

Franklin County Conservation District Service Fee/Rules & Guidelines

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I. Authority & Applicability for 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, Pa. Code Title 25, 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, Post Construction Stormwater Management (PCSM) reviews, NPDES administrative completeness, site inspections, site meetings, complaint investigations, pre-application, pre-construction, engineer meetings, educational programs, and administrative support.*

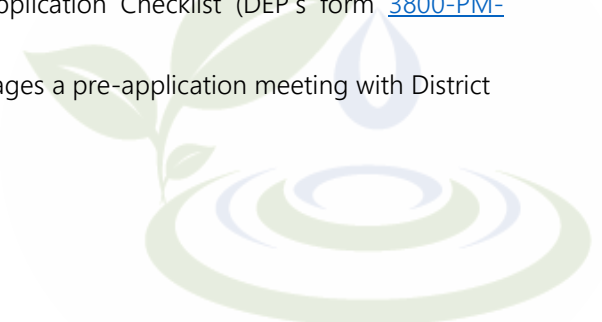


II. Administration:

- A. 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.
- B. "Courtesy plans", are defined as E&SPC plans for sites with less than 1 acre of earth disturbance that may be submitted voluntarily or upon the Districts request. The District reserves the right to obtain fees for services, as outlined in the fee schedule (*Section IV*), when a written response is generated, whether for approval or comments of inadequacy.

III. Submissions:

- A. Plans should reflect being "Final plans". Plans marked as "Preliminary plans" or "Not for Construction" will not be accepted or reviewed.
- B. All Plan Submissions, new, amendments, renewals, etc. must be accompanied with the ['District Application'](#).
- C. Electronic Submissions option: NPDES permit applications can be submitted electronically via [DEP's Greenport](#). The District will continue to require a hard copy 'District Application Form', District Service Fee and the NPDES Permit Application Fee.
- D. Hard Copy Submissions:
 1. For E&SPC plans less than 1 acre which require District review and approval, submit a hard copy and completed 'District Application' form, a check made payable to the **"Franklin County Conservation District", or "FCCD"** in the amount of the appropriate fee, plan drawings and any supporting calculations. Project submissions shall be made directly to the District and not to the local municipality.
 2. A NPDES permit application will be considered complete for review when the District receives a complete "District Application Form", which includes all appropriate documentation 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, both existing and future.
 3. If submitting a NPDES permit application via hard copy, please submit 1 copy initially for General NPDES permits and 3 copies for Individual NPDES Permits.
 - For General NPDES submissions, include all of the information as specified on the 'Erosion and Sediment Control Permit for Discharges of Stormwater Associated with Construction Activities Application Checklist' (DEP form [3800-PM-BCW0405c](#)).
 - For Individual NPDES submissions, applications must include all of the information as specified on the National Pollutant Discharge Elimination System (NPDES) Individual Permit For Discharges Of Stormwater Associated With Construction Activities Application Checklist (DEP's form [3800-PM-BCW0408c](#))
 4. When submitting a large or complex site, the District encourages a pre-application meeting with District Staff. There are no fees associated with these meetings.



IV. District Service Fee Schedule:

- A. For the fillable District Application Form, click [HERE](#) or visit at franklinccd.org. The District Application Form will auto-populate the correct District Service Fee amount.
- B. Payment should be in the form of a check made payable to "**Franklin County Conservation District**" or "**FCCD**".
- C. **Commercial, Residential Subdivision, Utility & Other Projects fee:** based on actual total disturbed acres (LOD, which would include, but not limited to roadways, structures, access roads, spoil/borrow areas on site and all utility right-of-way's, etc.)

Disturbed Acre Fee Schedule

Acres Disturbed	Fee
0 – 0.99	\$500 Flat fee
1 – 4.99	\$825 (base fee) + (\$325/disturbed acre)
5 – 9.99	\$950 (base fee) + (\$300/disturbed acre)
10 – 24.99	\$1200 (base fee) + (\$275/disturbed acre)
25 – 49.99	\$1800 (base fee) + (\$250/disturbed acre)
50+	\$4300 (base fee) + (\$200/disturbed acre)

Example: 1.95 disturbed acres = \$825 + (\$325 x 1.95) = \$1,458.75

- D. **Single Household OR Agricultural projects UNDER ONE ACRE (\$200)** - Examples: a single-family dwelling, garage, manure pits, barns, silo trenches, etc.
- E. **Other Earth Disturbances (\$250)** – For the following projects less than 1 acre:
- Projects requiring an E&SPC plan approval for DEP Permits under the Chapter 105 Dam Safety Encroachment Act.
 - Timber harvesting operations and road maintenance projects up to 25 disturbed acres. (Project with 25 disturbed acres and greater are required to apply for an [Erosion Sediment Control Permit](#)).
 - Spoil and Borrow/Fill sites under 1 acre (projects over 1 acre will be required to obtain NPDES permit coverage and pay the associated fees).
- F. PA Turnpike Commission will submit the [agreed upon service fee](#) directly to the Franklin County Conservation District with a plan submittal.
- G. **NPDES Fees** - All earthmoving projects with a Limit of Disturbance (LOD) 1 acre or more, will require a NPDES permit. Applicants must submit **three checks**, 1. *District Service Fee* for review/approval of the E&SPC plan, 2. *NPDES Permit Application Fee* and 3. *DEP Disturbed Acreage Fee*.
- District Service Fee:** The District service fee should be calculated using the table in *Section IV, C*, above. The District service fee is based off of actual disturbed acres and should be made payable to "**FCCD**".
 - NPDES Permit Application Fee:**
 - **General Permit**, for sites disturbing 1 acre or more over the life of the project (DEP's current NPDES fee schedule) - **\$500**
 - **Individual Permit**, for sites located in High Quality or Exceptional Value watershed disturbing 1 acre or more over the life of the project, (DEP's current NPDES fee schedule) - **\$1,500**

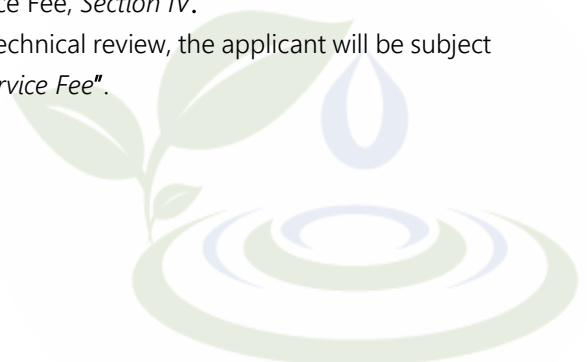
- Payment for all NPDES Fees should be written out to "FCCD Clean Water Fund".

3. DEP Disturbed Acreage Fee: \$100 per disturbed acre, rounded to the nearest whole acre (as per DEP's current disturbed acre fee schedule). All Disturbed Acreage Fees should be written out to "Commonwealth of PA Clean Water Fund". If an applicant is applying for NPDES permit coverage electronically via Greenport, all "DEP Disturbed Acreage Fee's" will be processed within the Greenport system.

Example: a project with an acreage of 3.46 disturbed, rounds down to 3. \$100 x 3 acres = \$300

Example: a project with an acreage of 3.5 disturbed, rounds up to 4. \$100 x 4 acres = \$400

- H. Service Fee for ESCGP-3 Permit for Oil and Gas activities. See Disturbed Acreage Fee Schedule (Section IV, C) for the District Service Fee. Click [HERE](#) for DEP's current ESCGP-3 fee schedule.
- I. Additional Fees - *The District reserves the right to impose an additional service fee for the following:*
 1. If a NPDES submission was withdrawn do to design inadequacies, upon resubmission, the applicant is subject to full fees as if it were a new permit application. *(The fee for the re-submission will be in accordance with Section IV)*
 2. When site construction is 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 Best Management Practices to meet current E&SPC and PCSM guidelines. *(The fee for the re-submission will be in accordance with Section IV)*
 3. Plans that involve major revisions **shall be subject to a charge of 50% of the area impacted (in acres) due to the plan modifications. This fee will be based on the current FCCD "Disturbed Acre Fee Schedule"** (Refer to Section IV, C). *Major Plan Modifications impacting less than 1 acre will be subject to a \$500 flat fee.* These revisions may include but are not limited to items such as: A revision to the E&SPC and/or PCSM design standards identified in the original application, revisions to the existing grading plan, the addition of impervious surface, an increase in the Limit of Disturbance (LOD) by 10% or more compared, on a cumulative basis, to the original permitted LOD. A new or increased point of discharge, elimination or reduction of structural or non-structural E&S and/or PCSM BMPs shown in the original design. *To determine whether the proposed revisions will be considered a major revision, contact the District or review the PADEP's "[Chapter 102 Permit Amendments](#)" FAQ.*
 4. If modifying an existing permit with site improvements unrelated to existing permit coverage, the project is subject to a FULL District Service Fee.
 5. If the NPDES permit has expired the applicant is to submit a new NPDES permit application along with associated fees in accordance with Section IV (with the exception of the DEP's disturbed acre fee if previously paid).
 6. Corrective Action Plans (CAP) are subject to the District Service Fee, Section IV.
 7. If a NPDES permit application requires a 3rd and subsequent technical review, the applicant will be subject to an additional fee of 50% of the **originally paid "District Service Fee"**.



V. Plan Reviews:

- A. Franklin County Conservation District reviews plan submittals sequentially as they are received.
- B. Municipality required plans are defined as E&SPC Plans for sites with less than 1 acre of earth disturbance that municipalities' (as per their ordinances) require District review for adequacy and approval. The E&SPC Plans will be considered complete for review when the applicant satisfies all required materials listed under Section III, D, 1.
- C. **Approval Timeframe:** The District letter of adequacy is valid for five (5) years from the date of issuance (for projects under 1 acre). The District may invalidate the review if it is determined that the plan no longer meets Pa. Code Title 25 Chapter 102 and require a resubmission, which will be subject to the current review fee.
- D. **District Review Timeframes:**
 1. E&SPC Plans under 1 acre, if inadequate, the applicant will have 30-calendar days from date of the District deficiency notice to resubmit or must submit in writing a request for an extension at least 1 week prior to the deadline. The applicant is subject to the full '*District Service Fee*' if no request has been received or the resubmission is past the 30-calendar day deadline.
 2. **General NPDES** – The application completeness review will begin within 15 business days of receiving the Notice of Intent (NOI) package for all NPDES permits. Once the 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. **Individual NPDES** - 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. The application completeness reviews will begin within 15 business days of receiving the Individual Application. Once the project Application is deemed complete, Initial technical E&SPC plan review for Individual NPDES permits will be completed within 47 business days. 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 (General or Individual) 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 District. If applicant is unable to meet the 60-calendar day deadline, then the applicant must submit in writing a request for an extension to the District and an adequacy determination will be made by South Central Department of Environmental Protection (SCDEP). If no response is received within the allotted timeframe, the permit application will be considered withdrawn.
 5. Persons responding to technical deficiencies (General or Individual) will have 30-calendar days from the date of the letter to submit those items to the Conservation District. If applicant is unable to meet the 30-calendar day deadline, the applicant must submit to the District in writing a request for an extension at least 2 weeks prior to the deadline. All extension requests are reviewed by the DEP to ensure the reasoning for the extension request is acceptable. If no response is received within the allotted timeframe, the permit application will be considered withdrawn.
 - a. If the applicant then chooses to resubmit the permit application, new permit filing fees would be required. (*Refer to Section IV*)
- E. For projects that require a NPDES, ESCGP-3 or E&S Permit, the 'NOI' and plan drawings shall be affixed with the seal and signature of the Licensed Professional who has the authority to seal such work. Site improvements that propose a structural E&S/PCSM BMP are also required to be affixed with a seal and signature of a Licensed Professional who designed and has the authority to seal such work.

- F. General NPDES Technical PCSM Plan Reviews - Where the District is the permitting authority, the Application Manager will coordinate with the DEP Permits Chief or Program Manager to verify eligibility for NPDES coverage and to evaluate the necessity of a DEP technical review of the PCSM plan, using the following criteria:
- a. The impervious area will increase by 50 acres or more from pre-construction condition to post-construction condition.
 - b. The impervious area will increase by 25 acres or more from pre-construction condition to post-construction condition and the receiving surface water is impaired for water/flow variability or flow modifications/alterations.
 - c. The post-construction runoff volume for the 2-year/24-hour storm event exceeds 250,000 cubic feet (cf).
 - d. The difference (post-construction minus pre-construction) in runoff volume for the 2-year/24-hour storm event exceeds 500% of the pre-construction runoff volume.
 - e. Alternative design criteria are proposed for Managed Release Concept (MRC) BMPs or other thresholds for DEP review of MRC designs will be exceeded:
 - The total drainage area to any individual MRC BMP exceeds 3 acres or the total impervious area to any individual MRC BMP exceeds 1.5 acres.
 - The applicant proposes an overall increase in impervious area (including gravel, stone, etc.) that exceeds 10 acres.
 - The MRC BMP will be designed to discharge to waters classified as impaired due to siltation/sediment or flow alterations, regardless of whether the water is under an approved Total Maximum Daily Load (TMDL).

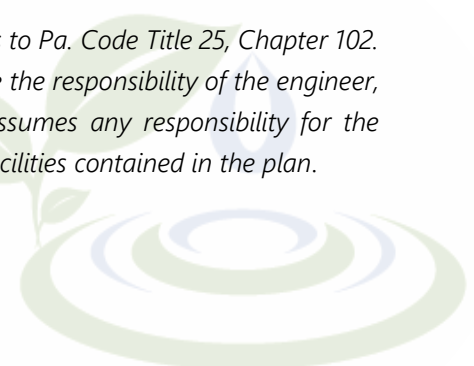
Projects that propose to use "floodplain restoration" or "gravity stormwater wells" (injection wells) are not eligible for General NPDES coverage. These NOI's will be reviewed by DEP's [Regional Permit Coordination Office](#) (RPCO) through an Individual NPDES permit application.

DISCLAIMERS:

The District Staff makes every attempt to review plans on a timely basis. During unforeseen circumstances such as reduced hours, loss of staff, extended illness, maternity leave, or emergency leave, the District may not be able to meet the review timeframes.

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.)

The Conservation District reviews E&SPC/PCSM plans for adequacy in regards to Pa. Code Title 25, Chapter 102. The design, structural integrity, and installation of the E&SPC/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.



VI. Waiver of E&SPC Fees - Fees will not be charged for the following:

1. Projects submitted by a Federal, State, County, Township or Borough Governments are exempt from the 'District Service Fee'. (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).
2. In accordance with 25 Pa. Code § 102.6(b)(4), any federal or state agency or independent state commission that provides funding for program administration by DEP through the terms and conditions of a mutual agreement may be exempt from the NOI fees identified above. At this time, DEP, EPA, the Pennsylvania Turnpike Commission, the Pennsylvania Fish and Boat Commission, the Department of Conservation and Natural Resources, and the Pennsylvania Department of Transportation (PennDOT) are exempt from the 'NPDES Permit Application Fee' and 'DEP Disturbed Acreage Fee'.

VII. Special Conditions:

1. Phased Development Projects –

- a. When submitting for a new phase of an already permitted site, the application should be submitted as a "Major Amendment". The newly added area is subject to the full 'District Service Fee', 'NPDES Permit Application Fee', and 'DEP Disturbed Acreage Fee'.
- b. When submitting future phases for review, submit the following items: a District application, a completed NOI, E&SPC, PCSM plans, modules, narratives and any related calculations or correspondence along with all fees as outlined in *Section IV, G & IV, I, 4*.

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 *Section IV*.

2. Common Plan of Development – a Common Plan of Development is defined as:

- a. A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The 'common plan' of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Click on the provided link for more information on '[Common Plan of Development](#)'.



VIII. Withdrawn and Expired Projects:

A. Withdrawal of an NPDES permit: 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':

1. Decisions on refunds will be made on a case-by-case basis as directed by the District Board of Directors. If the project is still within the review process, refunds may be prorated based on current stage of review. Click the link for the '[Franklin County Conservation District Service Fee Refund Guideline](#)'.
2. If an applicant requests to withdraw their plan submission after the plan review is complete and approved, no fees will be refunded.
3. If a NPDES permit was issued and no planned activities were conducted, please submit DEP form [3800-PM-BCW0229a](#).
4. If application review process has been completed and earthmoving has begun on site the withdrawal will be denied and the applicant must apply for a [Notice of Termination](#).
5. If a project was withdrawn due to design inadequacies, at the time of re-submission a new District application, appropriate fees (*Section IV*) and all items on the NPDES checklist must be re-submitted.
6. An appeal of the decision may be made, in writing, to the Board Chairman of the Franklin County Conservation District.

IX. 105 General Permits: The Franklin County Conservation District **is not delegated** as a 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

Adopted by the FCCD Board of Directors and effective on April 12, 2021

