



Erosion & Sediment Control Requirements For Earth Disturbance Activities

The following information is for general guidance. If you are unsure of permitting/approval requirements, please call the Luzerne Conservation District regarding ANY proposed earth disturbance or refer to Title 25, Chapter 102 of the Pennsylvania Code.

- Landowners, contractors and municipalities should be aware that state regulations require erosion controls for all earth disturbance activities, including those that disturb less than 5,000 sq. ft.
- For **earth disturbance over 5,000 sq. ft. (or any size project that has the potential to discharge to a High Quality or Exceptional Value surface water*)**, a **written** Erosion and Sediment Control (E&S) Plan is required. This includes earth disturbance related to timber harvesting activities. **Municipalities should inform landowners and contractors of this requirement when discussing other needed authorizations/permits.** Some municipalities may require (through an applicable ordinance) the landowner/contractor to receive Conservation District approval of E&S Plans for all earth disturbance activities.
- For **earth disturbance under 1 acre in size**, the Conservation District does not need to review and approve the E&S Plan, unless municipal ordinances require it or if certain DEP permits are required for the project (e.g. water obstruction & encroachment permits, etc.)
- State regulations require a district-approved E&S Plan and NPDES (National Pollutant Discharge Elimination System) permit for **earth disturbance activities of 1 acre or greater**. **Municipalities should inform landowners and contractors of this requirement when discussing other needed authorizations/permits.**
- The Conservation District can require an E&S Plan if there is a complaint or if a site inspection identifies an erosion and sedimentation threat or problem on the site.
- **A municipality may not issue a building or other permit or final approval** to those proposing or conducting earth disturbance activities requiring a DEP permit until DEP or the Conservation District has issued the permit and/or approved the E&S Plan and will be in violation if such permits are issued.
- **A municipality** which issues building or other permits **is to notify the Conservation District within 5 days** of receipt of an application for a permit involving an earth disturbance activity consisting of 1 acre or more.
- Earth disturbance activities undertaken by a municipality are **NOT** exempt from erosion and sediment control requirements. These requirements are statewide.

- Please do not forward stormwater complaints to the Conservation District. The District **ONLY** implements state regulatory programs for erosion and sediment control (25 Pa. Code, Chapter 102) and NPDES permitting for earth disturbance related to construction activities (25 Pa. Code, Chapter 92). **Municipalities have jurisdiction over stormwater runoff under PA law and the Luzerne County Act 167 Stormwater Management Plan and Ordinance.** Municipalities were required to adopt a stormwater management plan and ordinance that conforms to the county Act 167 Plan and regulate development within the municipality to be consistent with the Plan and the provisions of Act 167.

**"High Quality" and "Exceptional Value" are designations that classify certain surface waters as Special Protection Waters under Chapter 93 (relating to water quality standards) of Title 25 of the Pennsylvania Code. You can contact the Conservation District for assistance in determining if a project is within a watershed that has these designations.*

