

Mifflin County Conservation District

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Mifflin County Conservation District

Today's menu...

- Chapter 102/105 overview
- What Chapter 102/105 is not
- Municipal responsibilities



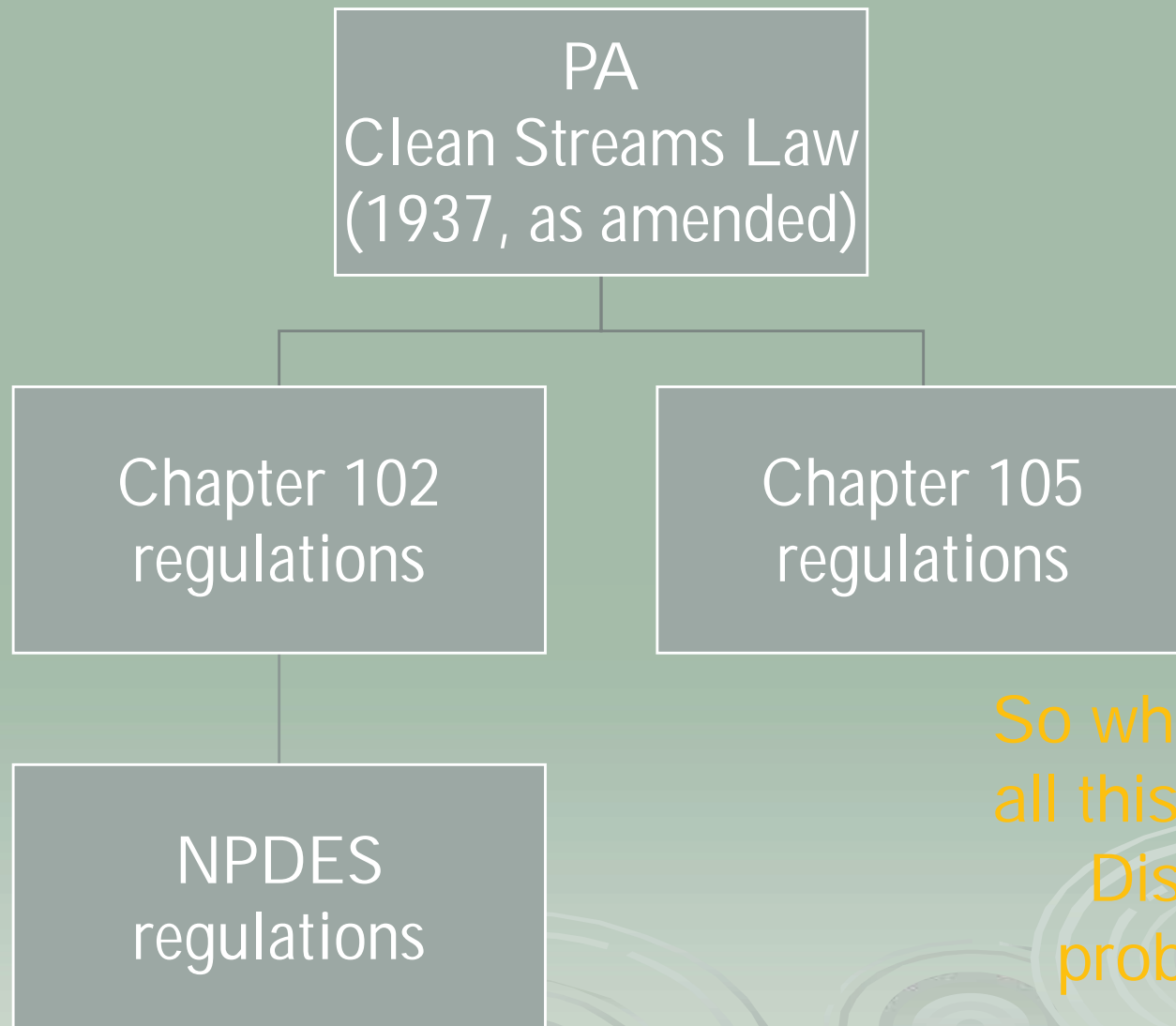
Questions to Ponder...

True or False?

1. The largest pollutant by volume to PA streams is road salt and industrial discharges? **FALSE!**
2. If an earthmoving/ construction site does a good job of controlling sediment, stabilizes the site, and has met all the State requirements, future stormwater problems for the township and downslope neighbors will have been prevented. **OFTEN, FALSE!**
3. Local municipalities are required to assure compliance with some of the State's water quality regulations?

TRUE!, not to be mistaken for State suggestions, opinions, recommendations, or "good ideas"— key word "required".

District Regulatory Programs



So what...isn't
all this stuff the
District's
problem??

PA CODE TITLE 25

Department of Environmental Protection

CHAPTER 102 EROSION AND SEDIMENT CONTROL

What's Chapter 102?? Regulations which affect ALL earthmoving activities in the state of PA.

CHAPTER 105 Dam Safety and Waterway Management (MCCD is not delegated to handle in any way the Chapter 105 program).



What is the purpose of Chapter 102?

To control accelerated soil erosion and the resulting sediment pollution of the waters of the Commonwealth.

§ Chapter 102.2 requires...

...persons proposing or conducting earth disturbance activities to develop, implement & maintain BMPs to minimize the potential for accelerated erosion & sedimentation

...BMPs shall be undertaken to protect, maintain, reclaim & restore water quality and the existing and designated uses of waters of this Commonwealth



REQUIREMENTS UNDER CHAPTER 102.4

- ALL EARTHMOVING ACTIVITIES [of any amount, no minimum—yep, even if you are grading a spot for a small garden shed)
 - must implement control measures that prevent sediment from reaching waters of the Commonwealth (basically, follow the CSL).



REQUIREMENTS UNDER CHAPTER 102.4

(over 5000 ft² of disturbance—E&S plan *required*)

- ALL EARTHMOVING ACTIVITIES DISTURBING 5000 ft² OR MORE must develop, implement, and maintain erosion and sedimentation control measures which effectively *control and minimize* accelerated erosion.
 - These controls must be specified in a written Erosion & Sedimentation Pollution Control Plan (E&S Plan).
- E&S plans need reviewed and APPROVED prior to(not during) construction...
 - When a local municipal, state, or federal permit/ authorization/ grant/ or similar requires the E&S plan approval
 - During complaint investigations/ cases

PA CODE TITLE 25

Department of Environmental Protection

CHAPTER 102 EROSION AND SEDIMENT CONTROL

What's Chapter 102?? Regulations which affect ALL earthmoving activities in the state of PA.

OK, so what's required of me?

"Responsibilities of Local Governing Bodies"



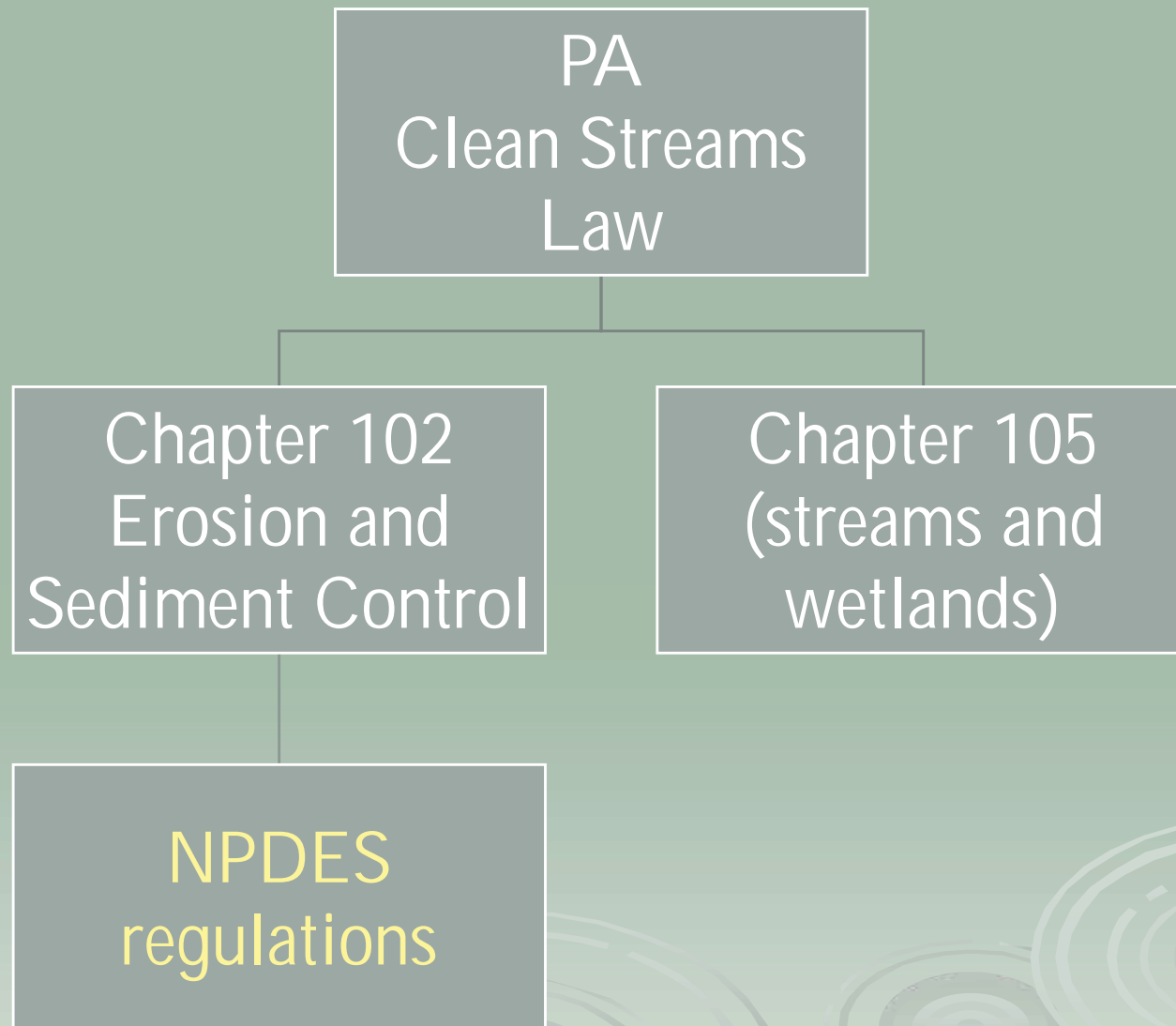
§ 102.42 NOTIFICATION OF APPLICATION FOR PERMITS

- A municipality or county which issues building or other permits *shall* notify the Department or Conservation District within 5 days of receipt of an application for a [municipal] permit [or other local approval] involving an earth disturbance activity consisting of 1 acre or more [over the life of the project].


§ 102.43 WITHHOLDING PERMITS

- A municipality or county **may not issue a building permit** or final approval to those proposing or conducting earth disturbance activities requiring a Department permit **until the Dept. or CD has issued ... the NPDES Permit ...**

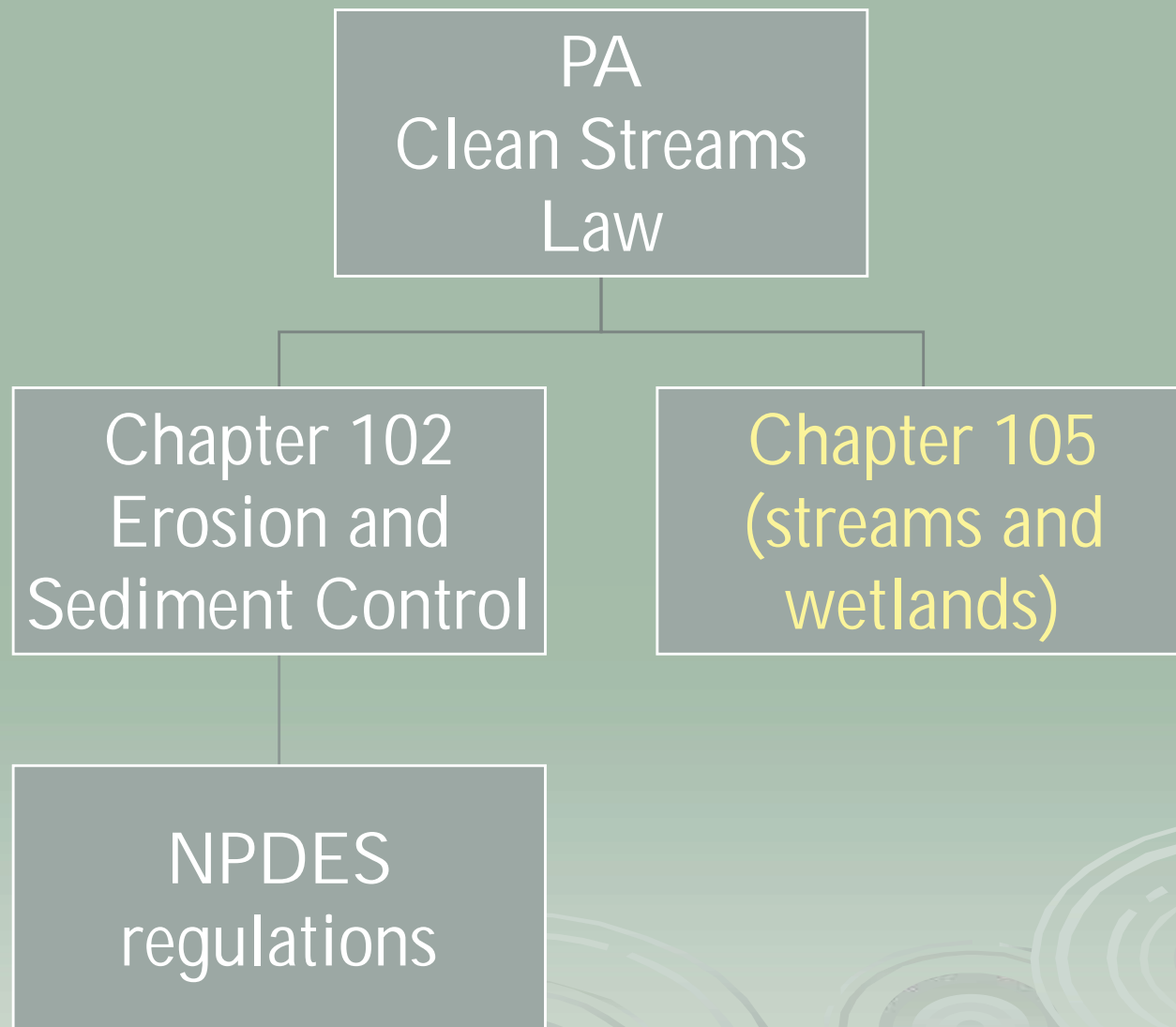
Earthmoving Regulations



What is NPDES?

- National Pollution Discharge Elimination System; Federal system for issuing permits under Section 402 of the Federal Clean Water Act
 - Delegated by EPA to states to administer (Chapter 92, sections of Chapter 102)...then down to Conservation Districts
 - Phase I for large earthmoving activities (5+ acres) since 1987
 - Phase II (1 to 5 acres) since 1995 (2003 in PA)
 - Individual and General permits; watershed specific
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Earthmoving Regulations



PA CODE TITLE 25

Department of Environmental Protection

CHAPTER 105 Dam Safety and Waterway Management (MCCD is not delegated to handle in any way the Chapter 105 program).

Chapter 105 (in 60 “non-lawyer” words or less ...)

- Wetlands: you can't in any way dig, fill, drain, grade, grub, tinker, or mess with a wetland without a permit or permission. Anything more than digging for fishin' worms is probably a problem.
- Streams (nearly any defined channel): you can't fill, grade, excavate, dig, or otherwise change elevations near a watercourse (usually 50' from the top of each bank, greater on larger streams) without a permit or permission.

GOT ALL THAT??...and we've just scratched the surface...

The EASY way...



- JUST ASK US!!
- Call your local Conservation District...and get us out of the office! We'll thank you for it!!