

YCCD EROSION & SEDIMENT POLLUTION CONTROL (E&SPC) PROGRAM SERVICES FEE SCHEDULE, RULES, & GUIDELINES

**Adopted by the YCCD Board of Directors on December 14, 2018
Effective January 1, 2019.**

I. Authority – The York County Conservation District (hereinafter referred to as “District”) has entered into a delegation agreement with the Pennsylvania Department of Environmental Protection (DEP) to administer the Commonwealth’s Erosion and Sediment Pollution Control Program and the National Pollutant Discharge Elimination System (hereinafter referred to as NPDES) permitting program for the discharge of stormwater associated with construction activities under the Pennsylvania Clean Streams Law, Chapter 102 Erosion & Sediment Control and Stormwater Management regulations, and Chapter 92. The Conservation District Law (Section 9 of Act 217) provides the District with the ability to accept the responsibility to administer the erosion and sediment pollution control program and to collect fees for services performed.

II. Applicability - The District Services Fee shall apply to all plans submitted to the York County Conservation District requesting District review and approval. District services include attending pre-application meetings, completing technical E&S plan reviews; completing initial, routine, and final inspections where voluntary compliance is being obtained; attending site meetings; investigating complaints; attending preconstruction meetings; conducting educational programs; and providing administrative support. The District service fee does not cover the District’s costs incurred in taking an enforcement action or conducting follow-up inspections where continuing non-compliance necessitates an enforcement action.

III. District Service Fees -

A. The following is the District’s fee for various earth disturbance activities and the review of manure management plans:

1) Single Family Residential Unit (< 1 acre of earth disturbance) not associated with a larger common plan of development

1 unit	= \$ 200 Fee
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2) All Other Land Development Activities (includes but is not limited to residential, commercial, industrial, agricultural buildings/structures, highway, and utility line projects)

0.1 - 1 acres	= \$ 1,050 Fee
2 – 5 acres	= \$ 1,050 + (\$315/acre)
6 – 25 acres	= \$ 2,100 + (\$210/acre)
26 -100 acres	= \$ 6,300 + (\$105/acre)
101 + acres	= \$ 12,600 + (\$65/acre)

- Fee is based on the total disturbed acreage rounded to the nearest whole acre.
- In addition to the above disturbed acre fee an additional fee of \$400 per stream or wetland crossing for linear projects (ex. underground utility and transmission lines, overhead utilities, and highway projects) is required.

3) PA Turnpike Commission Projects

- \$100 per disturbed acre

4) Timber Harvest Operations

- \$200 for projects completing a DEP Professional Timber Harvesters Action Packet or other E&S plan.

5) Chapter 105 Water Obstruction & Encroachment General Permits (GPs)

- \$200 for stand-alone projects (ex. bridge/culvert replacements) with less than 1 acre of earth disturbance. Where the permitted activity is associated with a larger common plan of land development, timber harvest operation, spoil & borrow site or clearing & grubbing site the fee for the overall project shall apply.

6) Stream Restoration Projects

- \$350 fee for stand-alone projects.
- Stream restoration projects are defined as “*Projects that convert an unstable, altered, or degraded stream corridor, including adjacent riparian zone and flood-prone areas to a stable condition considering recent and future watershed conditions. This includes restoring: 1) a stable dimension, pattern, and profile, 2) biological and chemical integrity, and 3) the ability to transport water and sediment in a dynamic equilibrium.*” (Source: Guidelines for Natural Stream Channel Design for Pennsylvania Waterways” Keystone Stream Team – March 2007)

7) Green Infrastructure Projects

- \$350 Fee (< 1 acre of earth disturbance) where:
 - a) The primary scope and purpose of the project is to protect, maintain, reclaim and restore water quality to receiving surface waters by managing stormwater through the use of green infrastructure. Green infrastructure uses natural hydrologic features - vegetation, soil, and natural processes - to manage water and create healthier urban environments (<http://water.epa.gov/infrastructure/greeninfrastructure>).
 - and
 - b) The project is a stand-alone project independent of any new residential, commercial, industrial, or other construction activity (ex. residential or commercial subdivisions, roadway and utility line projects).
- For green infrastructure projects requiring a NPDES Permit the Fee for District Services is waived however the NPDES permit filing fee and the \$100 per disturbed acre NPDES fee still apply.

Examples of green infrastructure include but are not limited to:

- Retrofitting existing conventional stormwater detention basins to improve ground water recharge and water quality
- Converting an *existing* impervious parking lot to pervious pavement or concrete
- Installation of rain gardens or bioretention areas
- Wetland creation/restoration (does not include wetland mitigation/replacement projects)
- Dam removals
- Riparian buffer installation and maintenance
- Tree planting and reforestation
- Replacing *existing* storm sewer pipe or gully erosion with stable vegetated swales

8) Spoil & Borrow Sites

- \$200 for spoil and borrow sites involving earth disturbance of 5,000 square feet to less than 1 acre.

9) Clearing & Grubbing (not associated with preparing a site for future land development activities)

- \$200 for sites involving earth disturbance of 5,000 sq. feet or more.

10) Complaint Investigations

- Upon receipt of a complaint, the District will charge the District service fee when earth disturbance activities are found to be in violation of Chapter 102 and when a required written E&S plan has not been developed (or) the required E&S plan does not meet the requirements of Chapter 102. Chapter 102.4(b) (9) authorizes the District to require submittal, review, and approval of E&S plans upon complaint or site inspection to ensure compliance with Chapter 102. For complaints involving earth disturbance activities that do not fit into any of the categories in Section III.A, a \$200 District service fee will be charged.
- Upon receipt of a complaint, the District will charge the District service fee when agricultural operations are found to be in violation of Chapter 91 and when a required manure management plan has not been developed (or) the required manure management plan does not meet the requirements of Chapter 91.

11) Agricultural E&S (Conservation) Plans

- \$200 Base Fee + \$25 per additional tract
- Plan review and approval will be charged as a base fee (covers the first “tract”) plus \$25 for every additional “tract” referenced for review and approval. A “tract” shall be in accordance with the local USDA agency when available. In the absence of USDA tract numbers, a “tract” will be considered by a property tax parcel number

12) Manure Management Plans

- \$200 Base Fee

B. Additional District Service Fees

- 1) 25% of the original District service fee is required for all second submissions, 50% of the original District service fee is required for all third submissions, and the original District service fee is required for all submissions thereafter until the E&S plan meets the requirements of Chapter 102. The District strongly encourages that the plan preparer, landowner/developer, and the operator(s) attend an on-site pre-application meeting with the District. The District also provides a recommended standard plan format on our website (www.yorkccd.org) to assist plan preparers in submitting quality plans during the first plan submission.
- 2) 25% of the original District service fee is required for E&S plans which are resubmitted with major revisions to the previously approved E&S plans that are located within the previously approved limits of disturbance. Major revisions include, but are not limited to, major revisions to the lot and/or street layout, storm water management design, or hydraulic E&S BMPs requiring review of design calculations.
- 3) A new District service fee is required for any revised E&S plans that propose additional earth disturbance outside the previously approved limits of disturbance or NPDES permit boundary. The new District service fee is required only for the increased area of earth disturbance or the increase in residential units per Section III (A).
- 4) A District Service Fee of \$75 for completing a PA Natural Diversity Inventory (PNDI) search and providing an Environmental Review Receipt to the applicant.

C. Waivers of District Services Fee

The District services fee is waived for the following:

- 1) All projects submitted with Penn DOT as the applicant however the District encourages PennDOT to pay a reasonable fee to cover the costs of District services provided.
- 2) Existing District Cooperators
 - a) Agricultural E&S (Conservation) plans prepared by the District or Natural Resource Conservation Service (NRCS)
 - b) Headwaters Environmental Legacy Program (HELP-Streams) Projects
- 3) Resubmission of previously approved E&S plans with only minor revisions that do not affect the adequacy of the previously approved E&S Best Management Practices (BMPs) or minor field modifications that require minimal to no review of BMP design calculations and construction details.

IV. NPDES and E&S Permit Fees

A. NPDES and E&S Permit fees are as follows:

Permit Type	Administrative Filing Fee	Disturbed Acre Fee
NPDES General Permit	\$500.00	\$100/ Disturbed Acre *
NPDES Individual Permit	\$1,500.00	\$100/ Disturbed Acre *
E&S Permit	See DEP permit application	See DEP permit application
Disturbed Acres – Round to the nearest whole acre		

All earth disturbance sites which require an NPDES or E&S permit must submit **two separate checks** with the application for District services. The appropriate permit filing fee shall be in the form of check or money order made payable to “York County Conservation District Clean Water Fund” and the required per disturbed acre fee shall be in the form of check or money order made payable to “Commonwealth of Pennsylvania Clean Water Fund”.

* The \$100 per disturbed acre fee is a one-time fee and will not be re-charged for NPDES permit renewals and for resubmittal of previously withdrawn NPDES applications for which the \$100 per disturbed acre fee had been previously paid.

B. Phased NPDES Projects

- 1) The disturbed acre fee is required at the time each individual phase is submitted for District review. The initial administrative filing fee is a one-time fee paid at the time of the initial submission and is not required for submittal of future phases.

C. NPDES Permit Renewal Fees

Permit renewal fees (which includes the permit filing fee and the disturbed acre fee) are required for all existing and future areas to be disturbed within the existing approved phase(s). An additional disturbed acre fee is required at the time each future phase is submitted for District review.

D. Waiver of NPDES Permit Fees

NPDES permit fees are waived for the following:

- 1) All projects submitted with PennDOT as the applicant.

V. Administration

A. Rules & Guidelines

- 1) An erosion and sediment control (E&S) plan for a non-NPDES permitted project will be considered complete when the District receives complete E&S plan drawings, narrative, a completed Application for District Services, and a check or money order made payable to the "York County Conservation District" in the amount of the required District services fee. Only one complete and folded set of E&S plans will be accepted.
- 2) A NPDES or E&S permit application will be considered complete when all items on the Notice of Intent checklist have been received, and a completed Application for District Services, and check or money order made payable to the "York County Conservation District" in the amount of the required District services fee has been received. Only one complete and folded set of E&S plans will be accepted.
- 3) The District reviews E&S plans and NPDES applications in the order that they are received (i.e. first come, first serve basis).
- 4) The District will review the E&S plans solely to determine whether it is adequate to satisfy the requirements of Chapter 102. By a determination that the plan is adequate to meet those requirements, neither the District nor the County assume responsibility for the plan implementation or the proper construction and operation of the facilities contained in the plan. The design, structural integrity, and installation of the E&S Best Management Practices (BMPs) are the responsibility of the landowner and/or operator. Before any earth disturbance commences, the appropriate local, state, and federal permits and approvals must be obtained from the agency having specific permitting authority.
- 5) The District has not been delegated authority to complete technical or engineering reviews of PCSM plans. The design, structural integrity and installation of the PCSM BMPs set forth in the PCSM plan are the responsibility of the plan preparer, landowner, and operator.
- 6) District approval letters are valid for the duration of the project construction if no changes are made to the approved E&S plans.
- 7) For projects that have not commenced earth disturbance activities, the E&S plan approval expires 5 years from the date of the District's approval letter.
- 8) Each submission of a different project (i.e. change in land use) on the same parcel of land shall be considered a new project subject to a new District service fee.
- 9) For phased projects, an Application for District Services and Fee is required at the time each individual phase is submitted for District review.

B. Plan Review Timeframes - NPDES completeness reviews and E&S technical plan reviews will be completed within the timeframes allotted by the District's delegation agreement with the PA DEP as follows:

- 1) Completeness reviews will be completed within 15 business days of receiving the Notice of Intent (NOI) package for all NPDES permits.
- 2) Initial technical E&S plan reviews for General NPDES permits will be completed within 22 business days of the completeness letter date. Total processing time for a general NPDES permit *without deficiencies* is 71 business days.
- 3) Initial technical E&S plan reviews for Individual NPDES permits will be completed within 47 business days of the completeness letter date. Total processing time for an individual NPDES permit *without deficiencies* is 107 business days.
- 4) Technical plan reviews for all revised E&S plans for General NPDES permits will be reviewed within 17 business days of the complete re-submittal date.
- 5) E&S plans for non-NPDES-permitted projects will be reviewed within 30 calendar days of receiving a complete submittal.

- C. Withdrawal of Projects** - Requests for withdrawal of E&S plans and refund of the District service fee shall be submitted in writing with the reason(s) for withdrawal. The following applies to the withdrawal of plans:
- 1) Decisions on refunds will be made on a case-by-case basis.
 - 2) The NPDES permit fee is non-refundable.
 - 3) A minimum \$150 processing fee will be imposed for refunds granted.
 - 4) If the plan review has begun or if earth disturbance activities have commenced, the request for refund of the District service fee may be denied. An appeal of the decision may be made in writing to the attention of the District Board Chairman.
 - 5) NPDES permit applications not resubmitted within 60 calendar days will be considered withdrawn in accordance with Chapter 102.6(c) (2) & (3) unless the applicant provides a written request for a specific extension prior to the 60 calendar days lapsing.
 - 6) An E&S plan (for non-NPDES permitted projects) resubmitted more than one (1) year after the date of the District's last technical deficiency letter will be considered withdrawn unless the applicant provides a written request for a specific extension prior to the 1 year lapsing. A new application for District services and fee will be required prior to future resubmission.