

## EROSION & SEDIMENT CONTROL PLAN REVIEW FEE APPLICATION PROCEDURES

### PROCEDURES:

1. All fees must be paid at the time of Erosion and Sedimentation Pollution Control Plan (E & S Plan) submission.
2. Fees are payable to: **Bedford County Conservation District**.
3. All E & S Plan submissions are reviewed in order of receipt at the Conservation District Office.
4. Allow up to 50 days for review of the original submission.
5. Failure to respond to Conservation District technical review letter within 60 days may result in additional fees for any further reviews.
6. Modifications to an approved E & S Plan that require technical review will be subject to all fees.
7. Fee waivers only apply to those which are listed in section V. Waiver of Fees.
8. Erosion control plan review approvals are valid for 2 years.
9. All E & S Plans that are submitted require the following: Site Drawings **Folded** and Plan Narrative, Application, Location Map and Fees.
10. In all NPDES Permit applications, the E&S Plan Narrative and Drawings must be separate from the Post-Stormwater Narrative and Drawings.
11. The Conservation District must be notified at least 72 hours prior to the start of construction.
12. Do not combine E & S Plan Review Fees and NPDES Permit Fees on one check.

### I. Authority & Applicability of Review and Inspection Fee:

- A. **Authority** - The Bedford 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 Bedford 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 review and Inspection Fee shall apply to all plans that are submitted to the Bedford County Conservation District (herein after referred to as a District) requesting determination of Erosion and Sediment Pollution Control (herein after referred to as E&SCP) adequacy as noted within these Rules and Guidelines.
- C. **Application for NPDES Permits**, processed by the District, will require E&SCP plan review and associated fee for same.

### II. Administration:

- A. An E&SCP Plan will be considered complete for review when the District receives a completed application form, a check or money order made payable to the "**Bedford 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 District and not to the local municipality.
- 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 of Bedford 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 PFIMC (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:

**"Bedford 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 of Bedford assumes any responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan.

- D. Plans will be reviewed within 50 calendar days of receiving a complete application and appropriate fees. This review time applies to both first time submittals as well as subsequent submissions. The Bedford County Conservation District reviews plan submittals in the order that they are received. *Please refrain from calling the District to check the status of your submittal prior to the end of 50 calendar days.*
- E. Projects occurring in High Quality (HQ) or Exceptional Value (EV) watersheds disturbing 1 acre or more over the life of the project need to apply for an Individual NPDES permit.

**III. Fees** – Fees cover the first initial technical submission review, one (1) subsequent re-submission technical review, inspections, technical support, and administration.

- A. Industrial/ Commercial/Utility Land Development – The fee for plan review and inspection services relative to the E&SCP Program for industrial/ commercial/utility land development projects will be based on total disturbed acres (disturbed acres must include all utility right-of-ways, access roads, spoil/borrow areas, proper room for grading, and fill sites associated with non single residential homes).
- B. Reviews required under Chapter 105 – The fee for plan review and inspection services relative to the E&SCP Program for Chapter 105 permits will be a standard fee of \$150.00. These reviews are for permits associated with but not limited to Water Obstructions & Encroachments, Stream Crossings, Logging Activities, Wetland Mitigation Projects, Ponds, etc.
- C. Residential– The fee for plan review and inspection services relative to the E&SCP Program for residential projects will be based on the total number of units and/or lots. (disturbed acres must include all utility right-of-ways, access roads, spoil/borrow areas, proper room for grading, and fill sites associated with a residential home)

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

- D. The fee for processing a NPDES permit application is to be made payable to “**The Bedford County Conservation District Clean Water Fund**” and is as follows:
  - 1. NPDES **General Permits**; for sites disturbing 1 acre or more over the life of the project = **\$500.00**
  - 2. NPDES **Individual Permits**; for sites located in High Quality or Exceptional Value watersheds disturbing: 1 acre or more over the life of the project = **\$1500.00**
- E. All earthmoving sites disturbing 1 acre or more which requires NPDES permits must submit **three checks**. One check for review/approval of the E&SCP plan made payable to “**Bedford County Conservation District**”. A second check for the NPDES permit administrative filing fee made payable to “**The Bedford County Conservation District Clean Water Fund**”. A third check for the Pennsylvania DEP for NPDES disturbed acreage made payable to “**Commonwealth of PA Clean Water Fund**”.

**IV. Additional Fees** – Service fee covers the cost of reviews, inspections and administration. The District reserves the right to impose an additional plan review fee for the following reasons

- A. If an application package is administratively incomplete, the District collects the fee and will return the package. A new fee of **100%** must accompany the resubmission of that application package.
- B. A charge of **75%** of the original review fee will be imposed for all third (3<sup>rd</sup>) technical resubmissions and EACH submission thereafter until the E&SCP plan meets the requirements of Chapter 102 and a letter of adequacy is issued.
- C. If the comments from the first technical review are not submitted within 60 calendar days from the date of the comment letter, a charge of **75%** of the original review fee will be imposed.
- D. When site construction and final stabilization are not completed within two (2) years from the date of initial plan approval, the District reserves the right to require the submission of a new plan and additional or upgraded controls to meet current E&SCP guidelines. (**The fee for re-submission will be in accordance with the appropriate project description**).
- E. Minor revisions – Plans that receive a letter of adequacy and are resubmitted within two (2) years of the approval date with minor revisions that do not alter the erosion control measures and facilities, or affect their adequacy, will be reviewed at no additional charge.
- F. Major revisions – A new fee will be imposed for plans that require major modifications to the E&SC Plan/NPDES Permit, where the proposed earth disturbance activities that will take place outside the permitted area, or that will have an additional point source discharge to a receiving water, not previously identified in the application/NOI, or changes that will affect the adequacy of the original proposed erosion control measures and facilities.

**V. Waiver of Fees** – Fees will not be charged for the following submittals to the Bedford Conservation District:

- A. Projects that are submitted under the name of Bedford County and State Governments. This exemption does not apply for any Nonprofit Organization, Township, Water or Sewer Authorities and/or Public or Private School Districts or supersede DEP Title 25, Chapter 102 Erosion Control Rules and Regulations.
- B. State Government Agencies are exempt from the NPDES permit filing fees outlined in Chapter 92 Rules and Regulations for General and Individual Permits for storm water discharge associated with construction activities. However, these agencies need to complete the NPDES NOI forms and develop a PCSM plan.
- C. The District reserves the right to waive local municipal project fees associated with restoration projects and significance of workload demand.
- D. Earth Disturbance activities less than 5,000 square feet. No E&SC Plan Review is required.
- E. Agricultural Operations review fees shall not be applicable to agricultural operations engaged in normal farming activities, and documented in a Bedford County Conservation District approved conservation plan. When agricultural Best Management Practices (BMPs) are to be installed and no conservation plan has been approved by the Bedford County Conservation District or when site disturbance occurs that is not part or the approved conservation plan, such as an earth disturbance for a building, the review fee schedule is applicable.

**VI. Special Conditions** – the BCCD reserves the right to adjust fees in accordance with the special conditions list herein:

- A. Change of project - A submission of a different project on the same site shall be considered as a new project and subject to a new review fee.
- B. Letters of adequacy issued by the BCCD for non NPDES projects are valid for two (2) years from the date of issuance. Failure to initiate earth disturbance within two (2) years of the issuance of the adequate review letter will invalidate the review and require a resubmission, which is subject to an additional fee, not to exceed the review fee schedule in effect at the time of the re-submittal.
- C. Letters of adequacy issued by the BCCD for NPDES projects are valid for two (2) years from the date of issuance. Failure to initiate earth disturbance within two (2) years of the issuance of the adequate review letter will invalidate the review and require a resubmission, which is subject to an additional fee, not to exceed the review fee schedule in effect at the time of the re-submittal.

**VII. 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 E&SC Plan fees.

- A. Decisions on refunds will be made on a case by case basis.
- B. If the review process has begun prior for withdrawal, a penalty may be assessed and/or the request may be denied
- C. If earth disturbance activities have been initiated on the project site, the request will be denied.
- D. An appeal of the decision may be made, in writing, to the attention of the chairman, Bedford County Conservation District Board.
- E. Review fees will not be refunded once an adequacy determination has been made by the Bedford County Conservation District
- F. A minimum \$100.00 processing fee will be imposed for refunds granted.

**VIII. Returned Applications** – Application packages are subject to be returned for the following reasons.

- A. If a review fee and/or permit filing fee check is returned because of insufficient funds, the plan will not be reviewed, and will be returned via UPS, shipped Cash on Delivery (COD).
- B. An application package that is administratively incomplete will be returned and a new fee (100% of the original) MUST BE enclosed with the resubmission of that application package.
- C. Failure to respond to the Conservation District’s technical review letter within 60 days, additional fees will apply to any further reviews and the application will be returned to the applicant.

**Definitions:**

**PROJECT ACRE:** To be defined as property boundary, or any land within the project limits or NPDES Permit boundary.

**DISTURBED ACRE:** To be defined as property, acreage, or land within the project limits or NPDES Permit boundary where any construction or other activity which disturbs the surface of the land, is planned or may inadvertently occur, including, but limited to the following: excavations, clearing and grubbing. Embankments, land development, road construction, utility right-of-ways, filling, subdivision development, mineral extraction, earthen material stockpiling, spoil/borrow areas, E & S Control installation and top soil removal. Disturbed acreage is the total cumulative acres disturbed over the life of the project.

**FEE RATES:** The “per acre fee” should be rounded to the nearest whole acre. For example, if the acreage is 1.2 acres, it should be rounded to 1.0 acres. If the acreage is 1.8 acres, it should be rounded to 2.0 acres. Projects requiring an NPDES Permit shall pay a “per acre fee” based on the acreage within the permit boundary. Projects not requiring an NPDES Permit shall pay a “per acre fee” based on the acreage within the limits of disturbance.

**PERMIT FEES:** A person submitting a permit application or NOI shall submit a fee as follows: a \$500 administrative filing fee for general permits and a \$1,500 administrative filing fee for individual permits. In addition, \$100 for each disturbed acre is required to be added to the base administrative filing fee for projects of 1 acre or greater of disturbance. The PA DEP fees will be calculated based upon the following formula: base fee plus \$100 for each disturbed acre. For fractional acreage, the acreage shall be rounded to the nearest whole number.

**COMMERCIAL / INDUSTRIAL / UTILITY LAND DEVELOPMENT:** Includes but is not limited to, the following types of development: small & large businesses, factories, gas stations, malls, shopping plazas, stores, convenience stores, warehouses, assisted living facilities, restaurants, medical facilities, auto dealerships, business parks, and utility projects and any work associated with any of these types of facilities.

**RESIDENTIAL PROJECTS:** Development/construction activity of a single family home or land to be subdivided into 2 or more units for the purpose of constructing residential single family homes and any work associated with these types of facilities including, but not limited to, roads utilities sewage treatment systems, waterlines, sewage lines, stormwater systems, etc for the completion of the project.

**REVIEWS REQUIRED UNDER CHAPTER 105** – The fee for plan review and inspection services relative to the E&SCP Program for Chapter 105 permits will be a standard fee of \$150.00. These reviews are for permits associated with but not limited to Water Obstructions & Encroachments, Stream Crossings, Logging Activities, Wetland Mitigation Projects, etc.

**GENERAL AND INDIVIDUAL NPDES PERMITS:** All National Pollution Discharge Elimination System Permits require the development of an erosion and sediment pollution control plan. General NPDES Permits require a \$500.00 permit fee. Individual NPDES Permits require a \$1500.00 permit fee. NPDES Permit Fees shall be made payable to: Bedford County Conservation District.

**AUTHORITY AND APPLICABILITY:** The Bedford County Conservation District is delegated the authority to administer the Commonwealth’s Erosion and Sediment Pollution Control Program under the PA Clean Streams Law, Chapter 102 Rules and Regulations. Districts may charge fees for Erosion and Sediment Pollution Control Plan reviews as authorized by Act 217 - The Conservation District Law.

The applicant agrees to comply with all requirements of Pennsylvania’s Department of Environmental Protection’s Title 25 Chapter 102, Erosion and Sedimentation Pollution Control Rules and Regulations. And further agrees to obtain all necessary federal, state, county, and local permits associated with the project. The applicant also authorizes the Bedford County Conservation District to make site inspections as necessary.

**Note: The applicant or a representative of the applicant is highly encouraged to schedule an onsite pre-design visit with the Bedford Conservation District at no additional charge.**

**Approval:**

Be it resolved, this 1st day of April, 2012, that all previous Bedford County Conservation District Fee Schedules are hereby defunct as agreed upon by the Board of Directors. Be it resolved that the Board of Directors adopts the Fee Schedule and the Bedford County Conservation District will assess fees for the review of all Erosion and Sediment Pollution Control Plans as authorized by the commonwealth of Pennsylvania under Act 217 of 1945, The Conservation District Law, as amended, in accordance with the attached schedule of charges.

BEDFORD COUNTY CONSERVATION DISTRICT BOARD OF DIRECTORS

\_\_\_\_\_  
(Board Chairman)

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April 1, 2012  
(Date)