

**YCCD EROSION & SEDIMENT POLLUTION CONTROL (E&S)
& POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM)
PROGRAM SERVICES FEE SCHEDULE, RULES, & GUIDELINES
Adopted by the YCCD Board of Directors on August 11, 2022
Effective September 1, 2022.**

- 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 E&S pollution control and PCSM 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, conducting NPDES completeness reviews, completing technical E&S and PCSM 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) **Small Projects Guide or Single Family Residential Unit (< 0.991 acre of earth disturbance) not associated with a larger common plan of development**

1 unit	= \$250 Fee
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- 2) **All Other Land Development Activities** (includes but is not limited to residential, commercial, industrial, agricultural buildings/structures, highways, utility lines, renewable energy projects, and Corrective Action Plans (CAPs))

Disturbed Acres (Rounded to Nearest Whole Disturbed Acre*)	Fee for District Services	Additional PCSM Plan Review Fee
0.1 - < 0.991 acres	= \$ 1,050 Fee	NA
1 – 5 acres	= \$ 1,400 + (\$400/acre)	\$750
6 – 25 acres	= \$ 2,700 + (\$300/acre)	\$2,000
26 -100 acres	= \$ 8,200 + (\$150/acre)	\$4,000
101 + acres	= \$ 16,400 + (\$90/acre)	\$6,000

* Disturbed acreages of 0.991 acres or more should be rounded to nearest whole disturbed acre.

- Fee is based on the total disturbed acreage rounded to the nearest whole disturbed acre.
- In addition to the above disturbed acre fee an additional fee of \$450 per stream or wetland crossing for linear projects (ex. underground utility and transmission lines, overhead utilities, and highway projects) is required.

3) **Post-Construction Stormwater Management (PCSM) Plans**

- The District Engineer will conduct a technical (engineering) review of PCSM plans required for all individual NPDES permit applications and for the following general (PAG-02) NPDES permit applications that involve:
 - 25 acres or more of earth disturbance over the life of the project
 - Managed Release Concept (MRC)
 - Discharges to offsite non-surface waters
 - Voluntary or required riparian forest buffers
- An additional PCSM Plan Review Fee for District Services (Section III.A.2) for all NPDES applications falling under the above categories. The District, at its discretion, may complete a technical (engineering) review of PCSM plans associated with other general (PAG-02) permit applications as staffing resources allow.

4) PA Turnpike Commission Projects

- \$100 per disturbed acre

5) Timber Harvest Operations

- \$250 for projects completing a DEP Professional Timber Harvesters Action Packet or other E&S plan.

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

- \$250 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.

7) Stream Restoration Projects

- \$400 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)

8) Green Infrastructure Projects

- \$400 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

9) Spoil & Borrow Sites

- \$250 for spoil and borrow sites involving earth disturbance of 5,000 square feet to less than 0.991 acre.

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

- \$250 for sites involving earth disturbance of 5,000 sq. feet or more.

11) 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 \$250 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.

12) Agricultural E&S (Conservation) Plans

- \$250 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

13) Manure Management Plans

- \$250 Base Fee

14) Corrective Action Plans (CAPs)

- \$500 processing fee for projects that required a general NPDES permit and a \$1500 processing fee for projects that required an individual NPDES permit is required in addition to the Other Land Development Activities Fee per item III.A.2 above. CAPs may also be subject to a civil penalty for failure to obtain a required NPDES permit.

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 and/or PCSM plan and/or manure management plan meets the requirements of Chapters 102 and/or 91. The District strongly encourages that the plan preparer, landowner/developer, and the operator(s) attend an on-site pre-application meeting with the District.
- 2) 25% of the original District service fee is required for E&S and/or PCSM plans which are resubmitted with major revisions to the previously approved E&S and/or PCSM 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, PCSM design, or hydraulic E&S BMPs requiring review of design calculations. See section IV.B for DEP fees required for major NPDES permit amendments (if applicable).
- 3) No additional District Service Fee is required for minor E&S/PCSM plan revisions including red-lined field changes/modifications.
- 4) 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 and should be determined by applying only the additional new disturbed acreage (not to include the previous disturbed acreage) in the “All Other Land Development Fees” table located in section III.A.2. See section IV.B for DEP fees required for major NPDES permit amendments (if applicable).

C. Waivers of District Services Fee

The District services fee is waived for the following:

- 1) All projects submitted with US Environmental Protection Agency (EPA), PennDOT, the Pennsylvania Turnpike Commission (PTC), PA DEP, the PA Department of Conservation and Natural Resources (DCNR), and the PA Fish & Boat Commission (PFBC) as the applicant however the District encourages these agencies to pay a reasonable fee to cover the costs of District services provided.
- 2) Existing District Cooperators
 - a) Agricultural E&S plans prepared by the District or conservation plans prepared by 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”.

B. Minor or Major NPDES Permit Amendment Fees

- The NPDES permit administrative filing fee is required for major permit amendments but not for minor permit amendments. See section III.B.2 for additional District Services Fee associated with major revisions to the previously approved E&S and/or PCSM plans.
- The \$100 per disturbed acre DEP fee is required for both minor and major permit amendments for the area of new earth disturbance only.

C. NPDES Permit Renewal Fees

- The NPDES permit administrative filing fee is required for all NPDES permit renewal applications. An additional Fee for District Services is only required when changes to the E&S and/or PCSM plans are required or proposed.

D. Expired NPDES Permit Fees

- The NPDES permit administrative filing fee and \$100 per disturbed acre DEP fee are required for all new NPDES permit applications resulting from an expired NPDES permit. An additional Fee for District Services is only required if changes to the E&S and/or PCSM plans are required or proposed.

E. NPDES Permit Denials

- NPDES applications that have been denied will not have the NPDES administrative filing fee and the \$100 per disturbed acre fee refunded and will require a new NPDES administrative filing fee and the \$100 per disturbed acre fee upon submittal of a new NPDES application.
- Previously paid Fee for District Services will not be credited for future submissions of project applications that have been denied.

F. Withdrawal of Project Applications

- Requests for withdrawal of E&S and/or PCSM plans shall be submitted in writing with the reason(s) for withdrawal.
- The Fee for District Services is non-refundable however the District will credit the previously paid Fee for District Services towards a future submission (within 1 year of original submission date) by the same applicant for the same project at the same location.
- The previously paid NPDES permit processing fee and the \$100 per disturbed acre DEP fee are non-refundable however the \$100 per disturbed acre fee will be credited towards a future submission by the same applicant for the same project at the same location.
- Incomplete NPDES permit applications not resubmitted within 60 calendar days of the date of the incompleteness letter 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.
- E&S and PCSM plans for NPDES-permitted projects not resubmitted within 30 calendar days of the District's technical deficiency letter will be considered withdrawn unless the applicant provides a written request for a specific extension prior to the 30 calendar days lapsing. The extension, if granted, will not exceed an additional 15 calendar days in accordance with PA DEP's SOPs.
- 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.

G. Waiver of NPDES Permit Fees

NPDES permit fees are waived for the following:

- 1) All projects submitted with US Environmental Protection Agency (EPA), PennDOT, the Pennsylvania Turnpike Commission (PTC), PA DEP, the PA Department of Conservation and Natural Resources (DCNR), and the PA Fish & Boat Commission (PFBC) 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 and PCSM plans will be accepted.
- 3) The District reviews E&S plans, PCSM plans and NPDES applications in the order that they are received (i.e. first come, first serve basis) unless otherwise directed in writing by PA DEP. E&S and PCSM plans for a given project will be reviewed concurrently.

- 4) The District will review the E&S and PCSM 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 and PCSM 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) District E&S plan approval letters for non-NPDES-permitted projects are valid for the duration of the project construction if no changes are made to the approved E&S plans.
- 6) For non-NPDES-permitted projects, that have not commenced earth disturbance activities, the District's E&S plan approval expires 3 years from the date of the District's approval letter.
- 7) For NPDES-permitted projects, the District's E&S and/or PCSM plan approval expires on the NPDES permit expiration date (unless the NPDES permit has been renewed in advance of the expiration date).
- 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

- 1) As staffing resources allow, NPDES completeness reviews and E&S and PCSM technical plan reviews will be completed within the timeframes allotted by the District's delegation agreement with the PA DEP and/or most current PA DEP Standard Operating Procedures (SOPs).

C. Voluntary Stream-lined Plan Review Process

- 1) The District's Voluntary Stream-lined Plan Review Process is intended to accelerate the issuance of *eligible* paper-based general (PAG-02) NPDES permit applications as a reward to applicants who: 1) submit good quality applications that meet or exceed Chapter 102 regulatory requirements, and 2) have no documented significant Chapter 102 violations on their existing projects located within York County at the time of permit application submission. **See attached Appendix A for the current eligibility criteria checklist.**
- 2) No additional Fee for District Services is required to participate.
- 3) For project applications qualifying for all of the eligibility criteria, the District will make a good faith effort to approve coverage under the general PAG-02 NPDES permit within 30 business days of receipt for applications having no incompleteness comments and no technical deficiency comments and within 60 business days of receipt for applications having 10 or less minor incompleteness comments and 15 or less minor technical deficiency comments that are resolved on the first resubmission.
- 4) For project applications not electing to participate in the Voluntary Stream-lined Plan Review Process or not qualifying for all of the eligibility criteria, the application will be reviewed within the timeframes allotted by the District's Chapter 102 delegation agreement with PA DEP and/or the most current PA DEP Standard Operating Procedures (SOPs).
- 5) Requests for time extensions to resubmit corrections will void the stream-lined plan review process.
- 6) The District reserves the right to discontinue the Voluntary Stream-lined Plan Review Process at any time dependent on available staff resources.

Appendix A

YCCD Voluntary Streamlined Plan Review Process for General PAG-02 NPDES-Permitted Projects Eligibility Criteria Checklist

To initially qualify for the Voluntary Stream-lined Plan Review Process for general PAG-02 NPDES-permitted projects, the project and/or project applicant must:

- 1) Be eligible for coverage under the paper-based general PAG-02 NPDES permit.
- 2) Submit the NOI application between June 15th and March 15th. Applications will not be accepted during the District's spring busy season (between March 15th and June 15th).
- 3) Not require PA DEP Program/Permitting Coordination to authorize coverage under the general PAG-02 permit (ex. alternative un-approved BMPs, soil and/or groundwater contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in Pa. Code Chapter 250).
- 4) Be located entirely within the boundaries of York County.
- 5) Propose < 100 acres of earth disturbance at the time of application submittal.
- 6) Not have continued significant Chapter 102 violations cited on a DEP Earth Disturbance Inspection report for any existing projects located within York County at the time the application has been submitted.
- 7) Schedule an on-site (weather-permitting) pre-application meeting with the assigned District technician, District engineer, applicant, plan preparer, and municipal engineer present. If the site contractor(s) have been selected at this time, it is strongly recommended that they also attend the on-site pre-application meeting to provide input into the construction sequencing and constructability of the plan. Preliminary E&S and PCSM plans available and at least 75% complete.
- 8) Have a wetland determination/delineation (< 5 years old) completed and available during the on-site pre-application meeting (if applicable) and provided at the time of application submittal.
- 9) Have the PA Natural Diversity Inventory (PNDI) receipt (< 2 years old) resolved upon submission of the application (i.e. no potential impacts or required avoidance measures have been incorporated into E&S and PCSM plans, and/or agency clearance letters provided).
- 10) Provide required County and Municipal Notification Forms which have been completed and signed by the County and Municipality at the time the application has been submitted which confirm that:
 - both the County and Municipality have comprehensive plans
 - the Municipality has a zoning ordinance
 - the proposed project is consistent with both the County comprehensive plan and Municipal zoning ordinance.
 - the proposed project is consistent with the County's Act 167 plan, without waiver, and is consistent with the Act 167 Model Ordinance or DEP Model Ordinance (MS-4), without waiver.
- 11) Submit the correct Fees and Application for District Services upon initial submission. No exceptions.
- 12) Submit final plans for construction as required by Ch. 102.4(b)(5)(xiv) and 102.8(d). Significant plan revisions not directly related to addressing any incompleteness comments and/or technical deficiencies will void the streamlined plan review process.
- 13) Utilize only DEP Standard Worksheets, DEP Standard Construction Details and DEP-approved E&S and PCSM BMPs.

To continue to qualify for the Voluntary Stream-lined Plan Review Process for general PAG-02 NPDES-permitted projects, the submitted E&S and PCSM plans and plan preparer must:

- 14) Generate 10 or less minor incompleteness comments and 15 or less minor E&S/PCSM plan technical deficiencies upon District review and a revised application/plans are resubmitted (emailed resubmission acceptable) within 5 business days with all incompleteness items and/or technical deficiencies resolved upon resubmittal.
- 15) Provide an item-by-item written response letter with the incompleteness and technical deficiency correction locations identified in the letter and highlighted on the plan drawings and in the plan narrative.