

Erie County Conservation District Policy, Rules, & Guidelines Related To E&S Pollution Control Plan Permit Reviews

I. Authority & Applicability of Review and Inspection Fee:

- A. **Authority** - The Erie County Conservation District (District) is delegated with the responsibility to administer the Commonwealth's Erosion and Sediment Control Program under The Pennsylvania Clean Streams Law, Chapter 102 Erosion Control Rules & Regulations, Chapter 105 Dam Safety and Waterway Management and Chapter 92 National Pollution Discharge Elimination System (herein after referred to as NPDES) – Permit for Stormwater Discharges from Construction Activities requirements.

The Conservation District Law (Sec. 9) provides the Erie 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 Erosion and Sedimentation Pollution Control (herein after referred to as E&SPC) plans that are submitted to the Erie County Conservation District (herein after referred to as District) requesting determination of E&SPC adequacy, as noted within these Policy, Rules, and Guidelines.
- C. **Completeness** - All submissions to the District must include a fully completed *ECCD Service Application Coversheet and Program Fee Schedule Form* (Coversheet) that is consistent with any associated Permit registrations, and the appropriate review fees (as applicable), or will be deemed incomplete.
- D. **Application for NPDES Permits** --Require an E&SPC plan review fee, NPDES Administrative Review fee, and Disturbed Acreage fee.
- E. **Application for E&SC Permits** -- Require an E&SPC plan review fee, Permit Administrative Review fee, and Disturbed Acreage fee.
- F. **Application for ESCGP** -- Require an E&SPC plan review fee, Permit Administrative Review fee, and Disturbed Acreage fee.
- G. **Chapter 105 General Permits** – Require the appropriate administrative fee, per the Department of Environmental Protection's (DEP) Chapter 105 Fee Schedule, and an E&SPC Plan Review Fee, unless otherwise noted as per Section VI of this document.

II. Administration:

- A. A non-permitted E&SPC Plan will be considered administratively complete for review when the District receives a completed application form, a check or money order in the amount of the appropriate fee, a set of E&SPC plans, and location maps as required to define the proposed activity. Project submissions shall be made directly to the District and not to the local municipality. Non-permitted submissions require only one copy of the E&S plan for review. The District may request additional copies of the plan for public review as needed.
- 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 Regulation of the PA 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 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, Chapter 105 permits, etc.)

- C. While submissions for a NPDES permit application package require the submittal of three (3) complete and separate copies of both the E&SCP plan and PCSM plan, the *option* of initially submitting one copy of each of the plans is allowed in order to conserve paper due to revisions associated with the technical reviews. Upon determination of adequacy of the plan, the District will then request two additional finalized copies of the plan. **Three copies** of the NOI and associated information are required to be included within the original submittal. Should the applicant choose to submit one copy, the District may request an additional copy to be sent to the District office overnight for public review as needed.
- D. Exclusive of item II-C above, a NPDES application will be reviewed for completeness per the Department’s policy for the respective permit, with the additional caveats that the submittal must include a fully completed District Coversheet that is fully consistent with applicable permit registration forms, and the appropriate E&S plan review fee as outlined in item III.
- E. All projects will be reviewed in the order that they are received, unless otherwise stated within, or through Departmental policy. The District will meet the intent of the PADEP SOP for the specific program.
- F. Generally, an initial technical review for adequacy of the E&SPC plan will be completed within 22 business days of receiving an administratively complete project application, including the appropriate fees. Subsequent reviews of technically deficient plan will be reviewed within 17 business days.
- G. NPDES Permitted Projects occurring in High Quality (HQ)/Exceptional Value (EV) watersheds must apply for an Individual NPDES permit. The following is a list of HQ and EV streams of Erie County

Stream Name	Zone	Tributary Of	Chapter 93 Stream Designation
Crooked Creek	Basin	Crooked Creek	HQ-CWF-MF
Godfrey Run	Basin	Elk Creek	HQ-CWF-MF
Thomas Run	Basin	Walnut Creek	HQ-CWF-MF
Twelve-Mile Creek	Basin	Twelve-Mile Creek	HQ-CWF-MF
Lake Pleasant Outlet	Basin	French Creek	HQ-CWF
Hubble Run	Basin	French Creek	HQ-WWF
Beaver Run	Basin	French Creek	EV-CWF
Spring Creek	Basin	Brokenstraw Creek	HQ-CWF

** Additional criteria may also require submission of an Individual NPDES Permit for a project.*

- H. A pre-application meeting with the plan designer and applicant is highly encouraged by the District. There is **no fee** associated with this initial meeting.
- I. The District will follow the Department’s Permit Coordination Policy, as related to various permit approvals required for a project, as applicable

III. Fees:

All checks or money orders for E&SPC plan reviews should be made payable to: “Erie County Conservation District”

Unless expressly noted otherwise, the E&SPC Plan Review Fee does not include any Chapter 105 Administrative Fees.

E&SC Plan Letter of Approval Validity Timeframe

The District letter of adequacy is valid for a period of three (3) years from the date of issuance for non-NPDES permitted sites. Failure to begin earthmoving activity within three years of the date of the approval letter *may* invalidate the approval. If subsequent reviews are required, they will be subject to additional fees based on the review fee schedule in effect at the time of the resubmission. E&SPC approvals for NPDES permitted site will be valid for the originally

permitted timeframe at a minimum. The District should be contacted related to possible regulation, product, and or policy changes that may affect the plan status.

- A. **Residential Fee Schedule:** - The fee for plan review and inspection 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 review and inspection services for residential projects is as follows:

<u>Residential Fee</u>	
1 unit	= \$200
2-5 units	= \$250/unit
6-15 units	= \$1000 + \$60/unit
16-25 units	= \$1500 + \$50/unit
26-50 units	= \$2000 + \$40/unit
51-75 units	= \$3500 + \$30/unit
76 + units	= \$4500 + \$20/unit

- B. **Commercial/Industrial/Other Land Development:** - The Fee for plan review and inspection 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, and spoil/borrow areas and allow the contractor room to do proper grading.

<u>Commercial/Industrial/Other Land Development</u>	
Up to 1 acre	= \$500
1.1-5 acres	= \$500 + \$250/acre
6-25 acres	= \$2000 + \$100/acre
26-75 acres	= \$3000 + \$70/acre
76-99 acres	= \$5000 + \$50/acre
100 + acres	= \$6000 + \$40/acre

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

- C. **NPDES Permits:**

NPDES projects must submit *three checks or money orders*, for permit processing. One for review/approval of the E&SPC plan, one related to the District Administrative fee, and one for Departmental Administration of the program. Checks should be made payable to: **“Erie County Conservation District”, “Erie County Conservation District Clean Water Fund”, & “Pennsylvania Clean Water Fund”,** respectively.

1. For General Permits disturbing greater than or equal to One (1) acre over the life of the project or common plan of development as outlined in Chapter 102 = \$500 Administrative Fee.
2. For Individual Permits disturbing greater than or equal to One (1) acre over the life of the project or common plan of development as outlined in Chapter 102, *in high quality or exceptional value watersheds and or wetlands, or as otherwise required* = \$1,500 Administrative Fee.
3. For all NPDES permits the Disturbed Acreage Fee is \$100.00 / acre; rounded to the nearest whole acre.
4. A \$100.00 Processing Fee may be assessed for *each* NPDES Notice of Termination (NOT) submittal beyond the initial submission, due to either administrative and or on-site deficiencies, as applicable.

- D. **Timber Harvesting:**

The E&SPC plan review fee for timber harvesting operations does not include any required Chapter 105 Permit fees. A 25% E&SC plan fee reduction discount can be taken with proof of Society of American Forestry or Sustainable Forestry Initiative training.

Less than 25 total acres harvested = \$200	100 to 249.9 total acres harvested = \$600
25 to 49.9 total acres harvested = \$300	250 + acres = \$800 + \$10/acre over 250

50 to 100 acres harvested = \$400

E. Agricultural Operations

E&SPC plan review fees will not be applicable to agriculture operations such as plowing and tilling, and agricultural conservation practices, documented and completed in accordance with a conservation plan approved by the District, where NRCS are providing the technical assistance. The applicant must provide permission for the District to view the conservation plan.

When agriculture conservation practices are needed and no conservation plan has been prepared or is being followed, an E&SPC plan, which meets Chapter 102 Regulations, must be prepared and the fees indicated in the guidelines would be applicable. Earth disturbances related to building and or parking lot development are subject to the plan review fees indicated on the fee schedule and NPDES requirements.

F. 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 plans and narratives. Three copies are only required for NPDES submissions (see Item II; C above).
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, and 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 of the project in which the surface of the land is disturbed by excavations, embankments, land development, residential lot construction, mineral extraction and moving, depositing or storing of soil, rock, or earth, or other earthmoving activity. This may include but is not limited to utility rights-of-way, E&SPC best management practices, spoil/borrow areas, access roads, etc.
5. Submissions – In general, fees are intended to cover the initial review of a project. The District reserves the right to impose an additional fee for revisions of a project plan. Refer to item (G) below.
6. Offsite spoil & borrow areas – associated with NPDES permitted sites require separate E&SCP submission and approval per NPDES requirements.
7. Phased Development Projects – On phased projects the fee may be submitted in a lump sum with the E&SPC plan for the total number of units if residential, or total disturbed acres if commercial /industrial/Other. All of the information required to perform an adequate review must be provided at that time. Alternatively, fees may be submitted with individual phases of the project when the E&SPC plan for each phase is submitted for a review. Exceptions and conditions to this are as noted below:

On phased projects where an E&SPC plan has been determined to be adequate for the entire project, but all phases of the project are not complete and stabilized within the originally permitted timeframe, and or continued violations have occurred related to the project, the District reserves the right to require a revised plan and or upgraded controls be submitted for a review as applicable. Fees for the re-submission will be in accordance with item (G) below.

G. Additional Fees – The District reserves the right to impose an additional plan review fee per the following:

1. A fee of **50-75%** of the original fee will be assessed for plan revisions are not submitted within 60 days of deficiency letter. Determined at the District’s discretion.
2. A fee of **50-75%** of the original fee will be assessed for reviews beyond the second review. Determined at the District’s discretion.
3. Major revisions to plans currently under review by the District may be assessed **30-50%** the original review fee at the discretion of the District.

4. For non-permitted projects, if no response is received after 90 days from issuance of a technical deficiency letter, the project will be considered withdrawn. The District will discard the submission and no further action will be taken.
5. When site construction and final site stabilization are not complete within *three (3) years* from the date of initial plan review for non-NPDES permitted projects, the District reserves the right to require the submission of a new plan and additional or upgraded controls to meet current E&SPC guidelines. **(The fee for the resubmission will be in accordance with Item III. A or B)**
6. Plans which receive a letter of adequacy and are resubmitted within three (3) years of the approval date with minor revisions that do not alter the erosion control measures and facilities, or affect their adequacy, **may be reviewed for a fee of 50% of the original charge.**
7. Plans that involve major revisions (lot or road layout, drainage design, E&SPC BMP's, etc.) **shall be subject to a charge of 100% of the original fee.**

H. **Special Conditions** – The District reserves the right to adjust fees in accordance with the special conditions listed herein.

1. **Change of Project**- Each submission of a different project on the same site shall be considered as a new project. The fees, review, and inspection process shall be as per a new project.
2. **Expedited Reviews**:
 - Available at the sole discretion of the District. Contact the District Manager or Technical Manager for availability.
 - The E&SPC Plan review fee will be tripled for expedited reviews.
 - Administrative review will occur within five (5) business days.
 - Technical review will be completed within five (5) business days upon Administrative completeness.
 - Applicants' must respond to incomplete or deficiency letters within five (5) business days or the expedited review is void. Applicants may request a five (5) day extension.
3. [Reserved]

IV. Waiver of E&SPC Fees – Review Fees will not, or may not be charged for the following conditions:

- A. Applications submitted in the name of the PA Department of Transportation, except as noted herein.
- B. E&SPC plan review fees will be waived for projects submitted under the name of Municipalities of the Commonwealth of Pennsylvania with a signed memorandum of understanding (MOU) with the District. Review fees *may* also be waived for those Municipalities without a signed MOU at the sole discretion of the District. **This does not apply to authorities of the municipalities. (i.e. sewer, water, housing), school districts, or universities.**
- B. Major revisions to previously approved PA DOT project plans submitted by, or at the behest of an independent contractor and or sub-contractor, including but not limited to spoil and or borrow areas of said contractor, may be subject to an E&SPC review fee.
- C. E&SPC plan review fees, associated with Chapter 105 permits, may be waived or reduced for earthmoving operations with limited acreages on individual private home sites, or watershed improvement projects. The District is the sole determinant of this waiver.

V. Withdrawal of Projects –

- A. It is the policy of the Erie County Conservation District to provide no refund of any project fees, unless required by the Conservation District Law, or other applicable statutes, once the initial project application is processed.
- B. In regards to non-permitted projects, if no response is received after 90 days from issuance of a technical deficiency letter, the project will be considered withdrawn. The District will discard the submission and no further action will be taken.
- C. Project E&SC plan submissions to this office, requiring a Chapter 105 and or 404 Permit issued by the Department and / or Army Corp of Engineers (ACOE), will be considered withdrawn if the Departmental permit is withdrawn or denied.
- D. Chapter 102 Permits will be considered withdrawn per Departmental policy, as applicable to the particular permit.

V. Chapter 105:

A. Water Obstruction and Encroachment and Wetland Permit (EP) – (non-General Permit) -

The following applies to E&SC plan submissions to the District office that do not require Chapter 102 Permit authorization, for a project requiring Departmental Chapter 105 authorization related to an EP.

A technical decision, including but not limited to a technical deficiency letter, related to the E&SC plan submitted in relation to an EP submitted to the Department, will not be provided until the Permit application is deemed Complete by the Department.

An E&SC plan will be considered withdrawn in the event the associated EP is considered withdrawn or denied by the Department.

B. General Permit (GP) –

The District has Chapter 105, Dam Safety and Waterway Management, general permitting authority through a delegation agreement with the PA DEP. An approved erosion and sedimentation control plan is required to validate the General Permit. Department’s Permit Coordination Policy, as related to various permit approvals required for a project, as applicable.

An administratively complete Chapter 105 GP package would include (1) one copy of the proposed E&SCP, (2) one copy of a fully completed District Coversheet, (3) appropriate Chapter 105 Administrative Fee, (4) one original signed and fully completed GP notification with appropriate drawings, (5) one original signed and fully completed PASPGP-5 Reporting Criteria Checklist and Aquatic Resources Impact Table (6) three copies of the completed notification and drawings, (7) colored photos as required, and (8) one copy of the PNDI form (and clearance letters as appropriate).

Please utilize the PA DEP Chapter 105 Fee Calculation Sheet for administrative fees associated permitting. An erosion and sedimentation control plan review fee should accompany the permit registration according to the fee schedule listed below.

<u>Cumulative Waterbody Length Impacted</u>	<u>Current Fee</u>
0’ – 50’	\$150.00
50 – 250’	\$250.00
250’ +	\$300 + \$50 / 50’ over 250’