

I'm Planning on Moving **DIRT**...

What Do I Need to Know?

The Erosion and Sedimentation (E&S) Pollution Control Program is delegated to the Greene County Conservation District (GCCD) by the Pennsylvania Department of Environmental Protection (PA DEP). The purpose of the E&S program is that persons proposing or conducting earth disturbance activities develop, implement, and maintain Best Management Practices (BMP) that minimize the potential for accelerated erosion and sedimentation and manage post construction stormwater. The BMPs shall be undertaken to protect, maintain, reclaim, and restore water quality and the existing and designated uses of waters of the Commonwealth.

The E&S program includes review of the E&S plans, inspection of earth disturbance sites, responding to complaints, issuance of Stream Encroachment Permits, ESCGP-1 permits, and National Pollutant Discharge Elimination System (NPDES) permits.

E&S plans are reviewed according to DEP guidelines to determine if they satisfy the Clean Streams Law and the adequacy of proposed BMPs based on rules and regulations from the Pennsylvania Code, Title 25, Chapters 102 and 105.

A FEW PROGRAM FACTS

- Any project of any size be it **residential, timber harvesting, road maintenance, farming activity for commercial purposes** that disturbs soil must ensure that effective Best Management Practices (BMPs) are in place and maintained to ensure that accelerated erosion and sedimentation does not occur and is controlled.
- A **written E&S plan** is required to be on site at all times by any person conducting earth disturbance activity if the total disturbed area is over 5000 sq. ft. and less than 1 acre in size.
- An E&S plan review by GCCD for less than 1 acre is not mandatory **unless a municipality requires an approval** from the District for permitting requirements or planning purposes. This plan must be on site at all times during construction.
- For **projects smaller than 5000 sq. ft.** in size, BMPs are still required and must be implemented and maintained to protect water quality, but no written plan is mandatory.
- **Complaints** received by the GCCD will be investigated and it may be required that the E&S plan be submitted for review and approval to ensure compliance with the regulations.
- For **projects greater than 1 acre** in size over the life of the project an NPDES (National Pollution Discharge Elimination System) permit is required.
- **Agricultural Activities** are NOT exempt from Chapter 102 requirements. Agricultural tilling activities, plowing activities or Animal Heavy Use Areas (AHUA), though not required to obtain an NPDES permit, must implement BMPs that minimize the potential for accelerated erosion and sedimentation.
- **Timber Harvesting or Road Maintenance operations** are NOT exempt from Chapter 102 requirements. Activities disturbing less than 25 acres (logging roads, landings, skid trails or other earth disturbance) must implement and maintain BMPs that minimize the potential for accelerated erosion and sedimentation. Projects that involve the disturbance of over 25 acres must obtain an E&S Permit.



Greene County Conservation District

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What are some of the NPDES Permit Requirements

- NPDES permits are required for projects that will disturb 1 acre or more over the life of a project.
- Applicants are required to explore non-discharge alternatives and meet riparian buffer requirements.
- If the site drains or is situated in a High Quality or Exceptional Value Watershed, an Individual NPDES permit is required. If the site is situated outside a Special Protection Watershed then a General NPDES permit is typically required.
- Both Individual and General NPDES permits require a Post Construction Stormwater Management Plan (PCSM). The PCSM is to provide BMPs that will manage any net increase in stormwater runoff volume after completion of the project. The PCSM is to be designed to eliminate or minimize point source discharges and to ultimately protect all aspects of the receiving surface water(s).
- Maintenance responsibilities for all structural Post Construction Stormwater BMPs shall be recorded with the Recorder of Deeds.
- High Quality or Exceptional Value Watersheds require a 150 foot set-back from streams, rivers, lakes, ponds or reservoirs with buffer requirements.

Is my farm in compliance with Pennsylvania's Erosion and Sedimentation control laws?

Regulations regarding agricultural plowing and tilling operations have been around since 1972. Most farmers are familiar with the term “conservation plan” and have had a plan in some form developed for their operation; many of them are quite outdated. On November 19, 2010 new regulations took effect which may change how you manage your farming operation and your old plan may not meet the new requirements.

ALL AGRICULTURAL OPERATIONS ENGAGED IN PLOWING, TILLING, NO-TILL OR HAVING ANIMAL HEAVY USE AREAS DISTURBING MORE THAN 5000 SQFT COMBINED, ARE REQUIRED TO DEVELOP AND IMPLEMENT A WRITTEN E&S PLAN.

All farms regardless of size are required to implement best management practices (BMP) to minimize erosion; especially areas within 100 ft. of a stream. When plowing or tilling you must maintain 25% plant cover/crop residue or implement additional BMP's near waterways.

A conservation plan or Ag E & S plan must identify all the AHUA and crop fields on the operation and the BMP's in use or planned to control run-off. This plan must meet “T” over the crop rotation and be available for review at the farm. A farmer can develop their own written Ag E & S plan, but your local conservation district is available to assist you in this process or with any questions.



Contact the Conservation District to determine what type of permit you need.

When do I need a permit for my farming operation?

Agricultural plowing and tilling activities do not require a permit, BUT Agricultural construction activities disturbing 1 acre or more **DO** require an NPDES permit. The watershed you are located in will dictate whether a general or individual permit is needed.

The only exceptions are terraces, grassed waterways, or diversions installed as part of the conservation plan or land clearing to expand plowing, tilling or AHUA operations. This may trigger a conservation plan revision and potentially a written E & S plan if combined more than 5000 sq ft is disturbed.



Oil and Gas Activities

In the spring of 2009, the PA DEP became the sole entity responsible for the issuance of all oil and gas related permits as they relate to earth disturbance associated with exploration, production, processing, or treatment operation or transmission facilities. The GCCD remains the reviewing agency of permitting associated with interstate and/or intrastate transmission of oil and gas within Greene County.



I want to work in or near a stream do I need a permit?

Along with Chapter 102, the Conservation District is delegated to authorize work within a stream channel or wetland, associated with construction activities and/or agricultural activities, under Chapter 105. The purpose of Chapter 105 is to assure proper planning, design, construction, maintenance, and monitoring of water obstructions and encroachments. Thus preventing unreasonable interference with water flow and to protect navigation; with the purpose of protecting the natural resources, natural regime, carrying capacity of watercourses and conserve and protect the water quality.

Chapter 105 programs ensure that proper permitting has been acquired for projects that are within a Special Protection Flood Hazard Area as delineated on the National Flood Insurance Program Mapping, within 50 feet from the top of stream bank, within 50 feet of a jurisdictional wetland, and /or within a stream channel that has a defined bed and bank.

Projects where permanent or temporary structures are being built or earth distance will take place, that are within the above mentioned special protection areas, require

permitting and local municipal approvals. The Conservation District has a direct role in Obstruction and Encroachment General Permits. These permits are needed when activity is within the stream or wetland itself or agricultural activities that are near streams or wetlands. These permits are needed even if disturbance is minimal.

MYTH: I CANNOT DO ANYTHING IN OR NEAR A STREAM

This is incorrect. Many people believe that no activity can take place in or near streams. A person is permitted to remove debris collected within a stream caught on tree snags and such. As long as the work can be completed by hand a permit is not needed. Be sure that the material removed is taken out of the floodplain areas so that it does not reach the stream during high water. Once a person needs to bring in equipment it is a good idea to check with our office to be sure the work does not need a permit.

Stream Permits Available Through GCCD

- **GP-1 Fish Habitat Enhancement Structures**

For the installation of fish habitat structures that have been approved by the PA Fish and Boat Commission.

- **GP-2 Small Docks & Boat Launching Ramps**

Gives authorization for the installation of pile-supported and floating docks on Lakes.

- **GP-3 Bank Rehabilitation, Bank Stabilization, and Gravel Bar Removal**

For projects that involve bank stabilization or gravel bar removal on/in streams.

- **GP-4 Intake and Outfall Structures**

This permit is used for projects such as the installation of a dry fire hydrant or a "clean water" drainpipe outfall for ponds.

- **GP-5 Utility Line Stream Crossings**

The GP-5 applies to any utility line (gas, oil, sewer or water) that crosses under or over a stream or wetlands (residential or industrial uses).

- **GP-6 Agricultural Crossings and Ramps**

This permit is to be used when crossings or ramps are installed for agricultural purposes.

- **GP-7 Minor Road Crossings**

This permit can be utilized when establishing a permanent road (not a parking lot) crossing through a wetland or stream using a bridge or culvert or clean fill material.

- **GP-8 Temporary Road Crossings**

This permit is used to establish a temporary culvert or bridge crossing.

- **GP-9 Agricultural Activities**

This permit authorizes agricultural activities (grassed waterways, terraces, diversions, waste storage facilities, spring development or minor drainage) that encroach into streams or their flood ways.

- **GP-10 Abandoned Mine Reclamation Permit**

- **GP-15 Private Residential Construction in Wetlands**



Stream Permits Available Through PA Dep Southwest Regional Office

- A Small Projects Permit involves work in a stream or floodplain that will have an insignificant impact on the safety and protection of life, health, property and the environment.
- A Joint Permit needs to be applied for when the total length of impact to one stream is greater than 500 linear feet and/or will significantly impact streams and/or wetlands.

**MY TOWNSHIP'S NOT CONCERNED - SO I AM NOT CONCERNED - SO NOT TRUE!
WITHOUT THE PROPER PERMITTING IN PLACE LOCAL PERMITS CANNOT BE ISSUED.**

With the exception of local stormwater approvals or authorizations, a municipality or county may not issue a building or other permit or approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or a conservation district has issued the E&S or individual NPDES Permit, or approved coverage under the general NPDES Permit for Stormwater Discharges Associated With Construction Activities under § 102.5 (relating to permit requirements).



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