible applications to the Lackawanna County Conservation District Board of Directors for funding that addresses non-point source pollution in affected areas.

Board Composition: The QAB shall be comprised of a non-voting Chairman appointed by the Lackawanna County Conservation District Board of Directors and one voting local representative appointed by each of the following entities: the Lackawanna County Conservation District, the Federal Natural Resource Conservation Service (NRCS), and the Pennsylvania Fish and Boat Commission (PFBC). No one other than the four QAB members may vote. If circumstances require, the Chairman may vote to decide a tie. To broaden citizen involvement, the QAB may enlist any individual or organization to be advisors (non-voting) to the four member QAB.

Equal Access: The Quality Assurance Board will comply with the program agreement "Nondiscrimination Clause". The actions of the QAB will be approved by the Conservation District Board at the Conservation District monthly meetings. These meetings are open to the public and follow the requirements of the Sunshine Law. Correspondence on the DGL VR Program updates will be sent to all eligible municipalities and agencies. Information on application deadlines will be sent to all eligible municipalities and agencies. Information including application deadlines will be submitted as news releases to the newspapers and various agency newsletters. Requests to review applications by third parties will be required to follow the District's open file policy.

Equal Access to Funding – Participation in the program is limited to municipalities and state agencies with employees/supervisors that have attended the two-day Environmentally Sensitive Maintenance (ESM) Training within the last five years. Road projects to be funded must be publicly owned and open to the public for at least two consecutive weeks during the year. Request for grants will be sent to all eligible participants as grant funds become available.

Conflict of Interest – No District Director, Quality Assurance Board member, or District Employee, shall, as a result of this program, be permitted to obtain financial benefits for themselves, a member of their immediate family, or a business with which they are associated with. This shall preclude the payment of normal salary and benefits to employees provided in their normal course of employment. In addition, any QAB member, Conservation District Board member, or staff member, will be excluded from voting on actions that might benefit a road or stream adjacent where he or she has an interest. The chairman of the QAB may not participate in a vote, other than to decide a tie vote.

Project Ranking: All applications will be evaluated, scored and ranked according to the QAB's Dirt, Gravel and Low Volume Road Program Evaluation and Prioritization Form. Ranking criteria will be reviewed and amended annually.

Incentive for Training: All applicants must complete the 2-day Environmentally Sensitive Maintenance training and be currently certified to be eligible for funding. Applicants may be re-certified, if their current certification has not lapsed, by attending the Center's fall workshop. Both certifications are good for 5-years. Applicants will receive 5 points towards their ranking score for having more than one person from the municipality certified under the program.

Non-Pollution Standards: Section 9106(f)(7) of the Pennsylvania Motor Vehicles Code requires the QAB to adopt standards that prohibit use of materials or practices that are environmentally harmful. The State of Policy 83.613(1)(b) formalizes that requirement. In response, the QAB has adopted standards prohibiting the use of materials and practices which are environmentally harmful or do not meet the program's "non-pollution" standards. These materials include, but are not limited to: noxious weeds, fugitive emission, and dust control products which may pose a problem if they enter a waterbody. Compliance with all existing environmental laws is a condition of purchase under the contracting agreement between the Conservation District and the grantee. An environmentally suitable substitute for dust control, as determined by the State Conservation Commission, may qualify for payment.

Prevailing Wage Law: Projects funded by Dirt, Gravel, and Low-Volume Road funds that are bid out to contractors in which the estimated cost of the total project (materials, equipment and labor), exceeds prevailing wage limits (currently \$25,000) are subject to provisions of Pennsylvania's Prevailing Wage Act (1961, August 15, P. L. 987, No. 442), 43 P. S. Section 165-1 et seq. Additional information available from the PA Department of Labor and Industry at <http://www.dli.pa.gov>. Applicants must provide proof of Prevailing Wage Law compliance both in the municipal bid document prior to executing the grant agreement with the District, and submit a copy(ies) of the subcontractors PADL&I Prevailing Wage Certification form at the completion of the project.

Discrimination Clause: The QAB shall prohibit discrimination on the basis of race, color, gender, national origin, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

Replacement of Stream Crossing Structures – Lackawanna County QAB will be following the state's policy on sizing requirements for replacing stream crossing structures.

Low Volume Road Traffic Counts – Lackawanna County QAB will be following the state's policy on validation of traffic count data.

RANKING CRITERIA - QAB will rank all applications for contracting priority using a scoring system approved by the LCCD Board of Directors. In the case of a tie, in-kind contributions will be the deciding factor.

Permits and Other Requirements: Any required project permits or plan approvals (i.e., PNDI, wetland assessment, Bog Turtle survey, PA One Call System, Inc., etc.) must be obtained by the grant recipient before funding can be advanced or work can begin. Under no circumstance can any project work begin until all required permits or plan approvals are in hand and copies of each provided to the Conservation District.

All necessary permits and approvals must be present on site before the project can proceed. The QAB must be notified **seven** days prior to the start of the project and a QAB member or a designee will monitor the work site progress.

Erosion and Sediment Control - 25 Pa Code Chapter 102. An Erosion and Sediment Control plan (E&S plan) is a document that outlines erosion control measures to be employed during project implementation. An E&S plan is required for projects where more than 5,000 square feet of earth is disturbed, or in all cases in special protection watersheds. An E&S control permit is required if a project will disturb more than 25 acres (inside and outside the road footprint combined). A sample E&S plan will be provided in the contract. It is the applicants responsibility to complete the plan.

Work Off the Right-Of-Way: Public roads have a right-of-way that extends out from the centerline of the road. The size of the right-of way varies based on road owner and road classification. Often significant drainage and sediment that negatively affects the public road comes from outside of the right-of-way. Before working outside the right-of-way, the applicant must obtain written permission from the landowner.

Districts and grant recipients can use their own landowner agreements as long as they are in a form and manner similar to the sample provided. Districts must keep a copy of the signed landowner consent form with the project file for any work performed off the right of way.

In certain situations, off-right-of-way work requires the prior written approval from the State Conservation Commission. Where off right of way work is more than 35 percent of the total project costs (including Program funds and in-kind contributions), districts must first obtain written approval from the Commission before a contract can be signed. Where work extends more than 500 feet off of the right-of way, districts must first obtain written approval from the Commission before a contract may be signed. The district must keep a copy of the written Commission approval for off right-of-way work with the project file.

Funds can be spent on activities outside the right-of-way only when:

- It is part of a larger project on a public road.
- The issue on the public road cannot be effectively resolved within the right-of-way with traditional ESM practices.
- The district determines it is directly necessary as part of the successful completion of the project on the public road.

Quality Assurance Board Role

1. Administer the program under the direction of the Board of Directors and in accordance with PA state guidelines and requirements
2. QAB Meetings will be scheduled on an as needed basis. These meetings will follow the requirements of the States Sunshine Law and will be advertised and open to the public.
3. All records including minutes will be available for public review upon request

Other Program Policies

1. The applicant will provide at least **seven** days' notice to the Conservation District prior to beginning the project. Failure to provide notice may void the contract.
2. The applicant will not deviate from the work plan without first obtaining Conservation District approval. Failure to implement all practices in the approval contract may result in the contract being voided.
3. The applicant will provide the District with an itemized/categorized summary of bills specific to the contracted Dirt, Gravel & Low Volume Road Program site. Examples of categories: labor, equipment, material, in-kind, etc.
4. The applicant will complete the "Project Completion Report" included in the contract and submit it to the District.