

CHAPTER 102

Plain English Guide to the Erosion and Sediment Control (E&S) Regulations

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The scope: § 102.2 (a).

- Chapter 102 requires persons proposing or conducting earth disturbance activities to develop, implement and maintain Best Management Practices (BMPs) to minimize the potential for accelerated erosion and sedimentation.

What is an earth disturbance activity?

- A construction or other human activity which disturbs the surface of the land.
 - Clearing and grubbing
 - Grading
 - Excavations
 - Embankments
 - Land development
 - Moving, depositing, stockpiling or storing of soil, rock or earth materials

Chapter 102 regulates:

- Construction activities
- Timber harvesting
- Agricultural plowing and tilling
- Road maintenance activities

Regulating stormwater: during and after construction.

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| <ul style="list-style-type: none">• DURING<ul style="list-style-type: none">– Stormwater runoff can occur <u>during</u> construction activities.– Regulated by Chapter 102.– Enforced by DEP and County Conservation Districts. | <ul style="list-style-type: none">• AFTER<ul style="list-style-type: none">– Stormwater runoff can also occur <u>after</u> construction has been completed and the site is considered to be permanently stabilized.– Regulated and enforced by local municipalities. |
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The purpose: § 102.2 (b).

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

What are BMPs?

- Best Management Practices
- Activities, facilities, measures or procedures used to minimize accelerated erosion and sedimentation.

Rock Construction Entrance



Filter Fabric Fence



Rock Filter



Outlet Protection



Channel



Sediment Trap or Basin



Erosion Control Blanket



Seed and Mulch



BMPs are not perfect.

- Chapter 102 requires persons proposing or conducting earth disturbance activities to minimize the potential for accelerated erosion and sedimentation to occur.
- Erosion and sediment control BMPs do not completely eliminate sediment from stormwater runoff.
- **BMPs must be properly installed and maintained.**

How do the regulations apply to an earth disturbance activity?

- Two factors must be considered:
 - The **total amount of earth disturbed** over the life of the project.
 - The **water quality designation** of the watershed (drainage area) that the project occurs in.

High Quality (HQ) waters of Fulton County:

- **Brush Creek**, Brush Creek Township
- **North Branch, Little Aughwick Creek**, Dublin Township
- **Roaring Run**, Ayr Township
- **Sideling Hill Creek**, Taylor Township
- **South Branch, Little Aughwick Creek**, Todd/Dublin Townships (from the inlet of Cowans Gap Lake to the confluence with the North Branch)

Exceptional Value (EV) waters of Fulton County:

- **Sideling Hill Creek**, Union Township
- **South Branch, Little Aughwick Creek**, Todd Township (from the source to the inlet of Cowans Gap Lake)

NOTE:

- These water quality designations include all waters that drain into these streams.

Chapter 102 minimum requirements:

- Erosion and sediment control BMPs must be implemented and maintained for all earth disturbance activities.
- The extent to what types of BMPs are used depends on the project.

If the project will disturb greater than 5,000 square feet:

- Erosion and sediment control BMPs must be implemented and maintained.

AND

- A written Erosion and Sediment Control (E&S) Plan must be developed.

If the project is being conducted in a HQ or EV watershed:

- Erosion and sediment control BMPs must be implemented and maintained.

AND

- A written E&S Plan must be developed.

Regardless of the total amount of earth disturbed over the life of the project.

If the project will disturb 1 acre or more:

- Erosion and sediment control BMPs must be implemented and maintained.
- A written E&S Plan must be developed.

AND

- The project may require a National Pollutant Discharge Elimination System (NPDES) Permit.

What is a NPDES permit?

- A NPDES permit provides permit coverage for the discharge of stormwater runoff from the site to waters of the Commonwealth *during* construction activities.
- The Fulton County Conservation District must be contacted to discuss the nature of the project and to determine whether or not a permit is required, specifically for projects disturbing 1-5 acres.
- Any project disturbing 5 acres or more automatically requires a NPDES permit.

What is an E&S Plan?

- A written plan detailing how erosion and sedimentation will be minimized through the use of BMPs.
- Typically consists of drawings and a narrative.
- Can be very simple or very complex.
- The written E&S Plan must be kept on site at all times during the earth disturbance activity.

E&S Plan content:

- Existing topographic features of the project site
- Soils information
- Characteristics of the earth disturbance activity
- Amount of runoff from the project area
- Location of waters of the Commonwealth which may receive runoff
- Narrative description of the location and type of BMPs used
- Sequence of BMP installation
- Supporting calculations
- Plan drawings
- Maintenance program
- Procedures for the recycling or disposal of materials