



# LUZERNE CONSERVATION DISTRICT

## **EROSION & SEDIMENT POLLUTION CONTROL PROGRAM SERVICE FEE SCHEDULE POLICY**

### **1. TITLE:**

This resolution may be cited as the Luzerne Conservation District Fee Schedule Policy for services under the Erosion and Sediment Pollution Control (E&SPC) Program and the National Pollutant Discharge Elimination System (NPDES) Program.

### **2. AUTHORITY:**

The Luzerne Conservation District, by authority of Act 217 of 1945, The Conservation District Law, as amended, hereby adopts the Luzerne Conservation District Fee Schedule for services under the Erosion & Sediment Pollution Control (E&SPC) Program and the National Pollutant Discharge Elimination System (NPDES) Program.

### **3. EFFECTIVE DATE:**

This resolution shall become effective July 10, 2009, and shall remain in effect until modified, amended, or rescinded by the Luzerne Conservation District Board of Directors.

### **4. INTENT:**

The purpose of this fee schedule is to defray the costs incurred by the Luzerne Conservation District in its delegated authority of the PA DEP's Erosion & Sediment Pollution Control Program in accordance with Title 25, Chapter 102, Erosion and Sediment Control rules & regulations of the Pennsylvania Code and the Pennsylvania Clean Streams Law.

### **5. WAIVER OF FEES:**

Fees may be waived for applications filed by agencies of the Commonwealth of Pennsylvania. This exemption **does not** apply to other government entities or private, non-profit organizations. In unique situations, the District Manager shall have the authority to waive and/or reduce fees on a case by case basis.

### **6. PROJECT AREA DELINEATION:**

To determine the applicable project area, please refer to the Service Fee Section (Sec. 2) of the Fee Schedule.

### **7. PROCEDURES:**

- A. Applicants will submit a check or money order payable to the Luzerne Conservation District, 1 copy of the complete District E&SPC Plan Review Application, and 2 sets of the E&SPC Plan and narrative (3 sets for NPDES Permit applications)\*. An adequacy letter and stamped plans will be mailed to the Applicant upon District approval.
- B. The Luzerne Conservation District fee shall not be combined with any other municipal or county fee. The cancelled check will be the applicants receipt.
- C. In accordance with the District's *Policy Regarding the Administrative Completeness of NPDES Permit Applications for Stormwater Discharges Associated With Construction Activities and*

*Erosion and Sediment Control Permit Applications*, submissions not containing the appropriate information will not be reviewed for technical adequacy. The applicant will be informed of any additional information or fees needed for a complete review.

- D. A \$70.00 charge will be assessed for any check refused by the bank due to insufficient funds, and the entire application package will be returned to the applicant with no further action taken.
- E. The maximum technical review time is thirty (30) days from the date of the receipt of an administratively complete submission.
- F. Applications for NPDES permits require, by state regulation, a separate check made payable to "Luzerne County Clean Water Fund" for the following administrative filing base fees: General Permits \$500.00 and Individual Permits \$500.00. In addition to the administrative base fee, a separate check made payable to "Commonwealth of PA Clean Water Fund" is required in the amount of \$100.00 per disturbed acre (fractional acreage shall be rounded to the closest whole number).

#### **8. APPLICABILITY:**

- A. The fee schedule will apply whenever an E&SPC Plan Review Application and E&SPC Plan are submitted for an adequacy determination.
- B. In applications consisting of combined residential and commercial usage, the fee will be calculated by determining a separate fee for each portion according to the schedule, and then adding those separate fees together.
- C. Plans requiring more than one (1) technical comment/deficiency/review letter will be assessed a fee of 40% of the initial fee.
- D. If earth disturbance activities are not commenced within two years of the E&SPC Plan approval date, the plan must be resubmitted and will be subject to a full review fee as provided by the fee schedule.

#### **9. E&SPC PROGRAM SERVICE FEE SCHEDULE:**

Attached to this policy.

#### **10. E&SPC PLAN WITHDRAWAL:**

Upon written request by the applicant, and approval by the District Manager, a portion of the review fee may be refunded if the applicant withdraws the plan prior to review. Refunds will not include the required Administrative Fees. Written requests for plan withdrawal and fee refund must be submitted within 90 days of the District's administrative or technical review of the application. If the District does not receive a resubmission of the application or a request to withdraw the application within that timeframe, the application will be considered withdrawn and all fees will be retained by the district.

**Review fees will not be refunded once a technical adequacy determination has been made by the Luzerne Conservation District.**

#### **11. NOTIFICATION OF CHANGES:**

The Luzerne Conservation District Board of Directors reserves the right to revise the Fee Schedule as deemed necessary or appropriate. Luzerne County municipalities will be notified in writing of any changes.

#### **12. APPROVAL:**

Be it resolved, as of the 9<sup>th</sup> day of July, 2009, that all previous Luzerne Conservation District Fee Schedules are hereby defunct as agreed upon by the Board of Directors. Be it also resolved that the

Board of Directors adopts the Fee Schedule and the Luzerne Conservation District will assess fees for services under the Erosion and Sediment Pollution Control Program as authorized by the Commonwealth of Pennsylvania under Act 217 of 1945, The Conservation District Law, as amended, in accordance with the attached schedule of charges.

#### LUZERNE CONSERVATION DISTRICT BOARD OF DIRECTORS

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\*In order to conserve paper, the District allows plan preparers to submit only one copy of the Erosion and Sediment Control Plan, Erosion and Sediment Control Narrative, Post Construction Stormwater Management Plan and Post Construction Stormwater Management Narrative until the plans are ready for final approval. The additional copies will be required once the plans are ready for final approval or if there is a request to review public records associated with the application. This option is at the discretion of the plan preparer or the applicant. By choosing this option, you will be agreeing to provide additional copies within 5 working days if so requested by the District. The number of NPDES Permit Applications remains the same.