

DAUPHIN COUNTY CONSERVATION DISTRICT  
NPDES PERMIT AND EROSION AND SEDIMENT POLLUTION CONTROL PLAN REVIEW  
RULES AND GUIDELINES

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I. Authority and Applicability of Review and Inspection Fee

- A. Authority – The Dauphin County Conservation District (District) is delegated certain responsibilities for the Erosion and Sediment Pollution Control (ESPC) program and the National Pollutant Discharge Elimination System (NPDES) program for discharge of stormwater from construction activities. These programs implement the provisions of 25 Pa. Codes, Chapters 91, 92, 93, 96, 97, and 102; the Pennsylvania Clean Streams Law; the Conservation District Law; the Federal Clean Water Act; and applicable Federal regulations.
- B. Applicability – The Permit, Per Acre and ESPC Plan Review Fee shall apply to all permit applications and plans that are submitted to the District requesting permit authorization or approval and/or determination of ESPC adequacy except as noted within these Rules and Guidelines. These include:
1. NPDES Individual and General Permit applications for construction activities
  2. Timber Harvest Activities
  3. Road Maintenance Activities
  4. ESPC Permits
  5. ESCGP Permits (Oil and Gas activities)
  6. ESPC plans not requiring permits if plan approval is requested or required by local ordinance
  7. ESPC plans associated with Chapter 105 Permits
- C. ESPC plans requested by the District for approval as the result of a complaint or investigation and where not required by permit, local regulation or other reason are not subject to ESPC plan review fees. If upon complaint or investigation it determined that the activity requires a permit, all permit and ESPC plan review fees are applicable.
- D. Applications for ESPC plan approval for Chapter 105 permits not associated with a larger plan of development will require the associated fee. ESPC plan approval for Chapter 105 permits that are a part of a larger construction activity are included in the review fees for the construction activity.

II. Administration

- A. A project application will be considered complete and eligible for technical review when the District receives a completed application form, a check(s) or money order(s) for the **correct amount** made payable to the **appropriate entities** (See Fee Tables below) and the drawings, narrative, etc. as required to define the proposed activity. Project submissions shall be made directly to the District.

PERMIT FEES		
PERMIT TYPE	ADMINISTRATIVE FILING FEE	DISTURBED ACREAGE FEE
NPDES GENERAL PERMIT	\$500.00	\$100.00/DISTURBED ACRE
NPDES INDIVIDUAL PERMIT	\$1,500.00	\$100.00/DISTURBED ACRE
ESPC PERMIT	\$1,500.00	\$100.00/DISTURBED ACRE
ESCGP	\$500.00	\$100.00/DISTURBED ACRE
DISTURBED ACRES – ROUND TO THE NEAREST WHOLE ACRE – ROUND DOWN <0.5> ROUND UP		

ESPC PLAN REVIEW FEES	
ESPC PLAN REVIEW FEE	SEE FEE SCHEDULE

CHECK FOR	MADE OUT TO
NPDES ADMINISTRATIVE FILING FEE	DAUPHIN COUNTY CONSERVATION – CLEAN WATER FUND
NPDES DISTURBED ACREAGE FEE	COMMONWEALTH OF PENNSYLVANIA – CLEAN WATER FUND
ESPC PLAN REVIEW FEE	DAUPHIN COUNTY CONSERVATION DISTRICT

- B. The District will review the plan solely to determine whether it is adequate to satisfy the requirements of Title 25 PA Code subsection 102.1 et. seq., the erosion control regulations of the Department of Environmental Protection. By a determination that the plan is adequate to meet those requirements, neither the District nor Dauphin 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 or earthmoving may begin, the appropriate and necessary local, state and federal permits must be secured from the agency having specific permitting authority.
- C. The District strongly recommends a pre-application meeting be scheduled with District Staff. There is no fee for these pre-application meetings. These meetings can be conducted during the planning stages of a project to identify issues and submission requirements, when an application is ready to be submitted to ensure a complete submission or both. These meetings are particularly valuable given the permit processing time frames.
- D. Persons proposing certain earth disturbance activities which disturb one (1) or more acres, or an earth disturbance on any portion, part or during any stage of, a larger common plan of development or sale that involves 1 (one) or more acres of earth disturbance are required to obtain a National Pollutant Discharge Elimination System (NPDES) general or individual permit for discharge of storm water from construction activities. This permit does not apply to persons proposing earth disturbance activities associated with agricultural plowing and tilling, timber harvesting activities, road maintenance activities and oil and gas exploration, production, processing or treatment operations or transmission facilities. Earth disturbance activities associated with oil and gas distribution facilities are, however, are subject to applicable NPDES permit requirements. Pennsylvania's NPDES regulations (Title 25, Chapter 92) provide for two types of NPDES permits; General and Individual. For these projects three checks must be submitted with the application (See Fee Tables above).
- E. Timber harvesting and road maintenance activities require a DEP Erosion and Sediment Control Permit (ESCP Permit) when the disturbance exceeds 25 acres over the life of the project. Timber harvest and road maintenance activities that meet this criterion shall contact the District to obtain permit application forms and instructions. For these activities where the earth disturbance is less than 25 acres, an ESPC Plan is required to be on site but not necessarily deemed adequate by the District.
- F. Oil and gas activities require an ESCGP permit for 5 acres or more of disturbance. DEP reviews most oil and gas activities. For these projects, please contact the Conservation District to discuss what fees are required and where to submit the application and plans.
- G. Waiver of Fees – ESPC plan review fees may be waived by the District for review and inspection of:
1. Projects submitted under the name of any city, borough, township, municipal sewer/water authority or school district located within Dauphin County. Permit fees are applicable. This exemption does not apply to any nonprofit organization or supersede DEP Title 25, Chapter 102 Erosion Control Rules and Regulations.
  2. Agricultural Operations – ESPC fees will not be applicable to agricultural operations such as plowing and tilling and agricultural conservation practices completed in accordance with a conservation plan where NRCS and/or District staff are providing the technical assistance. When agricultural conservation practices are needed and no conservation plan has been prepared as required by Chapter 102 Regulations, an ESPC plan must be prepared and the fees indicated in the guidelines are applicable. When site disturbance occurs that is not part of an agricultural plowing and tilling, animal heavy use areas or conservation practice installation, such as earth disturbance for a large building, the fee schedule for plan review and site inspection is applicable.
  3. Minimum earth disturbance activities and on select special projects.
  4. Stream restorations

5. State Government Agencies are exempt from the NPDES permit filing fee as outlined in Chapter 92 Rules and Regulations for General and Individual Permits for stormwater discharge from construction activities.
- H. Withdrawal of Projects – Requests for withdrawal of project plans and refund of associated fees must be made in writing by the applicant or the applicant’s representative. ESPC review fees are not refundable if the review process has begun. NPDES filing fees are not refundable.
- I. Review Process –On November 14, 2012, (Revised May 13, 2013) DEP began implementation of new processing procedures for NPDES General and Individual Permits for construction activities. The Conservation District will adhere to this process. These new procedures were implemented in accordance with DEPs Policy for Implementing the DEP Permit Review Process and Permit Decision Guarantee. The procedures outline clear time frames for the submission and review of materials and documentation needed to review permit applications. Follow the link on the NPDES and Erosion and Sedimentation page of this website for a summary of these procedures.

The Conservation District strongly recommends that any applicant schedule pre-application meetings. These meetings can be conducted during the planning stages of a project to identify issues and submission requirements, when an application is ready to be submitted to ensure a complete submission or both. These meetings are particularly valuable given the permit processing time frames of DEP’s Standard Operating Procedures.

### III. Fees:

- A. Fee Schedule – the fee for review and inspection services in relation to the ESPC Program will be based on the fee schedule below which is effective on September 6, 2013. These fees are in addition to any applicable permit and per acre fees.
- B. Additional Fees – the District reserves the right to impose additional plan review fees in accordance with the conditions listed herein:
  1. When design of any plan that has been submitted and reviewed is revised to a point that the previous plan is not applicable (at the discretion of the District), a new plan review, with fees based on the below fee schedule, is required.
  2. When a non-permitted ESPC plan is submitted for approval, an additional fee of 25% of the original fee will be required on the third and subsequent reviews of the ESPC plan. This applies to ESPC plans where the plan was not deemed adequate on the first two submissions.
  3. When a non-permitted ESPC plan is deemed adequate, a fee of 25% of the original fee will be required for any review of any revision to the plan.
  4. When site construction and final site stabilization is not completed within three years from the date of plan adequacy determination, the District reserves the right to require a new plan and additional and upgraded controls if review standards for adequacy determination have been made more restrictive. A review fee as indicated at III.A will be required for review of the revised ESPC plan.
  5. Where an ESPC plan for a permitted project is submitted under an NPDES permit major or minor permit modification, the additional ESPC plan review fee shall be the difference in the ESPC plan review fees submitted for the project originally and the total ESPC plan review fees for the project as proposed.

C. Pennsylvania Natural Diversity Inventory Searches for NPDES and ESPC permits

Effective September 6, 2013, DCCD will charge a fee of \$500.00 for each PNDI search. This fee is applicable for each search conducted by DCCD. This includes searches conducted on modified or revised site boundaries or expired searches. Checks for PNDI searches are payable to Dauphin County Conservation District. The results of the search will be forwarded to the applicant for the applicants use. It will be the responsibility of the applicant to follow up on any PNDI searches that indicate species of concern. DCCD will not follow up on these searches.

If the PNDI search indicates a species of special concern, the applicant may withdraw the application. In this case the NPDES permit fee may be refunded if requested. DEP per acre fees and DCCD ESPC plan review fees are not refundable. The NPDES permit fee and ESPC plan review fee will need to be resubmitted if the application is subsequently resubmitted.

**ESPC PLAN REVIEW FEE SCHEDULE  
EFFECTIVE SEPTEMBER 6, 2013**

<b>DAUPHIN COUNTY EROSION AND SEDIMENT CONTROL PLAN REVIEW FEES</b>	
<b>SINGLE FAMILY RESIDENCE – NOT PART OF A LARGER DEVELOPMENT</b>	
LESS THAN ONE ACRE DISTURBED	\$200.00
<b>INDUSTRIAL/COMMERCIAL/RESIDENTIAL (BASED ON DISTURBED ACRES. ROUND TO NEAREST WHOLE ACRE)</b>	
LESS THAN 1.00 ACRES	\$1,150.00
1.00 TO 5.00 ACRES	\$1,140.00 + \$340.00 PER ACRE
6.00 TO 25.00 ACRES	\$2,280.00 + \$230.00 PER ACRE
26.00 ACRES TO 100.00 ACRES	\$6,840.00 + \$115.00 PER ACRE
101.00 ACRES OR MORE	\$13,680.00 + \$70.00 PER ACRE
<b>TIMBER HARVEST AND ROAD MAINTENANCE ACTIVITIES (BASED ON PROJECT AREA. ROUND TO NEAREST WHOLE ACRE)</b>	
LESS THAN 10.00 ACRES	\$50.00
10.00 TO 24.99 ACRES	\$190.00
25.00 TO 49.99 ACRES	\$475.00
50.00 TO 99.99 ACRES	\$570.00
100.00 ACRES OR MORE	\$950.00
<b>OTHER</b>	
CHAPTER 105 GENERAL PERMIT ESPC PLAN REVIEWS	\$95.00
PNDI SEARCH	\$500.00
<b>NOTES</b>	
Single family residence fee applies only to new construction of one single family home on an individual lot where the earth disturbance is less than one acre. Subsequent improvements are separate projects and require an additional ESPC fee.	
ESPC plan reviews for chapter 105 general permits that are part of the ESPC review for larger projects will not be charged an additional ESPC fee.	
ESPC plan reviews for chapter 105 general permits for agricultural BMPs listed in an agricultural conservation plan or manure management plan will not be charged an ESPC plan review fee.	
The ESPC plan review fees are in addition to any required permit fees.	
Certain entities are not charged ESPC review fees. These include municipalities, school districts and authorities located within Dauphin County and certain restoration projects. Contact the Conservation District to determine if your project is not subject to these fees.	

IV. Terms and Conditions – The terms and conditions under which the fee schedule as indicated in Item IIIA above would be applicable are as follows:

A. Single Family Residence – This fee is for a single family home constructed on a single lot and not part of a larger development.

- B. Industrial/Commercial/Residential and other land development – fees charged shall be based on the total disturbed project acres. Disturbed acres shall be rounded to the nearest whole acre. Disturbed area is defined as the area to be destabilized during the project including utility rights-of-way, staging areas, spoil/borrow areas, etc.
- C. Timber harvesting, and Road Maintenance - fees charged in this category shall be based on the total timber harvest area or road project area.
- D. Submissions – in general, one fee covers the entire review and inspection process including the review of preliminary plans if requested. Exceptions to the one fee cost are as noted in Item IV.F below.
- E. Phased Development Projects – on phased projects, the fee may be based on either the total disturbed acres included in all phases of work or on the disturbed acres within the phase that is being reviewed for immediate development. Exceptions and conditions to this are as noted below.
  - 1. On phased projects where an ESPC adequacy determination has been made for the entire project and the owner requests review and adequacy determination of an individual phase or phases after the first phase, a fee of 25% of the original review fee will be charge for each such review.
  - 2. On phased projects where an ESPC adequacy determination has been granted for the entire project and all phases or construction are not completed and stabilized within three years from the date of adequacy determination, the District reserves the right to require a new plan and upgraded controls in accordance with Item III.B.
- F. Expired Permits – The following conditions apply to review of ESCP plans for expired permits:
  - 1. When an NPDES permit has expired and the applicant submits the project for a new permit, the ESPC plan review fee shall be 50% of the fee based on the above fee schedule for any remaining disturbed acreage. This applies only where the ESPC plan submitted under the expired permit has been deemed adequate and remains largely unchanged in the new application. For any permit expiring after July 1, 2013, the ESPC plan review fee shall be 100% of the fee based on the above fee schedule.
  - 2. Where the plan submitted and deemed adequate under the expired permit is significantly different (at the discretion of the District) from the plan submitted in the new permit application, the ESPC review fee shall be 100% of the fee based on the above fee schedule.
  - 3. For any expired permit, the NPDES Permit Fee and Per Disturbed Acre fee are applicable to any new NPDES permit applications submitted for the project.
- G. 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 and the fees and review and inspection process shall be as per a new project.
  - 2. When municipal, county, Commonwealth or Federal Government requires the District to review subdivision and/or land development plans for compliance with regulations relating to stormwater management, flood plain management, flood control, water use, water management or other natural resource concern.
  - 3. Where an ESPC plan has been reviewed and deemed adequate for a project and construction of the project has not begun within 5 years, the District requires that a new ESPC plan, with the appropriate ESPC plan review fees, be submitted to the District for review. This requirement is applicable only to projects which do not require an NPDES permit.