



FAQ

for Municipalities

This pamphlet answers some of the frequently asked questions from municipalities regarding the changes to Chapter 102 which became effective November 19, 2010.

EARTH DISTURBANCE QUESTIONS:

Q: When should the Northumberland County Conservation District be contacted regarding earth disturbance?

A: The District should be contacted prior to issuance of building or other permits to sites that involve one acre or more earth disturbance.

Chapter 102.43 states: "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.)"

Q: When does someone need to produce an E&S plan?

A: Chapter 102.4 (b) states: "For earth disturbance activities other than agricultural plowing and tilling activities, the following erosion and sediment control requirements apply: (abbreviated)

1. For up to 5,000 SF of earth disturbance – E&S controls need to

be installed in Non-Special Protection Watersheds. In Special Protection Watersheds a written plan and installed controls are to be on site.

2. For more than 5,000 SF of earth disturbance – a written E&S plan and installed controls are to be on site in all watersheds.
3. For more than 1 acre of earth disturbance – an approved written plan and installed controls are to be on site and NPDES permit approval is needed.
4. For earth disturbance activities adjacent to and within existing drainage features such as streams and wetlands, an approved written plan and installed controls are to be on site and the appropriate GP must be submitted.

Q: For what types of permits would a municipality need to withhold approval until an NPDES permit is issued?

A: These permits would include those approvals that allow for the commencement of earth disturbance activities in excess of one acre. This would include preliminary subdivision or land development approvals and building and grading permits. It would not include long-term planning approvals including

zoning approvals, planning approvals or sewage planning modules which would not directly authorize earth disturbance.

Q: What if the demolition or moving of a building from one side of a site to another is proposed?

A: If one acre of earth will be disturbed, an NPDES permit is required. If the move or demolition is part of a future development that will have one acre or more of disturbance, but the building move or demolition itself will generate less than one acre of disturbance, an NPDES permit is required **prior** to moving the building or demolishing the existing structures in accordance with Permit Requirements Chapter 102.5

Q: The subdivision had all municipal approvals years ago, but did not build anything due to the economy. How can we be sure that they have all of their NPDES approvals?

A: Call the Northumberland County Conservation District to check on the status of the NPDES permit.

Q: Please explain the buffer requirements for the NPDES permits.

A: Riparian buffers are only required if the project site contains or is within 150 feet of

Special Protection waters (HQ or EV). If the project is greater than 150 feet away from the Special Protection waters, the person proposing the activity is not required to implement the buffer. Applicants still have to comply with all other regulatory requirements, including anti-degradation provisions and their municipal buffer requirements.

Q: *Must we contact the Northumberland County Conservation District about in-stream or pond work?*

A: Currently the Northumberland County Conservation District does not have a delegation agreement for the Chapter 105 program. The Conservation District will do the E&S review for all GPs, except GP-11s. The GPs will then be forwarded to the DEP-NCRO for review, along with an adequacy letter from the District concerning the E&S plan. We are applying for a delegation agreement for the Chapter 105 program. If we have this delegation agreement, the GPs will also be reviewed and issued by the District.

Q: *Can we use spent mushroom substrate (SMS) as a soil enhancement for Post Construction Stormwater Facilities?*

A: Yes. SMS is an excellent soil enhancement. However, its use also depends upon the types of vegetation to be planted on the site. Regionally native trees, grasslands, and meadows typically are found on low nutrient soils. With enhanced soil, these plants are usually out competed by faster growing invasive species. However, if the goal is to plant turf grass or contractor's seed mix, SMS is recommended and should be applied according to standard rates.

AGRICULTURAL QUESTIONS:

Q: *An agricultural operation is expanding its agricultural plowing and tilling activities or animal heavy use areas by cutting down woodland and removing the trees and stumps from that area. Is a permit required?*

A: The owner of the agricultural operation must revise his/her conservation plan to reflect the change in the operation with the additional plowing and tilling fields or animal heavy use area. The implementation and maintenance of erosion and sediment control BMPs are required to minimize the potential for accelerated erosion and sedimentation. If the earth disturbance will exceed 5,000 SF or more of land a written E&S plan is required for the activity. No NPDES permit is required since agricultural plowing and tilling activities and animal heavy use areas are exempt from NPDES permit coverage. A Timber Harvest Plan is not required for this activity since it is agriculturally related. Please have them contact the Conservation District.

Q: *A farm is proposing a house, barn, manure storage pits, and silos in an HQ/EV watershed. What are the requirements for this site?*

A: An NPDES permit would be required if the earth disturbance exceeds one acre. If the proposed activity/project is within 150 feet of the designated HQ/EV body of water, then riparian buffers would need to be installed according to the 102 regulations.

Q: *An Agricultural operation is proposing to construct a new farm building. Is a permit required?*

A: The construction of a farm building is not part of an agricultural plowing and tilling activity or an animal heavy use area and would be subject to the same permitting requirement thresholds as other construction activities. If it is over one acre of disturbance it will need an NPDES permit.

Q: *Is an NPDES permit necessary for clearing and grubbing land for agricultural production?*

A: No. An Agricultural E&S plan or Conservation Plan meeting the requirements of Chapter 102.4(a) is required.

Q: *Is an NPDES permit necessary for the establishment of wildlife food plots?*

A: No. This is considered an agricultural activity.

PLEASE FEEL FREE TO CONTACT US FOR MOR INFORMATION:

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***Our office telephone number is changing to 570-495-4665, effective Friday, May 4, 2012.
Please make a note of this.**