

Conservation & You

A publication of the
Southeast Pennsylvania
Association of Conservation Districts

Bucks
Chester
Delaware
Montgomery



Summer 2009

Dan Greig retires

Dan Greig, manager of the Chester County Conservation District, has announced his retirement effective August 28, 2009. Dan began his employment with the Chester County Conservation District in 1978, working primarily with Elbert Wells of the USDA Soil Conservation Service. Dan was appointed District Manager in 1988. The Chester County Conservation District (CCCD) had a different perspective on employees when Dan was hired. In fact even their first manager, Marshall Haws, was considered a consultant. Under Dan's management, not only did the District's responsibilities increase dramatically, but the staff grew to approximately 19 employees.



When I started with the Delaware County Conservation District in 1981, I was directed by my board not to communicate, nor to participate in any programs with the CCCD. That directive was predicated on a more than abundant supply of handouts that were distributed from the District Office in those Pre-Greig years. That changed dramatically when Dan assumed the role of District Manager. Dan and I have been active partners in almost every program of mutual interest.

I will certainly miss Dan's attendance at our District / DEP Roundtable meetings. I always enjoyed watching his face turn red and the veins pop out in his neck when he discussed one of his many passionate topics. Dan always loved to push the envelope on how he would interpret the regulations to facilitate what he felt was best for the protection of resources in Chester County. Chester County via Dan was also known for developing special regulations from time to time. A number of these have been incorporated into state requirements, with one – the riparian buffer requirement – only now nearing final approval.

Dan hopefully will be in the area for some time to come. He suggested to me that he wanted to spend more time with his kids and maybe doing a little kayaking. I know that everyone in the Southeast Pennsylvania Association of Conservation Districts wish him the best in his retirement.

Ed Magargee, Delaware County C.D.

Lessons from Pipelines

Chester County is criss-crossed with high capacity fuel transmission lines. As demand increases, new pipelines and right-of-way's (ROW) are being proposed and existing lines are being upgraded to larger sizes. Currently a 7 ½ mile section of a 30" line is being replaced with a 42" line.

There are many dynamics to a pipeline project, from the impacts on local landowners to the environmental impacts from construction that are felt well beyond the ROW. Dealing with a pipeline also involves working with a new agency, the Federal Energy Regulatory Commission (FERC). FERC approval is needed prior to beginning any of these pipeline projects, and they also provide construction oversight.



Silt fence installed down a hill, hay bales added to try to check flow, and failing rock filter at bottom of hill

We are learning many lessons in Erosion and Sedimentation Control on these projects. The status quo, it seems, for controls during pipeline projects is silt fence, rock filters, diversion terraces, rock construction entrances, and stabilization. The major problem we have experienced with this procedure is proper installation of the silt fence. As the pipeline runs up and down a steep long hill, the silt fence becomes useless and often creates more problems. Because the silt fence cannot be installed outside of the ROW or into the work space, it is installed down the edge of the work area — but installing silt fence down a slope does not work.

In the future, pipeline plan designers will need to consider other BMPs for the steep and long sloped areas of their ROW. An alternative would be collector berms or swales taken to a filter sock sediment trap at the low spot. With proper planning & design this could be easily achieved to allow enough room for all the other activities that will be taking place.

Joe Sofranko, Chester County CD

Manure Application and Storage Regulations: What about non-CAOs?

Manure storage and manure application regulations are clearly defined in the Act 38 regulations. However, Act 38 only regulates Concentrated Animal Operations (CAOs) or Volunteer Animal Operations (VAOs). A CAO is defined as any operation with 2,000 lbs. or more of animal per acre. The acreage used in calculated this number is only "manure-spreadable" acres, i.e., cropland, hayland and pasture. Forestland and headquarters areas can not be counted in determining animal density. What about animal operations that are storing and applying manure but are neither a CAO nor a VAO? Do they have to comply with any manure storage and application regulations?

Yes, anyone who stores and/or applies manure is regulated under the Clean Streams Law – which prohibits manure from entering the waters of the Commonwealth. Waters of the commonwealth include both groundwater and surface water. Furthermore, the Clean Streams Law addresses both actual pollution events and the potential for that pollution event to occur. The Act 38 regulations can be used as a guide for preventing actual and potential pollution events concerning manure contaminating surface and ground waters. Just because an operation is not a CAO does not mean that they are free from manure setbacks and regulations. Their compliance to these regulations may not be as closely monitored by governmental and environmental agencies as CAOs, but as the number of manure complaints increase due to the increasing suburban-rural interface, non-CAO operations are now more closely monitored than ever before.

Regulations for manure storage:

- 120 day in-field stacking maximum for dry manure and the pile location must be rotated. If the manure pile is covered OR if there is a handling pad, the pile can be stacked longer than 120 days and does not need to be rotated.
- If an in-field stack is on a slope greater than 4%, a diversion must be placed upslope to divert clean stormwater.
- Manure storages need to be 100 ft* from:
 - Perennial and intermittent streams
 - Property lines
 - Private wells
 - NWI identified wetlands adjacent to EV streams
 - Public wells (although local ordinances might be more strict)

*200 ft if slope greater than 8% or if volume of manure greater than 1,500,000 gallons.

Manure application:

- 100 ft setbacks from (unless 35ft permanent vegetated buffer)
 - Streams, lakes, and ponds
 - Open sinkholes
- 100 ft setback from:
 - private wells
 - public water sources (local well-head authority may be more stringent)
- Fields with less than 25% plant cover or crop residue:
 - Fall application: Cover crop or injected or mechanically incorporated within 5 days
 - Spring application: planted to a crop growing that season
- Winter application: fields need 25% cover and setbacks are as follows:
 - 100 ft from aboveground inlet to ag drainage system (if inlet takes water to a perennial or intermittent stream)
 - 100 ft from wetlands

*Rachel Onuska
Bucks County CD*



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Montgomery County Conservation District hosts SEPA Training for Engineers

On Friday, June 26, 2009 the four Southeast Regional Conservation Districts and PA DEP held a training session for engineers at the Montgomery County Creamery facility. Eighty-five representatives from local engineering firms attended the training.

The session included three presentations;

- **Administrative Plan Review Checklist** by Kristina Henderson
Kristina thoroughly reviewed each section of the Notice of Intent for NPDES permit applications. The basis for this presentation was commonly occurring mistakes in applications received in all four counties of the Southeast Region. Highlighted recommendations include never answering a question with N/A, being very specific about what page specific information can be found on, and never leaving a section blank. Please take the time to double check your submission before applying.
- **Erosion & Sedimentation Plan Review Checklist** by Jeff McKenna
Jeff's presentation was more technical in nature. He reviewed each item found on the E&S Plan Review Checklist and the correlating detail within a plan. Again, this presentation was based on the most commonly occurring errors found on application submissions in the south east region. A helpful hint for applicants is to recognize that each item listed on the checklist will be checked individually, even if they seem redundant.
- **Post Construction Stormwater Management Plan** by Christopher Smith

Chris's presentation was an overview of the requirement for a PCSWM plan to be submitted with each application. Chris reviewed some of the best management practice options available to engineers, and procedures for selecting which option will be most appropriate for each site. Please, remember that a PCSWM plan and narrative must be kept separate from the E & S plan and narrative.

The information presented was intended to improve the quality of application submissions received by regional conservation districts. The South East Regional Conservation Districts strive to be consistent in their requirements for submission. However, if you have a question regarding a specific site, it is best to contact the Conservation District where your application will be submitted, as there are some instances where we may vary.

We appreciate the time of all those who participated in the training event and hope it proves helpful in your future submissions. To view the training presentations please go to www.montgomeryconservation.org.

Gretchen Schatschneider, Bucks County CD



Jeff McKenna talked about the plan review checklist

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THIRD IN A SERIES....

The complexities of water withdrawals, treatment and disposal for Marcellus shale well drilling

Due to the fast-paced nature of gas drilling in the Marcellus shale formation Penn State Cooperative Extension is proposing a program to help to help the public understand these complex water issues. The basic situation is two-fold: obtaining the natural gas through the deep drilling and hydro-fracturing process requires significant amounts of water and it also generates substantial amounts of waste water. The treatment and disposal of this waste water is becoming one of the chief impediments for full scale gas drilling in the state. The situation is further complicated by the fact that there are several different authorities and states which are involved in the policy decision making process for water use.

Because of the evolving nature of gas drilling in the Marcellus shale, the information in this article, in regards to regulations, is subject to change. Please refer to the resources listed at the end for updates.

The Marcellus Education Fact Sheet published by Penn State Cooperative Extension states that it is important to put Marcellus shale drilling water withdrawals in context. The Susquehanna River Basin Commission (SRBC) estimates that basin-wide total yearly water withdrawals by all gas extraction operators drilling in the Marcellus shale will equal the amount of water withdrawn currently for power production in the basin in only three days.

Drilling a well in Marcellus shale can consume up to 300,000 gallons of water per day, per well. Water withdrawals that exceed 10,000 per day, for any average 30-day period, require registration with DEP. Water withdrawals of any amount in the Susquehanna River Basin for gas drilling also require approvals from the SRBC. The same applies for withdrawals in the Delaware River Basin; approvals are needed from the Delaware River Basin Commission.

The Delaware River Basin begins with the East and West Branches near Hancock, N.Y. From there it flows 330 miles to its mouth at the Delaware Bay. The watershed includes parts of New York, Pennsylvania, New Jersey, and Delaware. Marcellus shale underlies more than one third of the Delaware River Basin.

All water related withdrawals that meet certain thresholds in the Delaware River Basin must be approved by the DRBC. The threshold for groundwater and surface water withdrawals is 100,000 gallons per day as an average over any thirty consecutive day period, except with the Southeastern Pennsylvania Ground Water Protected Area, which is outside the Marcellus shale drilling area.

In May 2009 the DRBC issued a determination effective immediately that requires commission approval for “any natural gas extraction project located in the shale formations with the drainage area of Special Protection Waters,” which includes the 197 mile non-tidal Delaware River from Hancock, N. Y. to Trenton, N.J. In Pennsylvania this affects all or part of Bucks, Carbon, Lehigh, Monroe, Northampton, Pike, Schuylkill and Wayne counties. The Marcellus shale does not occur in all of these counties but other shale formations do. The DRBC has advised at least one potential applicant of a natural gas extraction project in the Lockatong Formation in Bucks County that its project will be subject to DRBC review. The DRBC is going to propose new regulations concerning



natural well drilling in the basin which will be subject to a public hearing and written comment period.

Regardless of which basin water resources are located, DEP requires an approved water management plan for each well permit. A water management plan includes information about the sources of water to be used during the fracturing process, expected impacts of withdrawals on water resources, and proof of approval by the appropriate basin commission. DEP and the river basin commissions are most concerned about withdrawals from the remote, forested streams which are often home to wild trout and other sensitive species. Water withdrawals from these types of streams must be closely monitored to minimize any potential ecological consequences. Failure to obtain the necessary approvals or follow the withdrawal guidelines can shut down the drilling operations. And to reiterate again, the regulations governing water withdrawals for gas drilling continue to change rapidly. If the industry should expand from the exploratory stage to full scale production expect to see more changes in policy and regulations.

Water can be withdrawn from private ponds and lakes if companies have permission to access the water body, for which some landowners are charging an access fee. If the water body is over an acre in size, a drawdown permit will be required from the Pa. Fish and Boat Commission.

In Pennsylvania water can be sold in certain situations. Water that is on or under the land, such as accumulated snowmelt, stormwater runoff, or water from a spring-fed pond, can be sold as long as it has no impact on water on or under another property. Landowners do not have the right to sell water from a watercourse that passes through their land parcel. Landowners can, however, charge an access fee. Although landowners may be considered to have certain ownership rights in subsurface waters on their property, they can incur liability if their sale of water adversely affects a well or spring on another property. It will be difficult for most landowners to sell water.

The legality of selling water in Pennsylvania has been decided by case law rather than by regulations. The sale of water for use in gas drilling and payments to private landowners for access to water are complex and evolving issues surrounded by a lot of confusion. Again it is wise to check the resources at the end of this article for updates.

(continued)

Marcellus shale

(continued)

Sand, gas and chemicals are added to the water used in the hydrofracturing process. The water removed from the well after hydrofracturing, called fracing fluid, can include oils, gels, acids, alcohols and other organic chemicals. This fracing fluid is a water quality concern and is controlled by different regulations. States have the authority for regulating fracing fluids. Well operators must meet all DEP disposal methods. Disclosure of chemicals used is required. Many water quality experts are concerned about the storage, treatment and disposal of this by-product. These concerns are a major challenge to the development of gas from the Marcellus shale in Pennsylvania.

It is important to keep in mind the differences between water quantity and water quality. Taking water from a small stream concentrates any contaminants in the stream water. If small streams are used for release of the fracing fluids the lower dilution rate can damage fragile ecosystems. Owners of private drinking wells near active Marcellus shale drilling should be alert for any sudden change in their drinking water. Landowners should refer to the Penn State Extension publication, *Gas Drilling and Your Private Water Supply* for more information.

Many landowners are not aware of their rights or the current (and changing) regulations. Keeping good records of well water quality will help to establish a baseline in case there should be a problem later.

The public policies mentioned in this article will be reevaluated as drilling continues and production begins. DEP staffing levels have not been able to keep up with the demand for enforcement because of the rapid rate of Marcellus shale exploration. DEP is in the process of hiring more inspectors, but currently they are short-staffed. It is strongly recommended that citizens be alert for any adverse impacts from drilling operations in their area.

*Lisa V. Dziuban
Bucks County CD*

Information for this article was obtained from the Marcellus Education Fact Sheet published by Penn State Cooperative Extension.

For further information and updates please refer to:

Penn State Cooperative Extension Natural Gas Impacts: www.naturalgas.psu.edu
Delaware River Basin Commission: www.state.nj.us/drbc
Interstate Council on Water Policy: www.icwp.org/cms
Pennsylvania Department of Environmental Protection: www.dep.state.pa.us/dep/deputate/minres/oilgas/new_forms/marcellus/marcellus.htm
Susquehanna River Basin Commission: www.srbcc.net

Bucks County receives stimulus grant to monitor Tohickon Creek watershed

The Bucks County Conservation District has been awarded \$16,100 in pass-through funding from Pennsylvania Department of Environmental Protection under the American Recovery and Reinvestment Act, also known as the Stimulus Fund. Provisions of the Clean Water Act allow DEP to issue grants and designate organizations to supplement the Department's water quality monitoring efforts.

The District will collect data on habitat, water quality and biological field at five stream segments in the Upper Tohickon Creek Watershed. In the recent past, DEP has focused efforts primarily on data collection at Lake Nockamixon and the lower portion of the watershed. The ultimate goal of the program is to assist DEP and determine if the upper portions of the Tohickon Creek watershed, currently listed as impaired, are improving.

Sampling will be conducted from winter through spring. Please contact Meghan Rogalus, Watershed Specialist at 215-345-7577 ext. 107 or at MeghanRogalus@bucksccd.org if you are interested in volunteering for this project.

*Meghan K. Rogalus
Bucks County CD*



Education on the River

What better way to enjoy the fruits of your labor and recharge your E & S batteries than to kayak down the Delaware River with a few friends. On June 26, staff from the Bucks County Conservation District had the opportunity to do just that as we mixed in a bit of business with our pleasure. How did we accomplish that? By participating in the annual Delaware River Sojourn and giving an informative presentation on erosion and sediment control during one of the scheduled educational stops. Luckily for Jake Borden, coastal zone technician and Rich Krasselt, E & S technician and first time kayaker, examples of their work were all around us when we stopped for our lunch time presentation. A new house being built had the distinctive orange silt fence and hay bales stacked in place just a few yards from the location of our gathering. Jake and Rich explained how E & S has changed since it's inception in the early 1970's. They discussed how naturalized basins help filter sediment, the extraordinary amount of rainfall this spring and how it has influenced their jobs as well as discussing many of the small details that make their jobs challenging on a daily basis. Those on the sojourn responded by asking many questions about our programs and what they can do in their own backyards to preserve the quality of our waterways.

Throughout the remainder of the day the discussion continued, and several participants mentioned that they had learned many interesting things about what the Conservation District does for them. Special thanks to Kate, Ian and Sarah for hosting BCCD for a day of educational opportunities and fun.

For more information on the sojourn, visit www.delawareriversojourn.org/

Mary Ellen Noonan, Bucks County CD

13th Annual Teacher Workshop

Once again this year, the Bucks County Conservation District (BCCD) joined forces with the Partnership for the Delaware Estuary and DCNR to host a Watershed Workshop for teachers. Each of the partners planned two days of the six-day workshop.

BCCD days were packed with information on Best Management Practices. Teachers learned from BCCD experts about the wetland mitigation project taking place due to the Route 202 parkway project, agricultural erosion control and nutrient management, TreeVitalize and Growing Greener. Additional guest speakers from the Academy of Natural Sciences, Heritage Conservancy and Boucher and James Consulting Engineers added to watershed topics by discussing climate change, invasive plants and land planning.

The second day the teachers toured the rain garden at George School, a residential green roof, the Bucks County Parking garage construction site, the Quakertown Swamp and Henry Rosenberger's farm complete with a created wetland and recent riparian buffer plantings. At the completion of the day, one teacher remarked "I will never look at a construction site again in the same way."

Partial funding for this project was provided by a PA DEP Environmental Education grant.

*Mary Ellen Noonan
Bucks County CD*



Barbara Gelller and Jane Wilson speak to the group of teachers about a green roof.



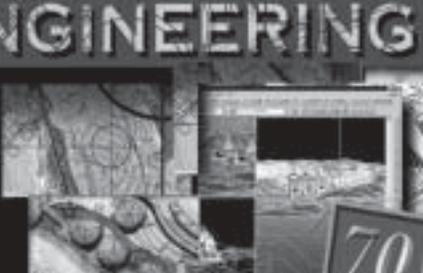
Rich Krasselt of BCCD and Marlin Stroh of George School show the teachers the new rain garden at the School.

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Chester District Employees receive State Awards

The Pennsylvania Association of Conservation Districts (PACD) the State Conservation Commission (SCC) each presented an award to employees of the Chester County Conservation District (CCCD) in State College on July 21, 2009.

Dan Greig, CCCD Manager, received the highest award from the SCC as "Outstanding Conservationist" award, and Chotty Sprenkle, CCCD Watershed Coordinator, received the "Employee Excellence" award at the summer meeting of PACD and the State Conservation Committee. Mr. Greig was recognized for his 31 years of outstanding work as District Manager. Ms. Sprenkle was recognized for her work in environmental education and watershed conservation over her 14 years as a conservation district employee.



Dan Greig and Chotty Sprenkle received state awards.

With the mix of agriculture and urban activities in the Chester County watersheds, the CCCD, and Dan Greig, in particular, have played an active role in resource conservation. The significance of the mushroom industry in Chester County led to the development of the *Best Practices for Environmental Protection in the Mushroom Farm Community (1997)*, which provided a model for mushroom farming. Dan's work helped to establish CCCD as a leader in developing models and practices for mushroom farming.

With the rapid development of the Brandywine watershed and other parts of Chester County, the district has played a leading role in developing stormwater management plans for new construction. To encourage innovation and design, the district provided incentives for developers who emphasized stormwater recharge in their plans. Today, Chester County is a model for many of these practices, and the district has developed a tour of these innovative sites. In 2008, Dan also received the Brandywine Valley Association Clayton M. Hoff Award for his outstanding conservation efforts in the Brandywine Christina watershed.

Chotty Sprenkle started with the Lancaster County Conservation District in 1995 to create and implement a soil and water conservation education program for the district. In 2000, she accepted the position of Watershed Coordinator for the CCCD. Her job is to assist communities and conservation organizations in acquiring funding for stream restoration and BMP implementation, to create watershed conservation plans, and to administer conservation programs such as the Tree Vitalize program for Chester County. In 2009, she received an award for her work in the restoration of Crabby Creek from the Valley Creek Restoration Partnership.

*Chris Strohmaier
Chester County CD*

Best Overall E&S Control Sites recognized at Pyramid Awards

The Home Builders Association of Chester and Delaware Counties' 20th Annual Pyramid Awards presentation was held on April 16, 2009 at the Springfield Country Club. Representatives from both Chester and Delaware County Conservation Districts were in attendance to present the Construction Industry Award for Best Overall Erosion and Sediment Control for 2008.

Jordan Perry, Chester County District Technician, presented Valley Park Realty, LP with an award for the Valley Park site in Schuylkill Township. Wayne Megill, one of Delaware County Conservation District's newest board members, and myself presented an award to Behrle Construction Co., Inc. for the Flintlock site in Haverford Township. Brubacher Excavating, Inc. also received an award for their work at the site; however, they were unable to be in attendance. These sites were chosen based on their compliance with the Chapter 102 regulations of the Clean Streams Law, as well as for their cooperation with the conservation districts. Congratulations to the winners, and keep up the good work!

*Michelle Ferri
Delaware County CD*

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