

**FRANKLIN COUNTY CONSERVATION DISTRICT  
DISTRICT SERVICE FEE/  
RULES & GUIDELINES**

**I. Authority & Applicability the District Service Fee:**

- A. Authority** - The Franklin 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 and Sediment Control Rules & Regulations, Chapter 92, and the National Pollution Discharge Elimination System (hereinafter referred to as NPDES) Permit requirements for Stormwater Discharges from construction activities.

The Conservation District Law (Sec. 9 of Act 217) provides the Franklin 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 District Service Fee\* shall apply to all plans that are submitted to the Franklin County Conservation District (hereinafter referred to as District) requesting determination of Erosion and Sediment Pollution Control Plan (hereinafter referred to as E&SPC) adequacy as noted within these Rules and Guidelines.

*\*Services include: E&SPC plan reviews, NPDES administrative completeness, site inspections, site meetings, complaint investigations, pre-application, pre-construction, engineer meetings, educational programs, and administrative support.*

- C. Application for NPDES Permits**, processed by the District, will require District Service fee and associated DEP's current NPDES fee schedule as well as DEP's disturbed acre fee.
- D.** Applications for Timber Harvest; E&SPC plans for Chapter 105 and E&SPC for spoil and borrow areas (under 1 acre) will require the District Service base fee.

**II. Administration:**

- A.** An E&SPC Plan will be considered complete for review when the District receives a completed application form, a check or money order made payable to the **"Franklin 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 Conservation 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 assumes any responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan.

The design, structural 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, PNDI clearances, 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; PCSM Worksheets; and check lists shall be submitted with the current Act 14, 67, 68 & 127 notices and proof of receipt; location map; PNHP (PNDI) form; PCSM plan; GIF (if individual) and PHMC (if disturbing over 10 acres in HQ/EV waters) along with the appropriate District Service fee and DEP's disturbed acre fee as outlined in Item III.

The check for NPDES permit needs to be made payable to:

**"Franklin County Conservation District Clean Water Fund"**.

Check for DEP disturbed acre fee needs to be made payable to

**"Commonwealth of Pennsylvania Clean Water Fund"**

**\*\*The Conservation District does not review PCSM plans for adequacy. The design, structural integrity, and installation of the PCSM plans are the responsibility of the engineer, landowner and/or the earthmover. 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.\*\***

**D. Plan Review**

1. Franklin County Conservation District reviews plan submittals in the order that they are received.
2. a. Non-Permitted erosion and sediment control plans *if* inadequate will have 30 calendar days to resubmit.  
b. General NPDES - Application completeness reviews will be completed within 20 business days of receiving the Notice of Intent (NOI) package for all NPDES permits. Once project Application is deemed complete, the initial technical E&SPC plan review will be completed within 22 business days. Total processing time for a General NPDES permit without deficiencies is 71 business days.
3. Projects occurring in High Quality (HQ)/Exceptional Value (EV) watersheds disturbing 1 acre or more over the life of the project need to apply for an Individual NPDES permit. Initial technical E&SPC plan review for Individual NPDES permits will be completed within 47 business days once application is deemed complete. DEP will be reviewing the PCSM plan simultaneously. Total processing time for an individual NPDES permit without deficiencies is 107 business days.
4. Persons submitting an incomplete permit application will receive a letter of application incompleteness with the missing items noted. The applicant will then have 60 calendar days from the date of the letter to submit those items to the Conservation District. If applicant is unable to meet the 60 calendar day deadline, then the applicant must submit in writing a request for an extension. If no response is received within the allotted timeframe, the permit application will be considered withdrawn. If the applicant then chooses to resubmit the permit application, a new permit filing fees would be required.
5. Technical plan reviews for all revised general NPDES E&SPC plans will be reviewed within 17 business days from the date received, for all revised Individual NPDES E&SPC plans will be reviewed within 22 business days. (See Item III F. Additional fees)
6. Persons responding to technical deficiencies will have 60 calendar days from the date of the letter to submit those items to the Conservation District. If applicant is unable to meet the 60 calendar day deadline, then the applicant must submit in writing a request for an extension.
  - a. If no response is received within the allotted timeframe, the permit application will be considered withdrawn. If the applicant then chooses to resubmit the permit application a new permit filing fees would be required. (See III F for Additional fees.)
  - b. If re-submission of technical comments indicate major revisions to the plan.(See III F for Additional fees)
- E. Site designed plans that propose a structural BMP are required to be affixed with a seal and signature of a PA Licensed Professional who designed and has the authority to seal such work.
- F. On large or difficult sites, the District encourages a pre-plan development meeting with District Staff. No fees are associated with meetings.

**DISCLAIMER:** *The District Staff makes every attempt to review plans on a timely basis. For circumstances beyond our control such as: reduced hours, loss of staff, extended illness, maternity leave, emergency leave, vacation; the District may not be able to meet the review times.*

**III. Fees: (All Plan Submissions new, revised, renewals, etc must be accompanied with a District Application**

**A. District Service Fee Schedule:** - The District Service fee schedule for review and inspection services relative to the E&SPC Program for earth disturbance projects is as follows:

**Residential:** is based on number of units. {A unit is defined as a dwelling designed to accommodate a single household. This applies to single-family, twin unit homes, clusters, condominiums, and apartments.}

1 – 10 units =	\$200/unit
11 – 25 units =	\$175/unit
26 – 50 units =	\$150/unit
51+ =	\$7500 (base fee) + \$75/unit over 50

**Commercial/Industrial fee:** is based on actual disturbed acres (which would include, but not limited to roadways, structures, access roads, spoil/borrow areas on site and all utilities right-of-ways, etc.) See the following:

{Fee is based on actual disturbed acres}

0 - .99 disturbed acres	\$500
1 -10 disturbed acres	\$1000 (base fee) + \$300/disturbed acre
11 -25 disturbed acres	\$1000 (base fee) + \$250/disturbed acre
26 – 50 disturbed acres	\$1000 (base fee) + \$200/disturbed acre
51+ disturbed acres	\$1000 (base fee) + \$150/disturbed acre

{ie: 3.62 disturbed acres = \$1000 +(\$300 x 3.62) = \$2086}

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

**B. Turnpike projects will pay directly to the District the disturbed acre fee agreed upon.**

**C. The fee for processing** a NPDES permit application is to be made payable to

**“The Franklin County Conservation District Clean Water Fund”** and is as follows:

1. NPDES General Permit; for sites disturbing: 1 acre or more over the life of the project (according to DEP’s current NPDES fee schedule)
2. NPDES Individual Permit; for sites located in High Quality or Exception Value watershed disturbing: 1 acre or more over the life of the project, (according to DEP’s current NPDES fee schedule)
3. DEP Fee of \$100 per disturbed acre (or according to the current DEP’s disturbed fee schedule) made out to **“Commonwealth of Pennsylvania Clean Water Fund”**
4. All earthmoving sites disturbing 1 acre or more, will require NPDES permits. Applicant must submit **three checks**, one for the District Service Fee for review/approval of the E&SPC plan, one for the NPDES permit application and one for DEP required disturbed acre fee.

**D. ESCGP-1 Permit** for Oil and Gas activities = (according to DEP’s current ESCGP-1 fee schedule) (which includes transmission lines)

**E. District Base fee (\$250)**– The base District Service fee with no cost per acre is for the following projects:

- a. Projects requiring E&SPC plan approval for DEP Permits under the Chapter 105 Dam Safety Encroachment Act
- b. Timber harvesting operations and road maintenance project up to 25 disturbed acres. (Project over 25 disturbed acres or more are required to apply for and Erosion Sediment Control Permit)
- c. Spoil and Borrow sites under 1 acre. (Over 1 acre will be required to obtain NPDES permit coverage and pay the associated fees)

**F. Additional Fees** - The District reserves the right to impose an additional service fee for the following:

1. When submitting permit application after original submission was withdrawn a charge of 25% of the original E&SPC review fee will be required in addition to the proper application permit filing fees with no changes to the project. If the project has been revised, then all new fees would be required. **(The fee for the re-submission will be in accordance with Item III A, C)**
2. When site construction and final site stabilization are not completed within *five (5) years* from the date of initial plan review 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 re-submission will be in accordance with Item III A, C)**
3. Plans that involve major revisions (lot or road layout, drainage design, E&SPC BMP's, etc.) **shall be subject to a charge of 50% of the original E&SPC fee.**
4. If the NPDES permit has **expired** – will need to submit for a new NPDES permit along with associated fees in accordance with **Item III A, C** (with the exception of the DEP's disturbed acre fee if previously paid)
5. **Spoil/borrow areas** if under one acre, base fee would be \$250. If over one acre then will need to follow the fee for the submission will be in accordance with **Item III A, C**).
6. If there is a compliance issue and DEP determines a Corrective Action Plan (CAP) is required, see the District Service fee in Item III A.
7. If E&SPC needs to be re-submitted due to technical deficiencies a 50% charge of the original fee would be required for 3<sup>rd</sup> and subsequent submissions

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

**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.

#### **Approval Timeframe**

*The District letter of adequacy is valid for five (5) years* from the date of issuance. The District may invalidate the review and require a resubmission, which is subject to an additional fee not to exceed the District Service fee schedule in effect at the time of the resubmission

**IV. Waiver of E&SPC Fees** – District Service Fees would not be charged for review and inspection of the following:

- A. Projects submitted under the name of the Federal, State, County, Township and Borough Governments. *[This exemption does not apply to any nonprofit organization, 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 as 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. Only certain State Government Agencies are exempt from the disturbed acre filing fee. A federal or state agency or independent state commission that provided funding for program administration by the Department through terms and conditions of a mutual agreement may be exempt from fees.

**V. 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 FOLDED (size 8 x 11.5) plans and narrative,

2. Project Area - The Project Area shall be defined as the entire parcel of land or property in which the earth disturbance activity will take place. The project area shall include open spaces, rights-of-way, staging areas; and spoil/borrow areas, etc.
3. Disturbed Area – Disturbed area shall be defined as the area to be disturbed during the project including utility rights-of-way, E&SPC best management practices, spoil/borrow areas, access roads, etc.
4. PCSM - Post Construction Stormwater Management. This is a separate plan that should contain BMP's to reduce rate and volume, infiltrate, improve water quality and reduce downstream erosion.
5. Phased Development Projects –
  - a. District Service fees should be submitted with each individual phase of the project when the E&SPC plan for each phase is submitted for a review.
  - b. When submitting future phases for review: a District application, a completed NOI, E&SPC, PCSM plans and narratives along with the appropriate fees must be submitted including DEP's disturbed acre fee.

On phased projects where an E&SPC plan has been determined to be adequate, but all phases of the project are not completed and stabilized within **five years** from the date of technical review adequacy determination, the District reserves the right to require a new plan and upgraded controls be submitted for a review. Fees for the re-submission will be in accordance with **Item III. A,C**

**VI. 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 the District Service fees.

- A. Decisions on refunds will be made on a case by case basis.
- B. If the review process has begun prior to the request for withdrawal, a penalty may be assessed and/or the request may be denied.
- C. If project review process has began; or review has been completed; or earthmoving has begun on site and the site is not stabilized the withdrawal may be denied.
- D. If a project was withdrawn due to inadequacies at the time of re-submission a new District application, a new completed NOI, all items on the NPDES checklist, updated E&SPC, updated PCSM plans and narratives along with the appropriate fees must be submitted including DEP's disturbed acre fee.
- E. An appeal of the decision may be made, in writing, to the attention of the chairman, Franklin County Conservation District Board.

**VII. 105 General Permits** – The Franklin County Conservation District **is not delegated** the Chapter 105 permitting authority. Please submit all Chapter 105 permit applications to:

Southcentral Regional DEP Office  
 909 Elmerton Ave  
 Harrisburg PA 17110-8200  
 Ph: (717) 705-4707 Fax: (717) 705-4760