

LEHIGH COUNTY CONSERVATION DISTRICT  
FEE SCHEDULE FOR SERVICES RESOLUTION

**100 Title**

This resolution may be cited as the Lehigh County Fee Schedule for Erosion and Sediment Control and Post Construction Stormwater Management Services.

**101 Authority**

The Lehigh County Conservation District by authority of Act 217 of 1945, the Conservation District Law, hereby adopts the Lehigh County Fee Schedule for Erosion and Sediment Control Plan and Post Construction Stormwater Management Services.

**102 Effective Date**

This resolution replaces any and all previous fee schedule resolutions and shall become effective **January 1, 2009** and shall remain in effect until modified, amended, or rescinded by the Lehigh County Conservation District Board.

**103 Intent**

The primary purpose of this fee schedule is to help defray the costs incurred by the Lehigh County Conservation District in its delegated authority of the State's Erosion and Sediment Pollution Control Program in accordance with Chapter 102, Erosion and Sediment Control rules and regulations of the Department of Environmental Protection (DEP). The fees are intended to cover a range of services associated with the processing of National Pollutant Discharge Elimination System (NPDES) permit applications; their related erosion and sediment pollution control (E&SC) and post-construction stormwater management (PCSM) plans; and E&SC plans for all other earth disturbance activities for which a district review is required. Services covered include: pre-design and pre-submittal meetings, plan reviews, telephone calls, review comment conferences, preconstruction conferences, site inspections, and administrative support. Such services are also covered for projects where no NPDES permit, and only an E&SC plan, is required.

**As of December 1, 2008, under a delegation agreement with the DEP, the LCCD will be reviewing all NPDES permit applications for conformance with Post Construction Stormwater Management requirements as outlined in the PA Stormwater BMP Manual. The fee for PCSM services has been combined with that of E&SC services (see Section 107.A.)**

**104 Applicability of Fee Schedule**

A. The fee schedule shall apply whenever the application and E&SC plan are submitted, whether voluntarily or by state or municipal requirement, for an adequacy determination. The fee charged will cover an initial review. The first revision will be subject to a surcharge of 15% of the original fee. The second and subsequent revisions will be subject to a surcharge of 30% of the original fee. Where an NPDES permit is required, the fee schedule shall also apply to the PCSM plan.

B. Plans that receive a letter of adequacy and are resubmitted within two (2) years of the letter date with minor revisions (such as lot line adjustments) that do not alter the erosion control measures and facilities or their adequacy, will be reviewed at no additional charge. Plans that involve major revisions (such as lot or road layout, drainage design, etc.) shall be subject to a charge of 25% of the original fee.

C. Each resubmission of a different project on the same tract of land will be charged separately according to the fee schedule, regardless of whether or not the original project received a letter of adequacy.

D. Letters of adequacy for E&SC plans associated with NPDES permits are valid for five (5) years or over the life of the permit. Failure to begin earthmoving within five (5) years of the accepted plan 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 re-submittal. Letters of adequacy on all other erosion and sediment control plans are valid for two (2) years.

E. Plans that are revised and resubmitted more than two years from the date of the last technical deficiency letter will require a new application and fee, which will be charged according to the fee schedule in effect at the time of the latest submission.

## 105 Project Area Delineation

The entire parcel, including areas designated for open space, controlled by the landowner/developer will represent the project area. Offsite work such as that for utility line installation, waste and borrow areas, and construction staging areas shall also be included in the total project area.

## 106 Administrative Procedures

A. The applicant shall submit a check or money order payable to the "Lehigh County Conservation District," one complete set of erosion and sediment control plans with narrative, and one copy of the review application form.

B. All initial E&SC Plan submissions with 5 or more acres of earth disturbance must include an NPDES Permit\* application. All initial E&SC Plan submissions with 1 to 4.99 acres of earth disturbance and a point source discharge must include an NPDES permit application. "Point source discharge to surface waters of the Commonwealth" applies only to projects between 1 and 4.99 acres. The Conservation District will assume that all sites will have a point source discharge. If a plan preparer believes a project does not meet these criteria and does not submit an NPDES permit application package, then written justification (may be included in the transmittal letter) must be submitted with the request for E&SC plan review. The Conservation District's first review letter will address whether or not the request for permit exemption is accepted. An applicant needing to apply for a National Pollutant Discharge Elimination System (NPDES) permit shall do so by using the appropriate NPDES program documentation available from the Conservation District office. Payment for the NPDES permit must be made by separate check payable to "LCCD/Clean Water Fund."

1. If an NPDES application package is not included with the initial E&SC plan submission, the entire submission will be returned to the plan preparer. The first resubmission will be subject to a \$50.00 handling fee, separate and in addition to all other fees. If additional resubmissions are necessary, they will be subject to a \$100.00 handling fee.

2. If the NPDES application package is administratively incomplete, the entire submission including the E&SC plan will be returned to the plan preparer. The first resubmission will be subject to a \$50.00 handling fee, separate and in addition to all other fees. If additional resubmissions are necessary, they will be subject to a \$100.00 handling fee.

3. The Post Construction Stormwater Management (PCSM) Plans must include Best Management Practices (BMPs) that address the following:

- A) Stormwater volume control
- B) Stormwater rate control
- C) Stormwater quality

All proposed PCSM BMPs shall be clearly identified and detailed on plan sheets and in a narrative separate from those for erosion and sediment control. NPDES applications not including them will be deemed administratively incomplete and be handled as in #2 above.

4. If the NPDES application is submitted without a previously executed PNDI\*\* search form and proof of resolved conflicts, the application package will be deemed administratively incomplete and be handled as in #2 above.

5. Any assessed handling fees must be paid with a separate check made out to "Lehigh County Conservation District."

C. The Lehigh County Conservation District will accept, and stamp as received, the application only when all necessary information, completed forms and fees have been supplied. Plans or NPDES applications delivered to the District office **after 3:00 P.M.** will be stamped as received the next business day. A plan for which the accompanying fee check has been denied because of insufficient funds will lose its place in the review rotation and a new check including any bank charges must be submitted in order for the plan to be re-accepted for review. If an applicant wishes to withdraw a review application, a request to do so must be made in writing to the District office. The fee will be refunded only if the District has not begun the review at the time the request is received. Except for State Earth Disturbance Permit applications, the maximum review time will be thirty (30) working days. Those single lot plans that do not require an NPDES permit will be reviewed within a maximum of twenty (20) working days. Plans will be registered and reviewed in order of receipt; revised plans will be combined with new plans in order of receipt.

D. Resubmission of E&SC/PCSM plans in response to a District review letter must address the reviewer's comments in a letter, item for item.

## 107 Fee Schedule

As authorized by Act 217 - The Conservation District Law, the Lehigh County Conservation District will charge the following fees for E&SC and/or PCSM services.. Applications cannot be accepted for review without the appropriate fee, complete application form, and required number of plans. With the exception of those projects listed in categories B and D, all projects shall be based on total project acreage per the table below:

A. Residential; Industrial; Commercial

|                    | <b>NPDES Permit Projects</b>   | 1 <sup>st</sup> Revision | Additional revisions |
|--------------------|--|--------------------------|----------------------|
| Number of Acres    | Initial Fee  | 15%                      | 30%                  |
| 0-0.99             | 2670.00  | 400.50                   | 801.00               |
| 1-4.99             | 4450.00  | 667.50                   | 1335.00              |
| 5-9.99             | 7880.00  | 1182.00                  | 2364.00              |
| 10-14.99           | 10420.00   | 1563.00                  | 3126.00              |
| 15-19.99           | 14000.00   | 2100.00                  | 4200.00              |
| 20-25.0            | 15690.00   | 2353.50                  | 4707.00              |
| Over 25.0          | 15690.00+90.00/ac or fraction thereof over 24.99; round up to next whole acre, i.e., 26.36 = 27 acres. | Variable                 | Variable             |
| <b>Non - NPDES</b> | <b>(no point source discharge)</b>   | -----                    | -----                |
| 0-0.99             | 1340.00  | 201.00                   | 402.00               |
| 1-4.99             | 2230.00  | 334.50                   | 669.00               |

B. Single residential lots not part of a major subdivision \$220.00

| C. Timber Harvesting | Number of Acres | General Fee  |
|----------------------|-----------------|--|
|                      | 0- 24.99        | \$ 300.00  |
|                      | 25- 49.99       | 660.00   |
|                      | 50-249.99       | 760.00   |
|                      | 250 and above   | 760.00 + 4.30/acre or fraction thereof over 249.99 acres |

D. Erosion & Sediment Control Plans submitted as part of an encroachment permit application as outlined in PA Title 25, Chapter 105 :”Dam Safety and Waterway Management.”

1. Permit waivers, general permits \$220.00
2. Joint Permit and Small Project Applications \$300.00
3. Pond or lake construction/rehabilitation \$300.00

Note: These fees are for encroachment only. If a Chapter 105 activity is part of a larger project and/or involves additional earthmoving, the fee will be as in 107.A, B, or C. Examples: (1) Public road bridges will be charged by project acreage including disturbance for any ramps or approaches to the bridge. (2) A proposed boat access ramp includes a parking area, area for a few picnic tables, and a restroom. This not just an encroachment activity and the fee charged will include the entire project. Encroachments proposed as part of a project outlined in 107.A, B, or C are exempt from the fees outlined in 107.D.

E. Additional waste and borrow areas outside of original NPDES permit boundaries and E&SC plan approval, up to one acre in size, that become necessary after commencement of earthmoving activities, shall be charged a fee of \$220.00.

F. The above fees for plan reviews will be charged separate from, and in addition to, the filing fees for the NPDES permits required for the discharge of stormwater from construction activities. Projects that require a State Erosion & Sediment Control Permit will have the plan review fee reduced by the amount of the permit fee.

**108 Adjustment of Fees**

Fees will be waived only for a plan review application filed under the name of a governmental agency of the United States or the Commonwealth of Pennsylvania. This exemption does not apply to municipalities, school districts or special purpose authorities, or to any private, non-profit organization. Only Commonwealth agencies are exempt from the NPDES filing fees. In cases where the proposed earth disturbance is less than 30% of the total project acreage, the applicant may request that the fees be based on disturbed acreage rather than total project acreage. Prior to E&S/NPDES submittal, the applicant shall submit a request in writing attesting that the project is under the 30% threshold, along with a drawing that shows the limits of proposed disturbance relative to the total project acreage. District staff will then give written notice of whether or not the review fee is on a disturbed acreage basis.

**109 Expedited Reviews**

Any applicant seeking to utilize the Department of Environmental Protection’s expedited review option for an Individual NPDES permit must also utilize the Lehigh County Conservation District’s expedited review process. A separate and additional fee equal to one and one-half (1.5) times that of the normal ESC/PCSM review fee will be charged. The one and one-half (1.5) additional fee will apply only to projects under an NPDES application and that

include a Post Construction Stormwater Management review. Projects that are not associated with an NPDES permit shall be charged a separate and additional fee equal to three (3) times that of the normal service fee. See also separate LCCD Expedited Review Policy revised September 10, 2009.

#### **110 Approval**

Be it resolved this **13th day of November, 2008**, that the Lehigh County Conservation District does hereby agree to charge the above fees for the review of all erosion and sediment control plans as authorized by the Commonwealth of Pennsylvania Act Number 217 approved May 15, 1945, in accordance with above schedule of charges. **This resolution repeals and replaces all previous Erosion and Sediment Control Plan Review Fee Resolutions. Section 107 – Fee Schedule revised December 11, 2008, effective January 1, 2009. Section 107 – revised May 14, 2009.**