

Excerpts from Title 25 Chapter 102 Erosion and Sediment Control

Post Construction Stormwater Management (PCSM)

§ 102.8. PCSM requirements.

(a) *PCSM applicability.* After November 19, 2010, a person proposing a new earth disturbance activity that requires permit coverage under this chapter or other new Department permit that requires compliance with this chapter shall be responsible to ensure that a written PCSM Plan is developed, implemented, operated and maintained in accordance with this section. 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 this section.

(b) *General PCSM planning and design.* The management of post construction stormwater shall be planned and conducted to the extent practicable in accordance with the following:

- (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.

(m) *PCSM long-term operation and maintenance requirements.*

- (1) The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs unless a different person is identified in the notice of termination and has agreed to long-term operation and maintenance of PCSM BMPs.
- (2) For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the notice of termination under § 102.7(b)(5) (relating to permit termination).

NPDES Construction Permitting Requirements for Agricultural Operations

Activity	NPDES permit required? (Only if earth disturbance activity totals 1 acre or more)	Have to address post construction stormwater management?	Subject to riparian buffer requirements if located in High Quality (HQ) or Exceptional value (EV) waters?
Building a house	yes	yes	yes
Building a barn	yes	yes	yes
Building chicken/hog houses	yes	yes	yes
Building manure storage facility	yes	yes	yes
Building bunk silos	yes	yes	yes
Installing swales, diversions, waterways, filter strips, terraces	no	no	no
Paving barnyard with associated Best Management Practices (BMPs)	no, if covered in Conservation Plan	no, but must have BMPs to address the impervious area	no
Paving animal walkways	no, if covered in Conservation Plan	no, but must have BMPs to address the impervious area	no
Building roofs with associated Best Management Practices (BMPs)	no, if covered in Conservation Plan	no, but must have BMPs to address the impervious area	no

These activities could also require other permits as applicable.

CAFP activities are subject to regulation under a CAFO NPDES permit.