



LUZERNE CONSERVATION DISTRICT

325 Smiths Pond Road
Shavertown, PA 18708
Phone: (570) 674-7991
Fax: (570) 674-7989
www.luzernecd.org

EROSION & SEDIMENT POLLUTION CONTROL (E&SPC) PLAN REVIEW APPLICATION

Project Name:	Applicant's Name:
Project Address:	Applicant's Address:
Municipality:	Applicant's Phone:
Total Project Acres:	Applicant's Email:
Total Acres to be Disturbed:	Plan Preparer:
Site Supervisor:	Preparer's Company:
Site Phone:	Preparer's Phone:
Receiving Water(s):	Preparer's Email:
Receiving Water(s) Chap. 93 Classification:	Preparer's Fax:

PROJECT FEES

(Per the current Luzerne Conservation District E&SPC Program Fee Schedule)

Reviews will not begin until adequate fees and a copy of the District application are received.

1.A. Small Residential	All small residential project reviews = \$350 See current Fee Schedule for project criteria.	\$
1.B. Industrial/Commercial/ Institutional/Residential Land Development	Fee based on the disturbed area. See current Fee Schedule for applicable amount.	\$
1.C. Small Projects	All small project reviews = \$200 See current Fee Schedule for types of projects.	\$
1.D. Non-Profit, Open Space, Greenways & Outdoor Recreation	\$500 (basic fee) + _____ (\$50 per disturbed acre)	\$
	TOTAL PROJECT SERVICE FEE: (Check made payable to the Luzerne Conservation District or paid online)	\$
2.a. NPDES Base Permit Fee (If applicable)	General NPDES Permits (PAG-01 & PAG-02) = \$500 Individual NPDES Permits = \$1,500 (Separate check made payable to the Luzerne County Clean Water Fund or paid online)	\$
2.b. NPDES Acreage Permit Fee (If applicable)	General (PAG-01 & PAG-02) & Individual NPDES Permits = \$100 per disturbed acre For fractional acreage, the acreage shall be rounded to the closest whole number. (Separate check made payable to the Commonwealth of PA Clean Water Fund)	\$

The applicant hereby agrees as follows:

To acknowledge the stipulations and requirements contained in the Luzerne Conservation District's *E&SPC Program Service Fee Schedule* and *E&SPC Program Service Fee Schedule Policy*.

To acknowledge that the E&SPC Plan will be reviewed for adequacy to control accelerated erosion and sedimentation, in accordance with 25 Pa. Code Chapter 102 and the Clean Streams Law, and not for adequacy of structural design.

To retain full responsibility for any damage which may result from any construction activity not withstanding Conservation District approval of the subject E&SPC Plan.

To notify the Conservation District in writing or by phone at least 72 hours prior to any earth disturbance activity.

To notify the Conservation District upon completing the project.

To maintain a copy of the approved E&SPC Plan on the project site.

To allow Conservation District representatives to enter the project site for inspection.

That any conveyance of the project prior to its completion will include the transfer to the subsequent owner(s) the full responsibility of compliance with the approved E&SPC Plan and applicable regulations.

Applicant's Name (please print): _____

Applicant's Signature: _____ **Date:** _____

For District Use Only

Initial Date Received: _____ Date of Final Approval: _____

Plan Reviewer's Signature: _____



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EROSION & SEDIMENT POLLUTION CONTROL PROGRAM FEE SCHEDULE

The following fees will be charged by the Luzerne Conservation District for services under the Erosion and Sediment Pollution Control (E&SPC) Program and National Pollutant Discharge Elimination System (NPDES) Permit Program. Applications cannot be accepted for review without the appropriate fee and a completed E&SPC Plan Review Application.

1. PROJECT SERVICE FEES (may be paid by check or [online payment](#))

A.

SMALL RESIDENTIAL 1-2 lots, less than 5 acres of earth disturbance	
All reviews \$350	

B.

INDUSTRIAL/COMMERCIAL/INSTITUTIONAL/RESIDENTIAL LAND DEVELOPMENT	
Disturbed Acres	Fee
0 - 0.99*	\$1,300
1 - 4.99	\$2,200
5 - 9.99	\$3,000
10 - 14.99	\$3,500
15 - 19.99	\$4,200
20 - 25.0	\$5,100
Over 25.0	\$5,100 + \$100 for each additional acre above 25 (fractional acreage rounded to the closest whole number)

*0.991 acres or more requires NPDES permit coverage.

C.

SMALL PROJECTS (E&SPC Plan Guide for Small Projects* submissions, stand-alone Chapter 105 General Permit E&S plans, <0.991 acres spoil/borrow sites for construction projects, logging activities)	
All reviews \$200	

*0.5 acres or less disturbed area with no engineered BMPs

D.

NON-PROFIT, OPEN SPACE, GREENWAYS & OUTDOOR RECREATION
(Game fields, parks, playgrounds, rail/trails, fire stations, etc.)

\$500 basic fee + \$50 per disturbed acre

2. NPDES PERMIT FEES - Two separate payments required:

- a. One mailed check payable to “Luzerne County Clean Water Fund” or [online payment](#) in the amount of:
 - \$500.00 for General NPDES Permits
 - \$1,500.00 for Individual NPDES Permits
- b. One mailed check payable to “Commonwealth of Pennsylvania Clean Water Fund” (online payment not available) in the amount of:
 - \$100.00 per disturbed acre
 - For fractional acreage, the acreage shall be rounded to the closest whole number. 0.5-0.99 acres round up; less than 0.5 acres round down.

3. TECHNICAL DEFICIENCY REVIEW FEES

A Revision Fee equal to 40% of the initial Project Service Fee will apply to the second and subsequent technical comment/deficiency/review letters.

4. NPDES PERMIT AMENDMENT FEES

Applies to changes made after the ESPC Plan has been approved. Refer to PADEP’s Chapter 102 Permit Amendments, Frequently Asked Questions (FAQ) Final, October 9, 2018 Revised, December 27, 2022 Version 1.3, as amended.

- a. **Minor Amendment to the E&SPC Plan/NPDES Permit** – 10% of the initial fee
- b. **Major Amendment to the E&SPC Plan/NPDES Permit** – Fee based on schedules above.

Please Note:

Failure to begin earth disturbance activities within two (2) years from the original plan approval date will require resubmission of the E&SPC Plan and additional fees based on the schedule above, unless otherwise determined by state law and/or regulation.

Pennsylvania Law requires persons proposing or conducting earth disturbance activities to develop, implement and maintain best management practices to minimize the potential for accelerated erosion and sedimentation. An E&SPC Plan must be available at the project site at all times. (25 Pa. Code Chapter 102. Erosion and Sediment Control)



EROSION & SEDIMENT POLLUTION CONTROL PROGRAM SERVICE FEE SCHEDULE POLICY

1. AUTHORITY:

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

2. EFFECTIVE DATE:

This resolution shall become effective February 17, 2023, and shall remain in effect until modified, amended, or rescinded by the Luzerne Conservation District Board of Directors.

3. INTENT:

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

4. WAIVER OF FEES:

District service 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 Executive Director shall have the authority to waive and/or reduce fees on a case-by-case basis.

5. PROJECT AREA DELINEATION:

To determine the applicable project area, please refer to the Service Fee Section (Sec. 1) of the Fee Schedule.

6. PROCEDURES:

- A. Applicants will submit a check or money order payable to the Luzerne Conservation District or electronic payment, 1 copy of the complete District E&SPC Plan Review Application, and 1 set of the E&SPC Plan and narrative.* Electronic submissions of plans and narratives must be submitted as Portable Document Format (PDF) files. Hard copy submissions of plan sheets shall not exceed 24" x 36" in size. An adequacy letter and stamped plans will be mailed to the Applicant upon District approval. **Reviews will not begin until adequate fees and a copy of the District application are received.** If payment is via check or money order, a hard copy of the District application is required.
- B. The Luzerne Conservation District fee shall not be combined with any other municipal or county fee. The cancelled check or electronic payment acknowledgment will be the applicant's receipt.
- C. In accordance with PA DEP's Standard Operating Procedures (SOPs) for the review of NPDES Permit NOIs/Applications for Stormwater Discharges Associated with Construction Activities, NPDES permit application 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 \$50.00 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 for E&SPC plans is 22 business days (47 business days for Individual NPDES Permits) from the date the submission is deemed complete. The District has 15 business days to determine if the submission contains the information needed to be considered complete.

- 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 \$1,500.00. 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). Unless otherwise determined by PA DEP, these fees are required for all NPDES permit applications, including those submitted by government agencies.

7. 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. Plans requiring more than one (1) technical comment/deficiency/review letter will be assessed a fee of 40% of the initial fee.
- C. 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, unless otherwise determined by state law and/or regulation. A new review and review fee will be required when an NPDES Permit or E&SPC plan approval has expired.

8. E&SPC PROGRAM SERVICE FEE SCHEDULE: Attached to this policy.

9. E&SPC PLAN WITHDRAWAL:

- A. Upon written request by the applicant, and approval by the Executive Director, a portion of the District’s service fee may be refunded if the applicant withdraws the plan prior to technical review. Written requests for plan withdrawal and fee refund must be submitted within 60 days of the District’s completeness review (if application has been deemed incomplete), or prior to the technical review (if application is complete). If the applicant intends to resubmit the same exact project within one (1) year of withdrawal, the District may retain and credit the fees to the resubmission. If the applicant does not intend to resubmit within one (1) year, the District may refund the fees as described above. **Review fees will not be refunded once a technical review has been conducted by the Luzerne Conservation District.**
- B. If the District does not receive a resubmission of an incomplete application or a written request to withdraw the application within the timeframes in A above, the application will be considered withdrawn and all service fees will be retained by the District.
- C. Per PADEP policy, if a NPDES NOI is withdrawn, the NPDES Permit Fees (Sec.2) will not be refunded; however the disturbed acreage fee does not have to be re-paid upon submission of a new NOI or application for the exact same project (whether or not it is the same applicant). A new Base Administrative Filing Fee (\$500 or \$1,500) must be paid for a new NOI or application.

10. 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.

11. APPROVAL OF POLICY:

Be it resolved, as of the 17th day of February, 2023, 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 Service 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

*In order to conserve paper, the District allows plan preparers to submit only one electronic or hard 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. During the review process, the District may request that only updated/revised pages be resubmitted. Additional full 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, the plan preparer or applicant will be agreeing to provide additional copies within 4 business days if so requested by the District.