

Nonpoint Source Compliance Program

The Nonpoint Source (NPS) Compliance Section¹, located within the Bureau of Clean Water, is responsible for developing regulations, policies, guidance, outreach, and inspection strategies for compliance assessment, compliance assistance, and enforcement of regulatory programs relating to agriculture and stormwater runoff. This section conducts activities relating to the compliance with regulatory requirements for agriculture-related erosion and sediment control and manure and nutrient management; Concentrated Animal Feeding Operations (CAFOs); construction-related erosion and sediment control; post-construction stormwater management; and Municipal Separate Storm Sewer Systems (MS4s).

The NPS Compliance Section works closely with the State Conservation Commission (SCC) and the County Conservation Districts to implement the Nutrient and Manure Management Program as well as erosion and sediment control requirements. County Conservation Districts are delegated authority to implement nutrient and manure management, erosion and sediment control, and water obstructions and encroachments regulations. County Conservation Districts provide technical, planning, and compliance assistance for agriculture and construction stormwater. These are key elements to achieving water quality improvements statewide.

Beginning in 2016, the Agricultural Inspection Program, which included the inspection of plan development and implementation of BMPs on larger and higher density CAFO and Nutrient Management regulated farms, was expanded in Pennsylvania's portion of the Chesapeake Bay Watershed to focus on smaller farms. Through a cooperative effort of County Conservation Districts and state DEP staff, the Chesapeake Bay Agricultural Inspection Program was initiated to inspect all farms to ensure compliance with the manure and erosion and sediment control planning requirements within the Chesapeake Bay Watershed in ten years. The plans are required in order to ensure that proper best management practices are implemented to minimize nutrient runoff and accelerated erosion and sedimentation. Providing the compliance assistance for 30,000 farms covering 3,093,000 agricultural acres within the Chesapeake Bay Watershed is no small task, Table 1.

Table 1. Farms and agriculture acres inspected from July 1, 2016 – June 30, 2017 as compared with total farms and acres in agriculture land use within Pennsylvania's portion of the Chesapeake Bay Watershed.

2012 USDA Ag Census Farms in PA CB watershed	33,610
2013 Ag Land Use Acres in PA CB watershed	3,093,000
Farms Inspected under the Act 38 Nutrient Management Program (Concentrated Animal Operations and Concentrated Animal Feeding Operations)	743
Total Farm Acres Inspected under the Act 38 Nutrient Management Program (CAFO and Concentrated Animal Operations)	147,762

Farms Inspected under the CB Ag Inspection Program	2,080
Total Ag acres inspected under the CB Ag Inspection Program	245,664
Total Farms Inspected	2,823
Total Acres Inspected (12.7%)	393,426

The NPDES Construction Stormwater program is a statewide program, delegated to County Conservation Districts, and inspections are performed by the Districts throughout construction as well as at the time of permit termination. Table 2 shows the total universe of permitted construction sites, the state inspection goal committed to EPA, and the total number of inspections completed for the time period of July 1, 2016 – June 30, 2017.

Table 2. Total permitted construction sites, the Environmental Protection Agency (EPA) inspection goal, and the actual inspections completed. EPA expects at least 10% of the regulated construction sites of equal to or greater than one acre of disturbed area to be inspected annually.

	General Permit	Individual Permit
Total Permitted Sites	4,692	714
Inspection Goal	469	71
Inspections Completed	886	195

¹ The NPS Compliance Section does not deal with only nonpoint sources, as the name may imply, but rather focuses on compliance and enforcement of stormwater and agricultural pollution. For example, Concentrated Animal Feeding Operations (CAFOs), Construction Stormwater, and Municipal Separate Storm Sewer Systems (MS4s) have associated NPDES permits but the compliance and enforcement are under the purview and oversight of the NPS Compliance Section; the section does not administer the permitting component. For more information about nonpoint sources, see the NPS Management Program/Section 319 overview under Restoration Programs.