



Sullivan County Conservation District

9219 Route 487, Suite B, Dushore PA 18614

570-928-7057 www.sullcon.com

“What do I need to build a pond?”

This is one of the most common questions we receive here at the Conservation District. Pond permitting and regulations can be a long and confusing process, we are here to help!

Considerations for your potential pond:

-Size of TOTAL 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 our staff.

If earth disturbance (including all cuts and fills measured to the outside toe of the dam slope, plus any associated roads, parking areas, buildings, 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 District Staff. **The easiest solution is to keep your combined disturbance under 1 acre!**

-Physical Characteristics of Pond

A dam permit from the Department of Environmental Protection (DEP) will be required when ponds trigger certain 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 are met, then a dam permit would be required from DEP.

- 1) Upstream drainage area exceeds 100 acres
- 2) Dam height is above the existing ground elevation at the inside toe exceeds 15 feet
- 3) Dam storage capacity (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 would like to build ponds in wet areas, but frequently these areas are classified as wetlands. Wetlands are considered to be valuable natural resources that are protected by the US Army Corps of Engineers and DEP. Wetland presence is determined by vegetation, soil and the hydrology of the site.

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

For more information on how wetland presence is determined go to

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/rw_bro.pdf

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 is in an EV watershed. Any excavation of streams, wetlands, or floodways 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 must be made by DEP and the Army Corps of Engineers.



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“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 feet deep and has less than 50 acre-feet of 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 the original dimensions **following a consultation with DEP and the Army Corps of Engineers**. 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 1 acre a NPDES permit would be required.

To apply for federal authorization to remove silt and sediments, you will need to send information (owner information, site map, PNDI, narrative, photos, etc.) to the Bureau of Waterways and Engineering, Division of Dam Safety in Harrisburg, PA.

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 my existing pond bigger?”

A permit(s) will likely be required is one of the mentioned limitations are met (earth disturbance, 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 those and other complicating factors, pond enlargement proposals are best handled on a case by case basis through direction consultation with DEP and the Army Corps.

We realize that this short guide cannot answer all possible questions that you may have. Please contact us at 570-928-7057 for further guidance or a personal site inspection.

Agency Contact Information

- Regional DEP Office – (570)-327-3574
- PA Fish & Boat Commission – (570)-477-5717
- Army Corps of Engineers – (202)-761-0011
- Soil Services Company – (570)-924-3694

