

“What permits do I need to build a pond?”

This is one of the most common questions we receive at the Bradford County Conservation District. Pond permitting can be a confusing process; we are here to help!



Considerations for your potential pond site:

• Size of earth disturbance

Any project involving earth disturbance requires an implemented plan to stop accelerated erosion and sedimentation.

If the earth disturbance exceeds 5,000 square feet, a written and implemented plan **IS** required, but may not need to be reviewed by the BCCD staff.

If earth disturbance (including all cuts and fills measured to the outside toe of the dam slope, plus any associated access roads, parking areas and pavilions, etc.), exceeds 1 acre, a National Pollutant Discharge Elimination System (NPDES) permit **IS** required for your project. This permit needs engineering approval, and would be reviewed by the Bradford County Conservation District staff.

- The easiest solution is to keep your combined disturbance under 1 acre!

• Physical characteristics of pond

A dam permit from the PA Department of Environmental Protection (DEP) will be required when ponds trigger size limitations. However, as long as certain criteria are met, a dam permit would not be required:

If the pond is on a stream, and one of the following three criteria is met, then a dam permit would be required from DEP.

- 1) Upstream drainage area exceeds 100 acres.
- 2) Dam height above the existing ground elevation at the inside toe exceeds 15’.
- 3) Dam storage capacity (pond surface area x average depth) exceeds 50 acre-feet.

- A pond NOT built on a stream would require a dam permit **IF** criteria 2 AND 3 are met.

• Wetland Presence

Often, people want to build ponds in wet areas, but frequently these areas are classified as wetlands. However, wetlands are valuable natural resources which are protected at the federal (US Army Corps of Engineers) and state (DEP) levels.

Wetland presence is determined by:

- Vegetation
- Soils
- Hydrology

More information on how wetland presence is determined can be found here: http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/rw_bro.pdf

- Cutting and/or filling wetlands requires state and/or federal permits and may result in fines and other enforcement action.

Note: An Environmental Assessment is required from DEP if the pond is located in, along, or projecting into a wetland or across a stream, or if the pond will be located in an Exceptional Value watershed. Any excavation of streams, wetlands, or floodway within the impoundment area would require an encroachment permit from DEP. **Official determinations related to potential dam, encroachment (joint), maintenance dredging and other possible permits (such as a GP-4) must be made by DEP and the Army Corps of Engineers.**

“What if I want to dredge my existing pond?”

- Typically, maintenance dredging to the original pond surface area and depth is allowed without a permit, as long as the pond has less than 100 acres upstream drainage, is less than 15’ deep, and has less than 50 acre-feet storage capacity. If the pond (meeting the above criteria) was originally constructed in an upland area (NOT wetlands), and the land owner has documentation proving the original extent of the pond, it should not be a problem to dredge the pond to original dimensions following consultation with DEP and the Army Corps. The excavated fill shall not be placed in a wetland area, and must have E&S controls in place. Also, if the fill will cover more than one acre, a NPDES permit would be required.

Note: a drawdown permit from PA Fish & Boat Commission is required if the impoundment area is one acre or greater, or if the project involves any other permits. The application is to be submitted to the PAFBC at least 30 days in advance of the drawdown.

“What if I want to make an existing pond bigger?”

- A permit(s) will likely be required if one of the previously mentioned limiting factors (earth disturbance area, contributing drainage area, dam height, storage area and/or wetland presence) is or will be met by the expansion. Placement within a floodway or filling the pond with water flowing through a permanent pipe may also trigger the need for a permit. Due to these and other complicating factors, pond enlargement proposals are best handled on a case by case basis through direct consultation with DEP and the Army Corps.

We realize that this short guide can not answer all possible questions from all possible cases!

Please contact BCCD at **570-265-5539 x 6** for further guidance or a personal site inspection.



BRADFORD COUNTY
CONSERVATION DISTRICT
[HTTP://WWW.BCCDPA.COM](http://www.bccdp.com)