

**ADAMS COUNTY CONSERVATION DISTRICT'S
EROSION & SEDIMENT POLLUTION CONTROL PLAN (E&SPCP)
FEES FOR SERVICES/NPDES PERMIT RULES &
GUIDELINES**

Approved by District Board on 12-15-2016

I. Authority & Applicability of Fees for Services

A. Authority - The Adams 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 National Pollution Discharge Elimination System (herein after referred to as NPDES), Permit Requirements for storm water discharges from construction activities. All such provisions and definitions contained therein are incorporated herein by reference.

The Conservation District Law (Section 9) provides the Adams 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 Fees for Services shall apply to all plans (See IV. Waiver of Fees.) that are submitted to the Adams 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.

C. Application for NPDES permits, processed by the District, will require an E&SPC plan review and associated fee for the same.

D. Applications for Timber Harvest and E&SPC plans for Chapter 105 permits may require E&SPC plan review and associated fee for the same.

E. Revisions to Fees for Services guidelines - The District anticipates a yearly review of this document to determine if any changes are necessary.

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 (Chapter 102) 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 of Adams 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 (E&S and PCSM) are the responsibility of the landowner and/or the operator (operator as defined in Chapter 102 regulations). 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. highway occupancy permits, utilities, Chapter 105 permits, etc).

II. Administration

A. Non-permitted plan submissions

1. Submit latest ACCD Review Application, completed and signed by property owner or by an agent authorized by the owner to file the application.
2. Check or money order for the amount of review services fee.
(See Section III.)
3. One set of complete plan drawings/narrative as required to define the proposed activity and only one set thereafter, if required. All plans for review should be labeled *Final Plans* and **not Preliminary Plans**. Plans labeled *Preliminary/Final Plans* will be acceptable.
4. Plan submissions shall be executed by the property owner or by an agent authorized by the owner to file the application. All applications shall be deemed an unsworn statement to authorities and subject to the provisions of Section 4904 of the Crimes Code of Pennsylvania.

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5. Non-permitted plans will be reviewed within 30 calendar days of complete application submittal. If the plan is deemed inadequate to meet the requirements of PA Code Title 25 Chapter 102, the applicant will have 60 calendar days to provide the necessary information to make the plan adequate to meet the requirements of PA Code Title 25 chapter 102. If the required information is not received from the applicant within the 60 days the application will be considered withdrawn. Subsequent complete submissions will be a 30 calendar day review time.
 6. Courtesy plans – For those sites where a “courtesy” plan is submitted voluntarily or by District request, applicable fees for services may not be required. The District reserves the right to obtain fees for services if a written response from the District is requested from others or if a cursory review by the District has determined that the plan does not meet minimum requirements as per Chapter 102.4(b)(5).
- B. Permitted plan submissions**-NPDES projects will be administratively complete if it complies with the PADEP Standard Operating Procedure (SOP) and the most up to date Notice of Intent (NOI).

For both General and Individual permitted projects, please refer to separate Standard Operating Procedures attachment (SOP), prepared by Central Office of PA DEP for the new permitting procedure.

DISCLAIMER - The District staff makes every attempt to review plans on time and within the time frames set by PA DEP. The District is committed to providing this time frame based on staff availability and/or workload. For those circumstances beyond our control such as extended illness, maternity leave, a leave of absence, etc., the District may not be able to meet these review times but will endeavor to be as expeditious as possible in completing reviews in these situations.

1. For sites *requiring* coverage under a NPDES permit, the District shall initially be provided with **one (1) copy** of the complete submission. Prior to the District acknowledging the use of permit and mailing the NPDES permit package, the District will sign, date, and stamp the approved E&SPC plans (not the PCSM plans). The District will stamp plans only for those who are legally on the NPDES permit (permittee and/or co-permittee) at the time of permit acknowledgement and mailing. For additional copies of stamped plans, the District may loan out the District stamped set of plans for copying as long as a deposit is left in the amount of **\$20.00**. The deposit will be returned upon receipt of loaned plans received in the same condition. To reduce file space and save paper, the District may ask for a reduced size set of plans and/or electronic copy of the District approved plan.
2. All E&S and PCSM plans submitted for review and approval shall be labeled Final Plans and not Preliminary Plans. Plans labeled Preliminary/Final will be acceptable.
3. The E&S and PCSM plans for NPDES permitted sites shall be affixed with seal and signature of a PA Licensed Professional who has the authority to seal such work. This requirement is for those site designs that propose a structural BMP.
4. **All post construction stormwater management plans shall be planned and conducted to the extent practicable in accordance with Chapter 102.8(b).**

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5. Impaired surface waters - <http://www.depgis.state.pa.us/emappa/>

Stream Name	Zone	Designation
West Conewago Creek	Basin, Source to Pleasant Dale Creek	HQ-CWF, MF
Birch Run	Basin	HQ-CWF, MF
Stillhouse Run	Basin	HQ-CWF, MF
Hosack Run	Basin	HQ-CWF, MF
Carbaugh Run	Basin, Source to first upstream pipeline crossing (near US Rt. 30)	EV, MF
Carbaugh Run	Basin, First upstream pipeline crossing to mouth	HQ-CWF, MF
Toms Creek	Basin, Source to LR 01053 (SR 3021) Bridge	HQ-CWF, MF
Middle Creek	Basin, Source to Conf. w/ Swamp Creek	EV-CWF
Middle Creek	Basin, Conf. w/ Swamp Creek to PA 116 Bridge (near Fairfield)	HQ-CWF
Mountain Creek	Basin, Source to Toland	HQ-CWF, MF

EV (Exceptional Value) HQ (High Quality) MF (Migratory Fishes) CWF (Cold Water Fishery)

Note: This list may not be current as designations may change at any time. Please check Pennsylvania Code, Title 25 Environmental Protection, DEP Chapter 93, Water Quality Standards for the most up to date designations.

For updated information, contact the Department of Environmental Protection web site at: www.dep.pa.gov

6. All plan submissions shall be executed by the owner of the property or by an agent authorized by the owner to file the application. All applications shall be deemed an unsworn statement to authorities and subject to the provisions of Section 4904 of the Crimes Code of Pennsylvania.
7. NPDES permit renewals – General NPDES permit coverage may be extended by the District if an administratively complete and acceptable NOI is submitted at least 180 calendar days prior to date of permit termination.
8. Notification of permit expiration – NPDES permit coverage for a project is generally for five years. The District does provide permit expiration notification to the permittee/co-permittee by the following methods: the date is provided on the cover page of the PAG02 Approval of Coverage...Construction Activities, formal DEP inspection report and the expiration date is generally provided on cover letters and inspection reports. Permit expiration dates are also posted on our web page as a further means of informing applicants of the permit expiration. **It is the responsibility of the permittee to keep track of their project's permit status.**
9. Purging of Files – All files which have been inactive for at least 180 calendar days will be purged. The District will discard all plans and narratives but retain some of the general correspondence such as applications/NOI. General correspondence will be discarded upon receipt of a new submission or after 180 calendar days.

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III. Current Fees - The cost of fees for services relative to the E&SPC Program will be based on the disturbed acres (see below).

Less than 0.5 acre	= \$400 base fee
0.5 – less than 1 acre	= \$800 base fee
1 – less than 5 acres	= \$1000 base fee + (D x \$400)
5– less than 25 acres	= \$1500 base fee + (D x \$400)
25 acres or more	= \$3000 base fee + (D x \$400)

(D = Disturbed acres, do not round)

All earthmoving sites requiring NPDES and/or E&S permits must submit **three** checks:

- One check for the District fees for services made payable to ACCD (see table above)
- One check for the permit fee made payable to ACCD Clean Water Fund
 - Fees for processing permit applications must be made payable to:

“The Adams County Conservation District Clean Water Fund” and are as follows:

NPDES General Permit = \$500

NPDES Individual Permit = \$1500

Erosion and Sediment Control Permit (ESCGP) = \$500
- One check for the \$100 per disturbed acre fee made out to the Commonwealth of PA Clean Water Fund. ****Round to the nearest whole acre.**

- A. Approval time frame** - The District letter of adequacy is valid for **five (5) years**. The District reserves the right to charge additional fees for services if the approved project is not complete within that five-year period.
- B. Erosion and Sediment Control permit (ESCGP)** - A \$500.00 permit fee is required for this DEP permit. PA Commonwealth agencies are exempt from the permit fee. This permit is required for those earth disturbance activities where the disturbance will exceed 25 acres such as with timber harvesting and/or road maintenance activities. Certain Oil and Gas projects also require this fee.
- C. E&SPC for Timber Harvest activities and E&SPC for Chapter 105 general permits** - A flat fee of \$400.00 for plan review and inspection services relative to the E&SPC Program
- D. Unique projects** – District staff will make the determination as to if a project is unique and involves minimal review and inspections. Residential and commercial projects are not eligible. An example of a unique project may be the construction of an irrigation pond for agricultural use. The fees for services for these projects would be computed at a rate of 25% of the computed fee using the most current fee schedule.
- E. Terms and conditions** - The Terms and Conditions under which the Fee Schedule as indicated in Item III above would be applicable are:
 1. Disturbed Area – Unstabilized land area where an earth disturbance activity is occurring or has occurred. (This definition found in the Chapter 102 regulations.)
 2. Waters of this Commonwealth – Refer to definition as found in Chapter 102 regulations.
 3. Whole acre (– When rounding off to compute DEP’s per acre fee, the fee is based on the nearest whole acre. Example: If the site will disturb 3.5 acres, the fee is based on 4 acres.
 4. Pervious surface – refer to Adams County ACT 167 Plan definition.
 5. Project Area - The Project Area shall be defined as the entire parcel of land or property

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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.

- 6. Surface waters – Refer to definition as found in Chapter 102 regulations.
- 7. Fees for Services – This term includes but is not limited to overall delegated program responsibilities such as: administrative, technical and courtesy reviews; pre-application and pre-construction meetings; various types of inspections, complaint response; professional certifications; training opportunities and educational outreach.
- 8. Major Permit Modification as per DEP – When a new or increased discharge, or a change of the waste stream, including any new or licensed pollutant was not identified in previous permit application; an expansion beyond the permit boundary
- 9. Minor Permit Modification as per DEP – Minor changes that occur within the total disturbed area as described in NOI.

F. Computation of fees * *When computing the fee, you must consider the following when determining the amount of disturbed acreage.*

- 1. All plan submissions shall show the entire project area for the life of the project and shall delineate the proposed disturbed area within the project area if the area to be disturbed is less than the project area. Such delineation shall be clearly marked on plan submissions in a manner which will permit easy on-site verification. The portion of the plan submission showing the line of demarcation between the project area and the disturbed area shall be prepared and signed by a licensed surveyor or by a licensed engineer.

The District will assume that a subdivision of land will result in the disturbance of the entire lot area of each lot during the course of the project; provided, however, that such assumption may be overcome if the applicant demonstrates, by clear and convincing evidence, that areas in excess of one acre of contiguous land surface within the lot area will not be disturbed.

For NPDES permitted sites the District shall consider off-site spoil and /or borrow areas utilized to complete the project as a disturbed area and collect the appropriate review fee for such area.

- 2. **Design guidance** - The District encourages landowners/consultants to carefully plan and design their sites so that earth disturbance is minimized. This can be accomplished by avoiding sensitive areas such as wetlands, stream corridors, steep slopes, floodplains, and sites with severe soils limitations or by maintaining existing buffers of vegetation, etc. **All plan designs should be prepared to mimic preconstruction stormwater runoff conditions in order to protect, maintain, reclaim and restore water quality and existing and designated uses.**
- 3. **Flat fee of \$400.00** - This fee, with no cost per acre, would be the only costs for fees for services relevant to the E&SPC plan for the following projects:
 - a. All projects requiring DEP Chapter 105 General Permits (GP's) ** GPs associated with agricultural BMPs are exempt from this fee.
 - b. Timber harvesting activities not part of larger planned subdivision/land development.
- 4. **Submissions** - In general, fees are intended to cover the initial review and **one revision** of a project/phase of project (see below).
- 5. **Phased land development projects** – On phased projects, the fees shall be based on the disturbed acreage in each clearly defined phase. If any earth disturbance activity will occur on any portion of the land surface of a later phase of the project, such phase area shall be deemed to be included in the initial phase of the project. If the site has an NPDES permit, a completed new NOI Section D with worksheets and PCSM plan must be submitted.

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6. **Additional fees** - The District reserves the right to impose additional fees for services for the following:
- a. The original base fee will be imposed for all third submissions and each submission thereafter until the E&SPC plan meets the requirements of Chapter 102.
 - b. When minor revisions are made to a non-permitted E&S plan already deemed to be adequate to meet the requirements of Chapter 102 and the revisions do not cause the project to require a NPDES permit, the District reserves the right to charge for the additional technical review. A flat fee of \$400.00 will be charged.
 - c. Spoil and Borrow sites – The District reserves the right to charge fees according to the following schedule:
 1. Sites where the earth disturbance is less than one acre **and** the same area will be stabilized with a pervious surface, a flat fee of **\$400.00** will be charged. The District must receive the all information necessary to review the proposed activity.
 2. If the disturbance meets the criteria for a NPDES permit, the fees will be the same as for applying for an NPDES permit.
 - d. Cost Recovery – If the District is involved with a project that goes to enforcement with DEP, DEP does allow the District to recoup costs associated with the enforcement process.
 - e. When DEP and/or the District require preparation and submission of a Corrective Action Plan (CAP), the fees will be based on the maximum disturbance of the project in question.
7. **Special Conditions** - The District reserves the right to adjust fees in accordance with the special condition of **Change of Design**. Each submission of a different design on the same site shall be considered a new project. The fees for review and inspection services shall be as per a new project, thus requiring a fee as per Item III above.
8. **Projects requiring E&S review by the Conservation District for Chapter 105 Individual Permit application to DEP**. - If a project requires District approval of E&S as a requirement for another DEP permit, the District will review that project as a non-permitted plan under the following conditions: The entire proposed project must be clearly shown. The review fee will be based on acreage disturbed (see fee chart above) for the encroachment activities.
9. **Fees for Permit Renewals**
- NPDES permit fees_ - \$500 or \$1500
 - DEP'S \$100/disturbed acre fee for any new disturbance not previously paid
 - ACCD fees for services:
 1. * Sites where project is underway – Fees are based on what remains to be developed/disturbed in acres. To calculate, take 50% of the current fee.
 2. * Sites where the project was never commenced – The fee will be 25% of the current fee.
- * The reduced fees as mentioned in 1 and 2 above will only be granted if the permit renewal application is complete and submitted in a timely fashion. We are defining timely fashion as 30 calendar days prior to permit expiration.

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10. **Minor Permit Modification (as defined by PADEP)** – a flat fee of \$400 will be charged.
11. **Major Permit Modification (as defined by PADEP)** – **what is required?** If the project requires a major modification, a new NOI application is required. This includes all of the required fees as listed below.
 - NPDES permit fees - \$500 or \$1500
 - \$100/disturbed acre fee for new disturbances not paid previously
 - **ACCD fees for services (\$400 Minimum):**
 - Expansion of disturbance** – Fee based on the additional disturbance not identified in the original NOI.
12. **An Expired NPDES Permit** – An expired permit cannot be renewed. The project shall be treated as a new project and follow PA DEP procedure. The ACCD Fees for Services will be the same as a new project.

IV. Waiver of Fees

Fees for Services would not be charged for the following:

- A. **Government Agencies** submitted under the name of the federal, state, county and municipal governments. **THIS ONLY APPLIES TO PROJECTS INVOLVING EARTHMOVING ACTIVITIES ASSOCIATED WITH MAINTENANCE. THOSE EARTHMOVING ACTIVITIES CONSISTING OF NEW CONSTRUCTION SHALL PAY ALL APPLICABLE FEES.**
**** PA DOT is exempt from all fees (E&S plan review and NPDES).**
- B. **Agricultural Activities** - Fees for services will not be applicable to agricultural activities such as plowing and tilling, and earthmoving activities associated with the installation of agricultural best management practices (BMPs) completed in accordance with a conservation plan approved by the District and/or NRCS. Note: The NPDES permit fee may apply under certain circumstances. When the earth disturbance activity on agricultural land is not related (i.e. building construction for equipment) to the conservation of soil, nutrients and/or water quality, then the fee schedule for plan review and site inspection services would be applicable.
- C. **Pennsylvania Commonwealth agencies** are exempt from the NPDES permit filing fees and exempt from paying fees for services. However, these agencies need to complete the administrative requirements for NPDES submissions and plan review submissions.
- D. **Special projects** that are not land development oriented are not subject to fees for services. An example of such work is stream/wetland restoration work through cooperating agencies and/or non-profit groups. Final decision will be made by District staff on a case-by-case basis.
- E. **County of Adams Projects** – If the County of Adams seeks a waiver or reduction in fees, the request shall be made to the Conservation District Board. The Board will render a final decision.

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 fees for services.

- A. Decisions on refunds will be made on a case-by-case basis.
- B. A minimum \$200 processing fee will be imposed for refunds granted.
- C. If the review process has begun prior to the request for withdrawal, 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, Adams County Conservation District Board.

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VI. Chapter 105 Permits The Adams County Conservation District **is not delegated** the Chapter 105 permitting authority. Please submit all Chapter 105 permit applications to:

**Pennsylvania Department of Environmental Protection
South-central Regional Office - Waterways and Wetlands Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone (717) 705-4802; Fax # (717) 705-4760**