INTEROFFICE MEMO

TO:        Ed Magargee, Director  
            Conservation District

FROM:      Anne M. Coogan  
            County Clerk

DATE:      November 18, 2021

County Council approved, at their regular meeting held November 17, 2021, of Resolution 2021-6 to approve Fees for Services including increases for Erosion and Sediment Control Plan Reviews by the Delaware County Conservation District.

Attached is the executed Resolution. If you have any questions, please do not hesitate to contact me.

cc:        File
RESOLUTION 2021 – 6

A RESOLUTION OF THE COUNTY OF DELAWARE, PENNSYLVANIA, PROVIDING SPECIFIC INCREASES IN THE EROSION AND SEDIMENT POLLUTION CONTROL FEE FOR SERVICES SCHEDULE FOR THE DELAWARE COUNTY CONSERVATION DISTRICT.

IT IS HEREBY ENACTED by the County Council of Delaware County, Pennsylvania, that the following is the fee schedule for the DELAWARE COUNTY CONSERVATION DISTRICT:

§100 Title

This resolution may be cited as the Delaware County Fee Schedule for Erosion and Sediment Pollution Control Services.

§101 Authority

The Delaware County Conservation District by authority of Act 217 of 1945 Conservation District Law, as amended by Act 221 of 1984, hereby adopts the Delaware County Fee Schedule for Erosion and Sediment Pollution Control Plan Services.

§102 Effective Date

This Resolution shall become effective January 1, 2022 and shall remain in effect until modified, amended, or rescinded by the Delaware County Conservation District Board.

§103 Intent

The purpose of this fee schedule is to help defray the costs incurred by the Delaware County Conservation District in its delegated authority of the State's Erosion and Sediment Control Program in accordance with Chapter 102 Erosion Control, rules and regulations of the Department of Environmental Protection.

§104 Waiver of Fees

Fees will be waived only for an application filed under the name of a local municipality or the Commonwealth of Pennsylvania. School District and separate authorities are no longer exempt. On minimum earth disturbing activities, or projects developed for environmental remediation the District Manager, Delaware County Conservation District has the ability to waive fees on a case-by-case basis or charge the minimum $200.00 fee.

§105 Applicability of Fee Schedule

A. The fee schedule below will apply whenever the application and Erosion and Sediment Pollution Control Plan are submitted for an adequacy determination. Each resubmission of a different project on the same tract of land will be charged an additional fee.

B. As of November 1, 1995, the fee charged will cover the cost of an initial review plus one follow-up revision submitted in response to the first review letter (if necessary). To qualify for this provision, a cover letter based on the review letter, which details specifically the corrections made, must be included with the resubmitted plan. All changes (revisions) made on the resubmitted plan sets will be distinguished by using
highlighting. Resubmissions that are submitted without these two requirements being met will not be considered sufficient and will be held until these issues are properly addressed.

C. Plans which receive a letter of adequacy and are resubmitted with minor revisions will be subject to a $200.00 processing fee only. Minor Permit Amendments not involving earth disturbance will be subject to this processing fee.

D. Minor Permit Amendments which involve earth disturbance will be subject to the fee for service noted in Section 109 below. Revisions proposed should be addressed in a narrative documenting why changes are being made and justify how it qualifies as a Minor Permit Amendment. The narrative should also address the status of site if construction has started. (Note where the construction is on the sequence of construction). Plans should be highlighted to illustrate where revisions have been made.

E. Plans which require more than a second review and have more than minor review comments will be subject to a review fee of 50% of the current fee. The Conservation District plan reviewer will notify the applicant of the need for additional fees in the second review letter.

F. Plans which are resubmitted with major revisions (such as lot layout, road layout, drainage design, etc.), but primary Erosion and Sediment Control BMP's remain unchanged shall be subject to a review fee of 50% of the original fee.

§106 Administered Procedures

A. The applicant shall submit a check or money order payable to the Delaware County Conservation District, a complete set of Erosion and Sediment Pollution Control Plans, and one copy of the review application form. All sites that require an NPDES Permit must submit an entire complete permit package. Once an administrative review (15 business days) is conducted of the application and it is found to be complete the Erosion and Sediment Control plan review clock will begin. Please note the State does now offer an E-permitting option, and the District encourage use of this system.

B. The Delaware County Conservation District will accept the application when all the necessary information and fees have been supplied. The review time for projects that do not require an NPDES Construction Permit will be 45 calendar days under normal circumstances. The review time for General NPDES permitted plans will be 22 business days for the first technical review. The review time for Individual NPDES permitted plans will be 47 business days for the first technical review. (This letter will be forwarded to you by the Regional Office of DEP)

C. Rolled Plans will not be accepted. All plans should be folded.

§107 Emergency Review Provision

A. The Conservation District realizes that in certain circumstances an applicant cannot afford to wait the require review period. The applicant will pay a fee twice the normal review fee. The applicant will submit two checks. The normal fee will be deposited in the Delaware County General Fund. The additional charge will be deposited in the Conservation District's Affiliate Membership Fund. Prior approval from the Conservation District Manager must be obtained to start this process. Ten days (Calendar Days) will be the review time for the first submittals. For projects that require an NPDES Construction Permit the emergency review process will remain available but will not be initiated until a complete permit package is submitted and found administratively complete. The emergency review process will not normally be accepted for Individual NPDES Construction Permits since DEP coordinates the review letter. A case by case acceptance can be accepted with conditions developed.
B. The emergency review fee like the normal review fee will cover the cost of an initial review plus one follow-up revision submitted in response to the first review letter (if necessary).

C. The emergency review may be initiated after the conservation district's first review with the submission of a fee equal to 50% of the original review fee. This procedure is subject to all of the provisions of the standard review. This provision does not apply to those plans, which upon initial review are found to be either incomplete or insufficient. For those plans initiation of the emergency review process will require submittal of a fee equal to the total amount of the original review fee. To qualify for this provision the procedures as outlined in §105, §§B. above must be followed.

§108 Fee Schedule

The following fees will be charged by the Delaware County Conservation District for Erosion and Sediment Pollution Control Plan Reviews as authorized by Act 217 - The Conservation District Law. Applications cannot be accepted for review without the appropriate fee, completed application form, and required hard copy of plans and calculations.

All projects will be subject to a $700.00 base fee, plus a $100 per acre disturbed acre fee (Note: In addition to the disturbed acre fee charged by the State of Pennsylvania.

<table>
<thead>
<tr>
<th>Project Area Acreage</th>
<th>General Fee</th>
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<tbody>
<tr>
<td>0 - 0.99</td>
<td>$700.00 No disturbed ac. fee</td>
</tr>
<tr>
<td>1 - 99.99</td>
<td>$700.00 plus 100 per dist. Ac.</td>
</tr>
<tr>
<td>100 - Plus</td>
<td>$700.00 plus 100 per dist. Ac.</td>
</tr>
</tbody>
</table>

Example: 23.5 acre site with 18.7 of earth disturbance the fee would be calculated as follow:
$700 Base Fee + 100 per acre (rounded up) \( 19 \times 100 = \$1,900 \) Total Fee \$1,900 + \$700 = \$2,600.00

*\$200.00 will be charged to review a minimum earth disturbance activity such as: one residential unit, encroachment E& S Pollution Control Plan not associated with other construction and low hazard activities.

Chapter 105 Permit Applications – Will require a separate erosion and sediment control plan, and a $200.00 fee unless the application is a part of a larger plan being reviewed by the Conservation District. Applications that do not include an erosion and sediment control plan will be considered incomplete.

Timber Harvesting Projects will be subject to a fee that is based on the following: Only 10% of the entire timber sale area will be considered the project area. The fee would then be based on this calculated 10% of the project, or $2000.00 whichever is greater. Example a 42 acre timber harvest fee would be 10% of 42 acres or 4.2 acres which equals \$1,160.00. Note: Timber Harvesting activities with less than 25 acres of disturbance the State does not require a review.

§109 Other Service Fees

Meeting to Discuss Conservation Review Letters:
If the Design Engineer wishes to schedule a meeting with the Conservation District to obtain assistance in addressing a review letter a standard fee of \$100.00 will be required at the time of the meeting. This fee will
not apply if the Conservation District plan reviewer suggests the meeting.

Administrative Hearing Meeting held at the Conservation District Office:
The Conservation District will request as part our cost recovery process a fee of $100.00 for scheduling of meeting facilities.

§110 Repeal

Delaware County Conservation District Resolution, adopted the 7th day of January, 2015, is hereby rescinded.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this 17th day of November, 2021.

[Signature]
Brian P. Zidek, Chairman

ATTEST:

[Signature]
ANNE M. COOGAN, County Clerk