



MIFFLIN COUNTY

CONSERVATION DISTRICT

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DISTRICT FEE POLICY FOR SERVICES
INCLUDING EROSION AND SEDIMENT POLLUTION CONTROL
AND PCSM PLAN PROCESSING

Authority

The Mifflin County Conservation District (MCCD) is a delegated authority, by the Department of Environmental Protection (DEP), to administer in Mifflin County the Commonwealth's Erosion and Sediment Pollution Control (ESPC) program under PA Code Title 25 Chapter 102 and Chapter 105 Rules and Regulations and the Clean Streams Law. Act 217, the Conservation District Law, permits Conservation Districts to charge fees for services, under certain circumstances.

Applicability

Project fees will apply to Erosion and Sediment Pollution Control plans submitted to MCCD requesting technical review and/or determination of plan adequacy, except as noted within. The MCCD Board of Directors has the authority to waive project fees on a case-by-case basis at their sole discretion. Project fees cover costs associated with filing plan submissions, reviews, inspections, meetings (pre-appln., pre-con., engineering), and educational/ administrative support.

While technical review prior to construction or land development may not be mandated under certain circumstances, the MCCD recommends review of Erosion and Sedimentation Control (E&S) plans prior to earthmoving activities; many times a technical review can save the builder or developer time and trouble by revealing Chapter 102 inadequacies for the proposed site/ plans.

Submission of Plans

Include the **application form** when sending an E&S plan for submission. Plan submissions are processed and/ or reviewed in order of receipt unless otherwise prioritized by DEP policy. For reviews, District policy is to have initial plan reviews done within 30 days of receipt of a complete application (50 days when part of an NPDES permit). *Only two copies of the E&S plan are necessary for the initial review.* When included with National Pollution Discharge Elimination System (NPDES) permitting, a minimum of three copies of the E&S plan are required for *final* approval of the plan (one copy for MCCD, one copy for DEP, and one for the owner/ site representative). Per the DEP, plan sheets should be FOLDED, not rolled, due to filing difficulties.

Processing and project fees are listed in the **application form**. Fee schedules are given for **Commercial/ Industrial, Residential, and Low Hazard/ Single Family Residential** activities. Fees for E&S plans associated with Chapter 105 General Permits and for Timber Harvest activities are provided separately. Project fees are based on **disturbed acres**, unless otherwise noted. Disturbed acres are those acres affected by excavation, land development, mineral extraction, filling, grading, and/ or where the initial integrity and/or contour of the land is proposed to be changed. This acreage should also include all known waste/ borrow areas associated with the project. If disturbed acres are not provided, fees will be based off total project acres.

Specified project fees will cover the initial processing/ review and one resubmittal and review, if needed. If after the second review the plan is still found to be inadequate, a fee of 50% of the original review fee may be assessed. At the sole discretion of the MCCD, if after the third submittal the plans are not adequate, or if upon initial submission the plans are deemed grossly inadequate based on E&S plan review checklists provided by the DEP, the plans may be declared null and void, at which time the applicant may have to reapply as a new submission with all associated fees. The District may charge 50% of the initial review fee when an applicant fails to respond to any one of the MCCD technical review letters within 90 days from the date of the deficiency letter. Requests for extension beyond the 90 day period can be made to the District in writing within 90 days from the date of the most recent deficiency/ review letter. If a review fee and/or permit filing fee check are returned because of insufficient funds, the plan review process will cease and the applicant will be required to start the review process over as a new application, including all associated initial review fees.

Submissions that show no applicant activity for 1 full year from the date of the most recent review letter will be considered withdrawn from the process and will be required to re-submit as a new application meeting all current review fees and regulatory requirements. Lacking such a review (such as preliminary plan submissions or "courtesy" copies), the date of initial correspondence and/ or date of receipt will be used.

The Conservation District will review a submitted plan solely to determine whether it is adequate to satisfy the requirements contained in PA Code Title 25, Chapter 102, Erosion Control Rules and Regulations. By a determination that the plan is adequate to meet those requirements, the Mifflin County Conservation District assumes no 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. The Conservation District does not review erosion control plans for adequacy of after-completion stormwater management and does not assume responsibility for stormwater management practices and facilities. Before any construction of earthmoving may begin, the applicant must secure the appropriate and necessary local, state, and federal permits from the specific agency having permitting authority. A pre-construction meeting with the contractor, the owner, and the MCCD is recommended. The Conservation District should be notified at least 72 hours prior to the start of construction. Note that the Conservation District retains the right to, and likely will, perform a final site inspection just prior to, or at, the close of construction for assurance that the site has reached permanent stabilization.

MCCD conducts technical reviews of E&S plans according to guidelines set forth in the Department of Environmental Protection ESPC program manual, including checklists and other specifications for inclusion. Copies of this manual are available at no charge from MCCD. If the plan submitted for review does not meet these standards, it is considered inadequate, and MCCD will notify the submitter of what is needed in a “deficiency” or “inadequacy” letter.

Determination of adequacy on a plan will remain valid for two years. The expiration date will be noted in the review letter and in MCCD’s files. The applicant may request, in writing to MCCD, an extension of the approval. Re-filing of a new E&S plan, along with the correct filing fee, may be required under certain circumstances, including, but not limited to:

- Earthmoving has not commenced before the two year expiration date.
- Land use changes or substantial plan modifications are proposed.
- Those practices proposed in the original plan do not conform to current ESPC standards.

Amendments to E&S Plans

ALL changes to the E&S plan not specifically defined in the original, approved E&S plan should be considered as amendments to the E&S plan. The MCCD requires, in this policy, that all amendments, *including waste/ borrow areas*, have an E&S plan developed and submitted to the District for review and approval as amendments added to the original E&S plan. Off-site waste/ borrow areas related to an NPDES permit, not included in the original permit boundaries, may require a major amendment to the permit (i.e. new NOI, GIF, PNDI search, etc.). Contact the MCCD concerning specific questions about waste/ borrow area E&S plans and amendments. The MCCD retains the option of waiving this request for review and approval of amendments, and/ or fees associated with amendments, under certain conditions (i.e. if no E&S controls are necessary, no potential for impacts, etc.).

Amendments to E&S plans may require additional per acre project fees (base fee not applicable) based on the amount of additional disturbed acres and/ or the acres of project being changed under the amendment. *Fees will be charged for E&S plan amendments that expand the original E&S plan boundaries or limits of disturbance, including but not limited to waste/ borrow areas not previously included.* Fees will be based on the number of additional disturbed acres as set forth in this policy and as indicated on the review application.

Chapter 102 and 105 Review Fees

Commercial/ Industrial fees apply to industrial and commercial land development, including but not limited to, businesses (any size), roads, utility lines, bridges, multi-family housing units, condominiums, apartments, other multi-family occupancy structures, and non-crop agricultural projects not eligible for the Non-Commercial Low Hazard/ Single Family Residential category (such as projects requiring state or federal NPDES permits). Waste/ borrow sites directly associated with existing NPDES permits, posing minimal risk of sediment transport (i.e. flat slopes, non-structural E&S controls, distant from watercourses, etc.), and remaining under 1 acre of total site disturbance, may be subject to a Commercial/ Industrial fee reduction.

Residential (3 or more lots) fees apply to all other multi-lot subdivisions for the purpose of constructing single family homes and not falling under the Commercial/ Industrial definition.

Non-Commercial Low Hazard/ Single Family Residential fees apply to projects not directly associated with a multi-lot subdivision or land development, pose minimal risk of sediment transport, and with no intention of further subdivision/ land development for commercial economic gain; such as, but not limited to single family homes, private outbuildings, private roads, small environmental restoration projects, private waste/ borrow areas, etc. Non-crop agricultural E&S plans not associated with any DEP permitting may follow the Low Hazard schedule at the MCCD’s discretion.

At the MCCD’s discretion, **Chapter 105 General Permit (GPs)** fees may be considered for review under the Low Hazard/ Single Family Residential fee structure for GPs number 1 through 9 (excludes GP11s). Any other Chapter 105 permit (i.e. Joint-Permits, Small Project Permits, GP11s, etc.) E&S plan will follow the appropriate Chapter 102 and 015 Review Fees.

Timber Harvests

A **Timber Harvest** fee schedule is also provided. A timber harvest involving 25 acres or more of **earth disturbance** requires a **DEP Earth Disturbance Permit**. The current \$500.00 permit filing fee is payable to the Mifflin County Clean Water Fund. **Disturbed** acreage on a timber harvest are those acres disturbed over the duration of the harvest, and includes, but is not limited to, haul roads, skid roads and trails, landing areas, and equipment stockpile areas. Disturbed acres are not usually the same as harvested acres.

Exemptions

Agricultural operations following a written Conservation Plan developed by NRCS (or equivalent) and approved by MCCD are exempt from review fees for cropping practices. However, non-crop related construction projects on the farm might require an E&S plan and/or an NPDES permit, depending on the number of disturbed acres and the site. *Agricultural projects from 1 acre up to 5 acres of disturbance will be charged at a rate of 50% of the Chapter 102 Commercial/ Industrial fee schedule. Projects disturbing less than one acre are exempt from review fees; Low Hazard/ Single Family fees may be applied to Agricultural projects as deemed appropriate by the Board of Directors based on plan complexity/ size.*

Projects owned and/ or operated by *state and federal agencies, churches, public schools*, and special situations (such as “cc” list plans received but not requiring permit/ plan review and approval), as determined by the Board and/ or the District Manager, are exempt from the fee schedules referenced in this policy, as set forth on the Application Form.

Complaint investigations initiated by the MCCD which directly pertain to erosion and sedimentation control issues shall not be charged a review fee in those cases where plan submission/ review/ or approval is requested by District personnel. Complaint investigations initiated by other local, state, or federal agencies which request E&S plan review and approval by the MCCD will be subject to all relevant review fees. Sites found to need a local, state, or federal permit which requires an approved E&S plan as a part of the permit issuance process will *not* be exempt from E&S review fees.

All E&S plan amendments directly associated with exempt projects will not be charged a fee for their review, unless the amendments are associated with additional local, state, or federal permits or authorizations. Low-Hazard/ Single Family Residential E&S plan review can be waived in certain circumstances and at the sole discretion of the MCCD, generally when under 0.5 acres of disturbance and minimal risk of sediment transport.

Please contact the MCCD for more information regarding exemptions or for a determination of exemption status.

Refunds

Refunds of fees incurred for review of E&S plans are available under specific circumstances, and are at the sole discretion of the MCCD Board of Directors. If the project is terminated before the first review is completed, the applicant may be reimbursed a percentage of the original fee, based on the stage at which the review process is terminated. Other situations may be eligible for fee refunds, at the discretion and approval of the MCCD Board of Directors.

NPDES

Earthmoving activities (except agricultural tillage and timber harvest) that disturb 1.0 or more acres of ground *over the entire life of the project*, including individual lot development, phases, and known future expansions, require an NPDES (National Pollution Discharge Elimination System) permit. Part of the permitting process requires submission and approval of an E&S plan. A General NPDES permit is needed unless one of the following criteria are met, in which case an Individual NPDES permit is required:

- The project is in a special protection *High Quality (HQ) or Exceptional Value (EV)* watershed.
- The construction activities discharge toxins.
- The construction activities will violate water quality standards.
- The construction activities are in areas inhabited by Federal or State Endangered Species.

State-mandated permit filing fees for the NPDES permit can be found on the instruction page of the NPDES permit application, Notice of Intent form. NPDES permit filing fees are required for new permits, renewal applications, and major modifications to existing NPDES permits. When submitting an NPDES package for review, the submitter should include with the plans and applications **Three checks**: The NPDES permit filing fee made payable to the “Mifflin County Clean Water Fund”, the NPDES per disturbed acre fee made payable to the “Commonwealth of PA Clean Water Fund”, and the E&S plan submission fee made payable to “Mifflin County Conservation District”.

If less than 1.0 acre is to be disturbed over the known life of the project site, including waste/ borrow areas, out-parcels, etc., a visible statement should be included on the application and/ or on the E&S plan stating the following (or similar wording): “There are no known plans for future development at the time of this submission.”