

YORK COUNTY CONSERVATION DISTRICT DISTRICT SERVICES FEE NPDES PERMIT RULES & GUIDELINES

I. *Authority & Applicability of District Services Fee:*

- A. **Authority** - The York County Conservation District is delegated with the responsibility to administer the Commonwealth's Erosion and Sediment Pollution Control Program under The Pennsylvania Clean Streams Law, Chapter 102 Erosion Control Rules & Regulations, Chapter 92, and the National Pollution Discharge Elimination System (herein after referred to as NPDES), Permit Requirements for Stormwater Discharges from construction activities.

The Conservation District Law (Sec. 9 of Act 217) provides the York County Conservation District the ability to accept the responsibility to administer the erosion control program and to collect fees for services performed.

- B. **Applicability** - The District Services Fee shall apply to all plans that are submitted to the York County Conservation District (herein after referred to as District) requesting determination of Erosion and Sediment Pollution Control (herein after referred to as E&SPC) adequacy as noted within these Rules and Guidelines. Services include: reviews; inspections; complaint investigations; pre-application, pre-construction and engineer meetings; educational programs; and administrative support.
- C. **Application for NPDES Permits**, processed by the District, will require E&SPC plan review and associated fee for same.
- D. **Applications for Timber Harvest and E&SPC plans for Chapter 105** permits will require E&SPC plan review and associated fee for same.

II. *Administration:*

- A. An E&SPC Plan will be considered complete for review when the District receives a completed application form, a check or money order made payable to the **“York County Conservation District”** in the amount of the appropriate fee, plan drawings, narrative, etc. as required to define the proposed activity. Project submissions shall be made directly to the Conservation District and not to the local municipality. (***Submit one complete set of FOLDED plans and narrative.***)
- B. The District will review a submitted plan solely to determine whether it is adequate to satisfy the requirements contained in the Erosion Control Rules and Regulations of the Department of Environmental Protection (herein after referred to as DEP). By a determination that the plan is adequate to meet those requirements, neither the District nor the County assumes any responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan.

The design, structure integrity, and installation of the control measures are the **responsibility** of the **landowner and/or the earthmover**. Before any construction or earthmoving may begin, the appropriate and necessary local, state, and federal permits must be secured from the agency having specific permitting authority. (i.e. Jurisdictional Wetland Determination, Highway Occupancy permits, Chapter 105 permits, Army Corp, etc)

- C. A NPDES permit application will be considered complete for review when the District receives a complete application form which includes all appropriate documentation attached as outlined in the "Instructions for completing and submitting a Notice of Intent" (NOI) for coverage under the General and Individual Permit for discharges of storm water from construction activities. The NOI must include all phases of the project. All NPDES applications and check lists shall be submitted with Act 67 & 68 notices and proof of receipt; location map; PNDI (PNHP) form; *PCSM plan; GIF (if individual) and PHMC (if disturbing over 10 acres in HQ/EV waters) along with the appropriate fee as outlined in Item III. The check for NPDES needs to be made payable to:

“York County Conservation District Clean Water Fund”.

*The Conservation District does not review PCSM plans for adequacy. The design, structure integrity, and installation of the PCSM plans are the **responsibility** of the **engineer, landowner and/or the earthmover**. Neither the District nor the County assumes any responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan.

D. Plan Reviews*

1. Administrative completeness reviews will be completed within 20 calendar days of receiving the Notice of Intent (NOI) package for all NPDES permits. Initial technical E & S plan reviews for NPDES permits will be completed within 30 calendar days after the 20 calendar day administrative timeframe lapses. Total processing time for a General NPDES permit **without deficiencies** is 50 calendar days.

2. E & S plans not requiring an NPDES permit will be reviewed within 50 calendar days of receiving a complete submittal.

3. Technical plan reviews for all revised E & S plans will be reviewed within 30 calendar days from receipt of E & S plan resubmittal.

*York County Conservation District reviews plan submittals in the order that they are received. *Please refrain from calling and emailing the District to check the status of your submittal prior to the end of 50 and 30 calendar days.*

E. Projects occurring in High Quality (HQ)/Exceptional Value (EV) watersheds disturbing 1 to under 5 acres with a point source discharge or 5 acres or more over the life of the project need to apply for an Individual NPDES permit. (See Item III. B. for fee). **Initial technical E & S plan reviews for Individual NPDES permits will be completed within 66 calendar days after the 20 calendar day administrative timeframe lapses. Total processing time for an individual NPDES permit *without deficiencies* is 86 calendar days.**

COUNTY	STREAM NAME	BASIN	REACH	EXISTING & DESIGNATED USE
York	East Branch Codorus Creek	Codorus Creek	Basin, Source to Rt. 214	HQ-CWF
York	Trout Run	Codorus Creek	Basin, Source to unnamed tributary (UNT) at river mile .3	HQ-CWF
York	Codorus Creek	Codorus Creek	Main stem, SR 3047 to Oil Creek	HQ-CWF
York	Otter Creek	Susquehanna River	Basin, Upstream Boundary of Gamelands 83 (T616) to mouth	HQ-CWF
York	South Branch Muddy Creek	Muddy Creek	Basin	HQ-CWF
York	Rambo Run	Muddy Creek	Basin	EV

F. On large or difficult sites, the District encourages a pre-plan development meeting with District Staff.

III. Fees:

A. Residential Fee Schedule: - The fee for District services relative to the E&SPC Program for residential projects will be based on the number of units. {A unit is defined as a dwelling designed to accommodate a single household. This would apply to single-family homes, twin unit homes, clusters, condominiums and apartments. The basic fee schedule for District services for residential projects is as follows:

1 unit	= \$ 100 Fee
2 – 5 units	= \$ 150 + (\$100/unit)
6 - 25 units	= \$ 500 + (\$50/unit)
26 – 100 units	= \$ 1000 + (\$30/unit)
101+ units	= \$3000 +(\$20/unit)

B. Commercial/Industrial/Other Land Development: - The fee for District services relative to the E&SPC Program for commercial/industrial/other land development projects will be based on total disturbed acres (disturbed acres must include all utility rights-of-way, access roads, spoil/borrow areas and allow the contractor room to do proper grading).

Commercial/Industrial/Other Land Development fee

0.1 - 1 acres	= \$500 Fee
2 – 5 acres	= \$500 + (\$150/acre)
6 – 25 acres	= \$1000 + (\$100/acre)
26 -100 acres	= \$3000 + (\$50/acre)
101 + acres	= \$ 6000 + (\$30/acre)

{Fee is based on disturbed acres. Round to the nearest whole acre}

Payment in the form of check or money order made payable to **“York County Conservation District.”**

C. The fee for processing a NPDES permit application is to be made payable to **“The York County Conservation District Clean Water Fund”** and is as follows:

1. NPDES General Permit; for sites disturbing: 1 to under 5 acres with a point source discharge to surface waters of the Commonwealth or 5 acres or greater over the life of the project = \$500
2. NPDES Individual Permit; for sites disturbing: 1 to under 5 acres with a point source discharge to surface waters of the Commonwealth or 5 acres or greater over the life of the project, in high quality or exceptional value waters. = \$500
3. All earthmoving sites disturbing 1 to under 5 acres with a point source discharge to surface waters of the Commonwealth or 5 acres or greater, which requires NPDES permits must submit **two checks**, one for District Services for E&SPC plan and the other for the NPDES permit application.

D. Timber Harvest/E&S for Chapter 105 general permits

A base fee of \$50 for plan review and inspection services relative to the E&SPC Program. (Except the Chapter 105 permits associated with a residential or commercial project, then the 105 permit needs to be submitted as part of the project to make a complete project application.)

E. Terms and Conditions - The Terms and Conditions under which the Fee Schedule as indicated in Item III above would be applicable are as follows:

1. Plans - Submit one complete set of **FOLDED** (size 8 x 11.5) **plans** and narrative. ***(Rolled plans will not be accepted)***
2. Project Area - The Project Area shall be defined as the entire parcel of land or property within which the earth disturbance activity will take place. The project area shall include open spaces, rights-of-way, staging areas, spoil/borrow areas, etc.
3. Unit - A unit would be defined as a dwelling designed to accommodate a single household. This would apply to single-family homes, twin unit homes, clusters, condominiums, and apartments. (i.e. an apartment building with 10 apartments will be assessed a fee for 10 units)
4. Disturbed Area – Disturbed area shall be defined as the area to be disturbed during the project including utility rights-of-way, E&SPC best management practices, spoil/borrow areas, access roads, etc.
5. PCSM - Post Construction Stormwater Management. This plan should contain BMP's to infiltrate, improve water quality and reduce downstream erosion.
6. Base Fee (\$50) - The \$50 base fee with no cost per acre would be the only charge for review and inspection of the E&SPC Plan for the following projects:

- a. Projects requiring DEP Permits under the Chapter 105 Dam Safety Encroachment Act.
- b. Timber harvesting operations up to 25 acres of disturbance. (Harvest activities disturbing 25 or more acres will need to apply for an "Erosion and Sediment Control Permit".

7. Submissions - In general, fees are intended to cover District Services available for the reviewing of erosion and sediment control plans as required for earth disturbance activities. However, the Conservation District reserves the right to impose additional fees as per item III.F.

8. Phased Development Projects -

- a. Fees should be submitted with individual phases of the project when the E&SPC plan for each phase is submitted for a review.
- b. When submitting future phases for review, a completed new NOI section E and PCSM plan must be submitted.

9. Stream Restoration Projects-

- a. Watershed restoration, rehabilitation and protection projects permitted under Chapter 105.

F. Additional Fees - The District reserves the right to impose an additional Service fee for the following:

1. An additional \$500.00 Clean Water fee will be required with each NPDES administrative resubmission submitted to satisfy an administrative incompleteness letter.

2. If the comments from the first review are not submitted within 90 calendar days from the date of the comment letter, **a charge of 25% of the original service fee** will be imposed.

3. **A charge of 25% of the original service fee** will be imposed for all second submissions, **50% of Original service fee** for all third submissions and **full service fee** for each submission thereafter until the E&SPC plan meets the requirements of Chapter 102.

4. Plans which are resubmitted with minor revisions that do not alter the erosion control measures and facilities, or affect their adequacy, will be reviewed at no additional charge.

5. Plans that involve major revisions (lot or road layout, drainage design, E&SPC BMP's, etc.) **shall be subject to a charge of 25% of the original fee.**

G. Special Conditions - The District reserves the right to adjust fees in accordance with the special conditions listed herein.

Change of Project - Each submission of a different project on the same site shall be considered as a new project. The District Services fees shall be as per a new project.

IV. Waiver of E&SPC Fees - E&SPC Fees would not be charged for review and inspection of the following:

A. Agricultural Operations - District Services fees will not be applicable to agricultural operations such as plowing and tilling, and agricultural conservation practices completed in accordance with a conservation plan approved by the District where NRCS & District staff are providing the technical assistance. However, When agricultural conservation practices are needed and no conservation plan has been prepared as required by Chapter 102 Regulations, an E&SPC plan must be prepared and the fees indicated in the guidelines would be applicable. When site disturbance occurs that is not an agricultural practice such as earth disturbance for a large building, the District Services Fee would be applicable.

B. State Government Agencies are exempt from the NPDES permit filing fees as outlined in Chapter 92 Rules and Regulations for General and Individual Permits for storm water discharge associated with construction activities.

C. Stream Restorations

V. Withdrawal of Projects - Requests for withdrawal of project plans and refund of associated fees submitted must be in writing stating intentions and/or reasons for withdrawal. The following applies for withdrawal of projects and request for refund of District Services fees and NPDES Permit fee.

A. Decisions on refunds will be made on a case by case basis.

- B. A minimum \$100 processing fee will be imposed for refunds granted and NPDES permit fee is non-refundable.
- C. If the review process has begun prior to the request for withdrawal, a penalty may be assessed and/or the request may be denied.
- D. If earthmoving has begun on site and the site is not stabilized the withdrawal may be denied.
- E. An appeal of the decision may be made, in writing, to the attention of the chairman, York County Conservation District Board.

VI. 105 General Permits – The York County Conservation District **is not delegated** the Chapter 105 permitting authority. Please submit all Chapter 105 permit applications to: Southcentral Regional DEP Office
909 Elmerton Ave
Harrisburg PA 17110-8200
Ph: (717) 705-4707 Fax: (717) 705-4760