

## **Chapter 102 Fact Sheet**

<http://www.pacode.com/secure/data/025/chapter102/chap102toc.html>

- Any earth disturbance over **5,000 square feet** requires a written erosion and sediment control plan and it must be available on site.

### **IF DISTURBING MORE THAN 1 ACRE READ BELOW**

- NPDES permits are required for any earth disturbance activity that **disturbs 1 acre or greater**, regardless of whether the activity results in a point source discharge. **102.5 (a)**
- **General NPDES-** \$500 – payable to WCD Clean Water Fund  
\$100/disturbed acre – payable to Commonwealth Clean Water Fund  
**Individual NPDES-** \$1,500 – payable to WCD Clean Water Fund  
\$100/disturbed acre – payable to Commonwealth Clean Water Fund – **102.6(b)**
- Written erosion and sediment (E&S) control plans are required for both **agricultural plowing and tilling** activities that disturb over 5,000 square feet AND **animal heavy use areas** that disturb over 5,000 square feet. The E&S plan must identify all “Surface Waters of the Commonwealth”.  
**102.4 (a)**
- **Inspection reports** and monitoring records should be **available on site**. They can be maintained electronically as long as a copy can be produced when requested by the Westmoreland Conservation District (WCD) or Department of Environmental Protection (DEP). **102.4(b)**
- A **pre-construction meeting** must be held for any earth disturbance activity which is authorized by a permit. Any person who has a role in the design or implementation of the E&S control plan or post-construction stormwater management (PCSM) plan must attend this meeting. **102.5(e)**
- A Notice of Termination (NOT) must be submitted to the WCD or DEP which identifies the person(s) responsible for the **long-term operation and maintenance** of PCSM best management practices (BMP’s). **102.7(a)**
- “**Record Drawings**” of PCSM structures, with a final certification, should be included with the NOT.  
**102.8(l)**
- **Permit Renewals:** A person conducting earth disturbance activities under a permit issued before November 19, 2010, and renewed prior to January 1, 2013, shall implement, operate, and maintain the PCSM requirements in accordance with the terms and conditions of the existing permit. After January 1, 2013, the renewal of a permit issued before November 19, 2010 shall comply with the requirements new permit. **102.8 (a) Renewals need submitted 180 days before expiration.**
  - **NOTE: Currently, NPDES permits which are being issued are valid for 5 years. ESCGP-2 permits are valid for 5 years.**
- **A licensed professional** or designee shall be present on site and be responsible during critical stages of PCSM installations. Critical stages may include the installation of underground facilities, structurally engineered BMP’s, or other BMP’s identified by WCD or DEP. **102.8(k)**

(OVER)

- New buffer requirements: 150' **riparian buffer** required when site is located in high quality (HQ) or exceptional value (EV) watersheds. Also requires protection of any existing buffer. A 150' **riparian forest buffer** required when the site is located in HQ or EV category 4 or 5 impaired stream watershed.  
**102.14(a)**
  - 86,000 – stream miles in PA
  - 26,000 – miles designated HQ or EV – requires **riparian buffer**
  - 700 – miles designated HQ/EV category 4 or 5 impaired – requires **riparian forest buffer**
- Buffers must be **protected in perpetuity** through deed restrictions, conservation easements, local ordinance, or permit conditions. Proof should be submitted with the NOT. **102.14(g)**
- A **stream ReLeaf form** must be submitted to WCD or DEP within one year of buffer establishment  
**102.14(h)**
- **Temporary stabilization** must be applied to a site when cessation of earth disturbance activities will exceed 4 days. **102.22**
- A municipality or county which issues building or other permits shall **notify the WCD or DEP within 5 days** of receipt of the application for a permit involving an earth disturbance activity consisting of 1 acre or more. **102.42**
- With the exception of local stormwater approvals or authorizations, **a municipality or county may not issue a building or other permit** approval to those proposing or conducting earth disturbance activities requiring a DEP permit until the WCD or DEP has issued the E&S or individual NPDES permit, or approved coverage under the general NPDES permit. **102.43**
- **New technologies** must be submitted to Darl Rosenquest/DEP for approvals. WCD cannot grant approvals.

For further information, please contact



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