

## What is Chapter 102?

This chapter requires persons proposing or conducting earth disturbance activities to develop, implement and maintain BMPs (Best Management Practices) to minimize the potential for accelerated erosion and sedimentation and to manage post construction stormwater.

The BMPs are to be undertaken to protect, maintain, reclaim, and restore water quality and the existing and designated uses of Waters of the Commonwealth.

### GENERAL PROVISIONS

- 102.1 – Definitions
- 102.2 – Scope and purpose
- 102.4 – Erosion and Sedimentation requirements
- 102.5 – Permit Requirements
- 102.6 – Permit Application Fees
- 102.7 – Permit Termination
- 102.8 – PCSM Requirements

### EROSION AND SEDIMENT CONTROLS AND POST CONSTRUCTION STORMWATER MANAGEMENT BMPS

- 102.11 – General requirements
- 102.14 – Riparian buffer requirements
- 102.22 – Site stabilization

### ENFORCEMENT

- 102.31 – Applicability
- 102.32 – Compliance and enforcement provisions

### RESPONSIBILITIES OF LOCAL GOVERNING BODIES

- 102.41 – Administration by county conservation districts
- 102.42 – Notification of application for permits
- 102.43 – Withholding permits

## E&S and PCSM BMP's

Reference is made to both the Erosion and Sediment Pollution Control Program Manual and the Pennsylvania Stormwater Best Management Practices Manual (Stormwater BMP Manual) as the design standards that are considered to be minimum requirements for permit coverage.

## Enforcement

DEP and /or a conservation district may enforce the Ch. 102 Regulations under the Clean Streams Law. The enforcement may include investigations and inspections, complaint responses, orders to stop work, remediate, or restore, civil penalties, criminal penalties, and the suspension, revocation, withholding, or denial of permits or approvals.

## Responsibilities of Local Governments

A municipality or County which issues building or other permits is required to notify the Department or conservation district within 5 days of the receipt of a permit involving an earth disturbance activity consisting of 1 acre or more.

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).



## Montgomery County Conservation District

## Pa. Code Title 25. Environmental Control Chapter 102 Erosion and Sediment Control

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## General Provisions Explained

Agriculture plowing and tilling and animal heavy use areas require implementation and maintenance of erosion and sedimentation control best management practices (E&S BMP's) for areas that disturb less than 5000 square feet. Areas over 5000 square feet of disturbance require a written plan which includes cost-effective and reasonable BMPs that will limit the soil loss from accelerated erosion over the crop rotation is required.

Earth disturbance activities other than the above also require implementation and maintenance of BMPs for projects that have under 5000 square feet of disturbance and written plans for projects over 5000 square feet of disturbance. A written E&S plan is also required for ANY disturbance in a watershed with a Chapter 93 designation of High Quality (HQ) or Exceptional Value (EV). A written E&S plan may also need to be obtained or reviewed as a result of a requirement of other environmental permits or municipal requirements..

Other than agricultural plowing or tilling activities, animal heavy use areas, timber harvesting activities or road maintenance activities, a person proposing an earth disturbance activity that involves equal to or greater than 1 acre of earth disturbance, or an earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves equal to or greater than 1 acre of earth disturbance, is required to obtain an NPDES permit for Stormwater Discharges Associated With Construction Activities prior to commencing the earth disturbance activity. In an HQ or EV watershed, an Individual NPDES Permit will be required.

In an HQ or EV watershed, an antidegradation analysis will also be required in most cases to show compliance with Chapter 93, water quality standards.

If required to have a written E&S plan, there are 15 factors which must be considered in a complete E&S plan.

- (1) The existing topographic features of the project site and the immediate surrounding area.
- (2) The types, depth, slope, locations and limitations of the soils.
- (3) The characteristics of the earth disturbance activity, including the past, present and proposed land uses and the proposed alteration to the project site.
- (4) The volume and rate of runoff from the project site and its upstream watershed area.
- (5) The location of all surface waters of this Commonwealth which may receive runoff within or from the project site and their classification under Chapter 93.
- (6) A narrative description of the location and type of perimeter and onsite BMPs used before, during and after the earth disturbance activity.
- (7) A sequence of BMP installation and removal in relation to the scheduling of earth disturbance activities, prior to, during and after earth disturbance activities that ensure the proper functioning of all BMPs.
- (8) Supporting calculations and measurements.
- (9) Plan drawings.
- (10) A maintenance program which provides for the operation and maintenance of BMPs and the inspection of BMPs on a weekly basis and after each stormwater event, including the repair or replacement of BMPs to ensure effective and efficient operation. The program must provide for completion of a written report documenting each inspection and all BMP repair, or replacement and maintenance activities.
- (11) Procedures which ensure that the proper measures for the recycling or disposal of materials associated with or from the project site will be undertaken in accordance with this title.
- (12) Identification of the naturally occurring geologic formations or soil conditions that may have the potential to cause pollution during earth disturbance activities and include BMPs to avoid or minimize potential pollution and its impacts from the formations.
- (13) Identification of potential thermal impacts to surface waters of this Commonwealth from the earth disturbance activity including BMPs to avoid, minimize or mitigate potential pollution from thermal impacts.
- (14) The E&S Plan shall be planned, designed and implemented to be consistent with the PCSM Plan under § 102.8 (relating to PCSM requirements). Unless other-

If required to have an NPDES Permit, a Post Construction Stormwater Management (PCSM) Plan will have to be included. The PCSM plan should be designed to:

- (1) Preserve the integrity of stream channels and maintain and protect the physical, biological and chemical qualities of the receiving stream.
- (2) Prevent an increase in the rate of stormwater runoff.
- (3) Minimize any increase in stormwater runoff volume.
- (4) Minimize impervious areas.
- (5) Maximize the protection of existing drainage features and existing vegetation.
- (6) Minimize land clearing and grading.
- (7) Minimize soil compaction.
- (8) Utilize other structural or nonstructural BMPs that prevent or minimize changes in stormwater runoff.

The PCSM plan must also include the first 13 factors from the E&S plan requirements plus:

- A riparian forest buffer management plan when required under §102.14 (relating to riparian buffer requirements).
- Additional information requested by the Department.

PCSM Plans for proposed activities requiring an NPDES permit will also need to manage the net change for storms up to and including the 2-year/24-hour storm event when compared to preconstruction runoff volume and water quality. The analysis for the 2-year/24-hour storm event shall be conducted using the following minimum criteria:

- (1) Existing predevelopment nonforested pervious areas must be considered meadow in good condition or its equivalent except for repair, reconstruction or restoration of roadways or rail lines, or construction, repair, reconstruction or restoration of utility infrastructure when the site will be returned to existing condition.
- (2) When the existing project site contains impervious area, 20% of the existing impervious area to be disturbed must be considered meadow in good condition or better, except for repair, reconstruction or restoration of roadways or rail lines, or construction, repair, reconstruction, or restoration of utility infrastructure when the site will be returned to existing condition.