



Agricultural Environmental Regulations:

Am I In Compliance?

**Sediment and Erosion
Control Requirements
for Agricultural Activities**

January 2011

Am I in compliance with Pennsylvania's erosion, sedimentation and stormwater regulations affecting agricultural operations?

This can probably best be answered by a trained Conservation District technician, a trained Natural Resources Conservation Service (NRCS) technician or a private consultant knowledgeable in conservation planning, nutrient management and permitting. But, read on for more information.

Pennsylvania's Chapter 102 (Erosion and Sediment Control and Stormwater Management) regulations have existed since 1972. On November 19, 2010, additions and changes to the regulations took effect. All farms are required to develop and implement a written plan to reduce erosion when plowing and tilling (includes no-till cropping) and Animal Heavy Use Areas (AHUA) disturbing more than 5,000 sq. ft. Under Ch. 102, all agricultural plowing and tilling and AHUAs are required to implement agricultural Best Management Practices (BMPs).

Many farmers are familiar with the term conservation plan, which is a "written plan that identifies conservation practices and includes site specific Best Management Practices (BMPs) for agricultural plowing and tilling activities and animal heavy use areas". An NRCS conservation plan can be used to comply with the new Chapter 102 regulations if it meets all of the new requirements.

Proper use of cover crops



Much more vegetation is needed along stream banks



***Under Ch. 102,
ALL agricultural plowing and tilling
and Animal Heavy Use Areas (AHUA)
are required to implement
agricultural Best Management
Practices (BMPs).***

MAIN CHANGES:

- ✓ Ch. 102 always stated plowing and tilling needed a conservation plan; now Animal Heavy Use Areas also must be covered by the conservation plan or Ag E&S plan.
- ✓ Areas within 100 ft of a stream must maintain a minimum 25% plant cover/crop residue or implement additional BMPs.

Areas lacking vegetation must be addressed



Animal Heavy Use Areas (AHUA)

- ✓ Defined as "Barnyard, feedlot, loafing areas, exercise lot or other similar areas on agricultural operations where due to the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods".
- ✓ Also recognized as non-pasture areas for animals outside of the barn
- ✓ Similar to Animal Concentration Areas (ACA), defined as "a livestock area that will not maintain a growing crop, or where nutrients are applied in excess of crop need".
- ✓ A farmer must prevent pollution to a water body from AHUA runoff
- ✓ The conservation plan or Ag E&S plan must include all AHUAs on the agricultural operation.

If your operation has an AHUA or ACA

- ✓ Make sure NO polluted runoff from these areas is reaching a stream
- ✓ Manage stream buffers, keep them green
- ✓ Divert roof water and clean surface water away from these areas
- ✓ Keep clean water clean and funnel dirty water to the manure storage or treat it with a BMP

NPDES Permits

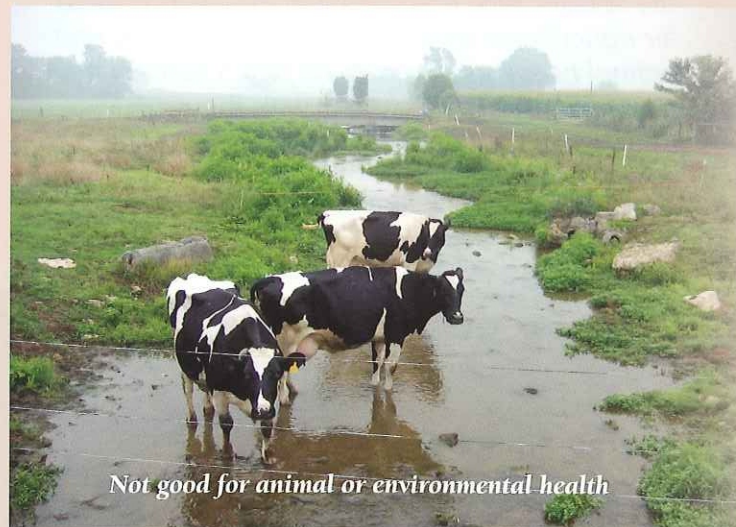
The National Pollutant Discharge Elimination System (NPDES) permit for construction activities contains federal and state requirements for earth disturbance activities that disturb 1 acre or more. Activities like plowing and tilling do not require an NPDES permit, but agricultural construction which will disturb 1 acre or more (including but not limited to barn expansions, new animal housing, manure storage facilities, compost facilities) **does** require a permit. The permit covers runoff created during construction and stormwater generated after the construction activity is completed. A Post-Construction Stormwater Management Plan is required, along with an E&S Control Plan, as part of the permit.

BMPs including but not limited to terraces, waterways and diversions are not required to have an NPDES permit if the BMP is installed as part of a conservation plan or Ag E&S plan.

For land clearing that expands an agricultural operation's ag plowing and tilling activities or animal heavy use areas, no permit is required. The implementation and maintenance of E&S BMPs are required. If the area exceeds 5,000 square feet, a written E&S plan is required. The operation must also revise its existing conservation plan or ag E&S plan to reflect the change in operation with this new acreage.



Any agricultural construction activity affecting 1 acre or more requires a Stormwater Management Plan and an NPDES permit, the same as required for all other types of construction.



Not good for animal or environmental health

Streambank Fencing

Fencing livestock out of streams is good for livestock health and good for local stream water quality. Fencing is not required for pastures, but using fencing as a BMP is an option to meet some of the regulatory requirements in Chapter 102.

Manure Management Planning

Manure management planning has been required since 1977. Currently, any farmer **land applying manure** must have a written manure management plan. PA DEP is currently revising the Manure Management Manual which is expected to be released in 2011. A copy of the Manual will be available online from DEP or contact your Conservation District. Concentrated Animal Operations (CAOs) and Concentrated Animal Feeding Operations (CAFOs) must follow applicable state and federal requirements for approved nutrient management plans. Non-CAO and non-CAFO operations must have a manure management plan. Consult your local conservation district or qualified private consultant for additional details.



It is required to have a registered professional engineer certification for the construction of liquid and semi-solid manure storages.





A Conservation Plan or Ag E&S plan used to meet Ch. 102 requirements must be available for review at the farm.

Contact

Your County Conservation District,

<http://pacd.org/your-district/find-your-district/>

Your Local USDA NRCS Office,

www.pa.nrcs.usda.gov/

A Qualified Private Consultant, or

DEP Regional Offices

www.depweb.state.pa.us

for more details!

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