



Pond Construction and Maintenance Permit Guide

There are various levels of government that have jurisdiction on our water resources, including activities associated with construction and maintenance of ponds. Contacting the appropriate agencies is essential to ensuring you are building or managing your pond in a way that is environmentally responsible while avoiding costly mistakes. Failure to file the proper permits for review by designated agencies can result in pollution of our groundwater and downstream surface waters. In addition to harming the environment, such events can result in costly penalties being assessed to a landowner, who is ultimately responsible for projects completed on their property. This guide is intended to be a quick reference explaining what permits may be required for several typical pond activities.



Pond Construction

- **Municipality**— Your municipality may require a permit for constructing a pond on your property. Contact your municipal code enforcement officer for more information. Be prepared with details about how the pond will be constructed and its proposed location and size.
- **County Conservation District**— Because sediment is the top pollutant to our waterways by volume, construction activities that disturb soil is a regulated activity. If the proper controls are not installed during construction, even a small pond project can release a large amount of sediment downstream. All projects with earth disturbance should prepare an Erosion and Sediment Control Plan to follow and have available on site during construction. An Erosion and Sediment Control Plan should be submitted to the local county conservation district for review for any project that exceeds 5,000 square feet of earth disturbance. Your municipality may require a review by the conservation district even if the area of disturbance is less than 5,000 square feet. If construction of a large pond will disturb 1 acre of earth or more, a federal National Point Discharge Elimination System (NPDES) permit for construction activities should be submitted to the county conservation district for review.
- **Pennsylvania Department of Environmental Protection and United States Army Corps of Engineers**— Many potential pond sites are located in or near wetlands and streams, rivers or creeks. Wetlands are unique systems, and the many benefits they provide are lost when excavated or flooded to create a pond, so it is strongly encouraged to avoid or minimize impacts to these systems. A wetland consultant should be hired to complete a delineation to confirm whether impacts will occur during construction. If some wetland impacts are unavoidable during excavation, a state Chapter 105 Water Obstruction and Encroachment permits and Federal Section 404 permit will be required and the area of wetlands impacted will need to be replaced.

In addition, contact PA DEP's Division of Dam Safety to obtain a dam permit if the drainage area upstream of the dam exceeds 100 acres, maximum depth will exceed 15 feet or the volume of water (surface area multiplied by depth) contained by the dam will exceed 50 acre-feet.

Pond Dredging

- **Municipality**— Contact your municipal code enforcement officer to determine if your municipality must issue a permit before you dredge your pond.
- **Pennsylvania Fish & Boat Commission and Pennsylvania Department of Environmental Protection**— Drawing down the water level of the pond and allowing the sediment to dry out is typically necessary prior to dredging a pond. A drawdown permit is only required for ponds that are 1 acre or larger.
- **County Conservation District**— Because dredging involves excavation of sediment, pond dredging activities are reviewed by the county conservation district. Please refer to the 'Pond Construction' section of this sheet for information on which permits apply based on the total area of earth disturbance.

The District will also require documentation of how the dredged material will be stabilized on site and/or documentation that the removed material is certified as clean fill and will be transported to an approved site.

Repairing a Structure or the Shoreline

- **Municipality**— Contact your municipal code enforcement officer for information on whether any changes to pipes or regrading of the shoreline will require a permit.
- **Pennsylvania Fish & Boat Commission and Pennsylvania Department of Environmental Protection**— Drawing down the water level is recommended when regrading/stabilizing the pond shoreline or fixing a structure such as the overflow pipe. A drawdown permit is only required for ponds that are 1 acre or larger.
- **County Conservation District**— Shoreline regrading and stabilization may require an Erosion and Sediment Control Plan be submitted to the county conservation district. Please refer to the 'Pond Construction' section of this sheet for information on which permits apply based on the total area of earth disturbance. Whether a plan review is required or not, to reduce sedimentation to the pond and downstream, erosion and sediment controls should be installed on site whenever work is being completed on the shoreline.

Managing Aquatic Plants

- **Pennsylvania Fish & Boat Commission and Pennsylvania Department of Environmental Protection**— These agencies jointly review a free permit that is required when applying algaecides or chemical herbicides to any pond. Reviewers check application rates of chemicals to avoid accidental overdosing, which can lead to problems in the pond and downstream including but not limited to fish kills.

Another aquatic plant management practice regulated by PFBC is stocking of sterile grass carp. These sterilized fish, which graze on aquatic plants, can be purchased from PFBC-approved hatcheries.