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RT Environmental Services, Inc. Announcement

REVISIONS TO EROSION AND SEDIMENTATION/CHAPTER 102 REGULATIONS MOVING TO FINALIZATION

At the [Pennsylvania Environmental Quality Board May 19, 2010 meeting](#), the EHP approved the final revisions to proposed Chapter 102 amendments, which effect erosion and sedimentation control approvals, as well as, NPDES permit requirements. A summary of key revisions include:

- [Riparian Buffer Area \(RBA\)](#)
A 150' Riparian Buffer Area (RBA) will be required within Exceptional Value (EV)/High Quality (HQ) Watersheds.
- [50' Naturalized and 100' Actively Maintained Buffers](#)
Impaired EV/HQ streams must have 50' naturalized and 100' actively maintained buffers.
- [Application fees](#)
Application fees will increase to \$500 for general permits and \$1,500 for an individual NPDES Permit plus a \$100 per disturbed acre fee (applies to general and individual permits).

The revisions include exception and waiver provisions for certain activities.

- Exceptions include, among other things, certain [single family homes](#), the [repair and maintenance of existing pipelines and utilities](#), as well as certain [oil and gas activities](#).
- Activities that may apply for a waiver include, among other things, [linear activities such as new roads, pipelines and utilities](#), as well as certain [redevelopment and Brownfields projects](#).

The revisions include details on antidegradation requirements established in the [Department's Chapter 93 regulations](#).

The revisions expand the requirement to obtain an [E&S Control Permit](#) to all earth disturbance activities greater than or equal to five acres, including oil and gas activities.

The revisions broaden need to get an NPDES permit. Under DEP's current regulations, an NPDES permit is required for earth disturbance activities that are equal to or greater than five acres. Under the

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revisions, an NPDES permit will be required for earth disturbance activities equal to or greater than one acre.

It should be noted, that the buffer requirements will make some sites undevelopable. The erosion and sedimentation rules now move to the General Assembly and the Governor's Independent Regulatory Review Commission, for a 30 day review. Based on past practice, the rules could be finalized and in effect, within 90 to 120 days.

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