

**Lancaster County Conservation District
Erosion & Sedimentation Committee Meeting Agenda
Thursday August 22, 2024
1:30 P.M. – 3:00 P.M.
Farm & Home Center Room 113 - Downstairs
Available virtually via Microsoft Teams
[Teams Link](#)
Meeting ID: 235 731 584 432
Passcode: MEv7WU**

1:30 PM Meeting Called to Order

1. 2025 Meeting Schedule **Action Requested**
2. 2025 E&S Department Fee Schedule **Action Requested**
3. E&S Resource Conservationist Hire – Chelsea McKenzie
4. SPEED Act Update

3:00 PM Meeting Adjourned

Next Scheduled Meeting
Thursday September 26, 2024 @ 1:30 PM
Farm & Home Center and virtually via Microsoft Teams

1. 2025 Meeting Schedule

If the Committee chooses to continue the 2024 schedule format into 2025, it will read:

The Erosion & Sedimentation Committee will be held on the 4th Thursday of every month for January through October at 1:30 PM at the Lancaster Farm & Home Center. The November and December meetings will be held on the 3rd Thursday at 1:30 PM at the Lancaster Farm & Home Center.

January 23

February 27

March 27

April 24

May 22

June 26

July 24

August 28

September 25

October 23

November 20

December 18

Staff are on board with repeating this schedule but are also happy to entertain alternatives or suggestions as the most important consideration is the availability of Committee members. If the current schedule format is tough for any Committee member, please speak up so that we can see how we might be able to accommodate.

Action Item: Staff are requesting that the 2025 E&S Committee Meeting schedule be finalized so that appropriate public notifications can be coordinated.

2. 2025 E&S Department Fee Schedule

E&S Department Strategic Initiative 5 from the 2020 LCCD Strategic Plan states that we will “maintain an E&S Department Review Fee structure that ensures the long-term sustainability of the Department.” To do this, it directs Staff, the E&S Committee, and the Board to conduct a biennial review of the fee schedule. It specifically states that we should consider surrounding Districts’ fees, local economic development and inflation, and needs for salary increase comparable to other organizations with similar services.

Current approved fee schedule is attached for reference.

Staff have started working to compile the data and information necessary to determine a fee schedule for 2025.

Surrounding Districts (Berks, Chester, Dauphin, Lebanon, York)

- Evaluation of current comparison involved direct comparison of review fees based on disturbed acreage for commercial/industrial/other projects. We are one of the only Districts on this list that maintains a separate fee schedule for single family home subdivisions.
- Lancaster placed below the average (72% of average) at the 1-acre level and then ends up above the average (111% of average) by the 100-acre level.
- Our fee for a single residential lot E&S Plan (\$600) is the second highest on this list.
- Our fee for a single commercial/industrial lot less than 1.0 acre (\$800) is the lowest on this list.

Inflation

- 2023 – 3.4% (4.1% using Consumer Price Index)
- 2024 (average as of June) – 3.25%
- 2024 – 0.2% June to July

Salary

- LCCD District Administration is currently planning for a 4% COLA for 2025. They are also assuming a 7% increase in benefits costs for budgeting purposes.
- 2023 Market Analysis completed on behalf of PACD cited base pay market averages for comparison to E&S positions at “large” Districts. These averages were shown at the 25th, 50th, & 75th percentile. The recommendation of the consultant was to aim to increase average salaries closer to “market competitive” or the 50th percentile with the goals of recruiting new employees, retaining current employees, and saving on associated turnover costs. The 50th percentile in January 2023 was listed at \$56,829. The average salary across Districts was \$49,809. Our current (August 2024) average salary for an E&S Team Member is \$54,021. Assuming 3% inflation over 2023 and 2024 and a 4% COLA for 2025 salaries, the recommended level is \$60,290 and ours will be \$56,182.

Current staff recommendations landed at a 3%-5% increase. Staff are open to Committee feedback and alternative suggestions to that amount. With a Committee recommendation, staff will work to develop a draft fee schedule update. The update would be presented to the Committee at the September meeting. Approval could happen then or at the October meeting. A Committee draft would be presented to the Board at the November meeting with approval at the December meeting. Anticipated effective date for an update would be January 1, 2025.

Action Item: Staff are requesting that the Committee provide guidance on the amount of fee increase (or lack thereof) that they would like to see in a proposed fee schedule update.

3. E&S Resource Conservationist Hire – Chelsea McKenzie

The Board of Directors approved an official call to hire for Chelsea McKenzie for the open Resource Conservationist position in the E&S Department. Her start date is set for Monday August 26, 2024.

4. SPEED Act Update

The Streamlining Permits for Economic Expansion and Development (SPEED) Act was passed along with 2024-25 PA state budget. PA DEP has provided the below information regarding their current work on the program. ([link to DEP press release here](#))

What is SPEED?

- Streamlining Permits for Economic Expansion and Development (SPEED) is a new program that continues the DEP’s Permit Modernization effort to move further, faster in permit processing and keep Pennsylvania moving at the speed of business.
- SPEED provides permit applicants the opportunity to receive expedited review through DEP-verified professionals.
- DEP-verified professionals will provide initial technical analysis of permit applications and identify deficiencies for DEP review.
- DEP will have final decision-making authority over permit issuance.
- The SPEED program allows applicants and staff flexibility in permit reviews.

What SPEED isn’t:

- SPEED is not third-party permitting. DEP retains all final decision-making authority over permit issuance and denial.
- SPEED is not replacing DEP staff. DEP staff will still have oversight of permit applications.
- SPEED is not a rubber-stamp from a contractor. DEP will approve a list of qualified contractors that meet certain criteria based on expertise and professional licensing.
- SPEED is not a company selecting a friendly reviewer. Contractors must not have any conflict of interest with permit applicants.

What permits are eligible for SPEED review?

- Air Quality plan approvals (Chp. 127)
- Earth disturbance permits (Chp. 102)
- Water obstruction and encroachment permits (Chp. 105)

How SPEED works:

- The DEP will issue a Request For Proposal to identify qualified professionals to be verified contractors under the SPEED program.
- The qualified professional must meet several criteria to participate in the program and must not have any conflict of interest related to an applicant or a project. An applicant must pay for any cost associated with the qualified professional's review of a permit application.
- Applicants that choose to have their applications reviewed by a contractor agree to any applicable fees from the DEP-verified professional, in addition to the application fees.
- The DEP-verified professional cannot have any conflicts of interest with the applicant.
- If there are more than 10 DEP-verified professionals, DEP will present applicants with a list of 2 professionals to choose from.
- If there are fewer than 10 DEP-verified professionals, DEP will select the professional to conduct the review.
- The DEP-verified professionals will conduct the initial review of the application and provide recommendations to DEP.
- Once DEP receives the recommendations from the DEP-verified professional, it conducts a final review according to its regulations and procedures and either issues the permit, denies it, or sends a technical deficiency letter to the applicant.
- The PAYback program processing time still applies.

District Staff have attended one initial session by PA DEP Staff that outlined the Department's current work on creating systems to implement the program. We will continue to work with them to make sure we implement the program in line with the legislation and DEP guidelines.



1383 Arcadia Road,
Room 200
Lancaster, PA 17601-3149

Phone: (717) 299-5361, Ext. 5
Fax: (717) 299-9459
Website:
www.lancasterconservation.org

| | |
|-----------------------|---------------|
| Official Use Only | |
| LCCD File # _____ | |
| Date Rec'd _____ | |
| LCCD Fee \$ _____ | Check # _____ |
| LCCD CWF Fee \$ _____ | Check # _____ |

E&S Control Plan / Chapter 102 Permit Review Application and Fee Schedule

I. PROJECT INFORMATION

| | | |
|---|-------------------|---|
| Proposed Project Name / Project Description | | Municipality |
| Physical Address of Proposed Project | | Current Permit # (if applicable) |
| Project Acreage | Disturbed Acreage | Name of Stream: _____ Chapter 93 Classification: _____ |

II. APPLICANT / CONSULTANT INFORMATION

| | | |
|--------------------------------------|----------------|--------------|
| Name of Applicant | E-Mail Address | Phone () |
| Mailing Address / City / State / Zip | | |
| Name of Plan Preparer | Email Address | Phone () |
| Company Name | | |
| Mailing Address / City / State / Zip | | |

III. FEES (See Current Fee Schedules on Page 2)

LCCD FEES FOR PLAN REVIEW SERVICES

| | | |
|--|---|---------------------|
| Detached, Single Family Residential | # of Dwelling Units _____ | Fee \$ |
| Commercial / Multi-Family Residential / Industrial / Agricultural / Other (Includes Oil & Gas) | # of Disturbed Acres _____ (Rounded to the Nearest Whole Acre) | Fee \$ |
| Timber Harvest Projects & Road Maintenance Activities | # of Disturbed Acres _____ (Rounded to the Nearest Whole Acre) | Fee \$ |
| Borrow / Disposal Site | # of Disturbed Acres _____ Distance from Parent Project _____ | Fee \$ |
| Chapter 105 General Permit E&S Plan (Not Associated with a Larger Common Plan of Development) | Fee Required - \$100 | Fee \$ |
| TOTAL LCCD REVIEW FEE | Make check payable to: "LCCD" | Total Fee \$ |

CHAPTER 102 PERMIT FEES

| | |
|--|---|
| NPDES / E&SC PERMIT / ESCGP-3 FILING FEE <input type="checkbox"/> \$1,500 – Individual NPDES or E&S Permit <input type="checkbox"/> \$500 – General (PAG-01 or PAG-02) NPDES or ESCGP-3 Permit Make check payable to: "LCCD Clean Water Fund" | NPDES / E&SC PERMIT / ESCGP-3 DISTURBED ACREAGE FEE # of Disturbed Acres _____ x \$100/Acre Fee \$ _____ (Disturbed Acres rounded to nearest whole acre) Make check payable to: "Commonwealth of Pennsylvania Clean Water Fund" |
|--|---|

A completed copy of this review application and all appropriate fees **MUST** accompany **ALL E&S Plans** submitted to LCCD for both review and approval. Members of LCCD, Board of Directors and staff, are authorized to enter the project site for site inspection, as necessary.

SIGNATURE OF APPLICANT OR AUTHORIZED AGENT DATE

(Revised 1/1/2023)

**LANCASTER COUNTY CONSERVATION DISTRICT
E & S CONTROL PLAN REVIEW / INSPECTION FEE SCHEDULE**

RESIDENTIAL – DETACHED SINGLE FAMILY

(Number of Detached, Single Family Dwelling Units)

| | |
|--|--|
| 1 UNIT (< 1 Acre Disturbed) | \$ 600 |
| 1 UNIT (> or = 1 Acre Disturbed), 2 - 25 UNITS | \$ 600 + \$ 250 per Dwelling Unit |
| 26 OR MORE UNITS | \$ 6,850+ [(# of Dwelling Units – 25) x \$ 200] |

COMMERCIAL / MULTI-FAMILY RESIDENTIAL / INDUSTRIAL / AGRICULTURAL / OTHER (Includes Oil & Gas)

(Number of Disturbed Acres Rounded to the Nearest Whole Acre)

| | |
|--------------------------|---|
| < 1 ACRE | \$ 800 |
| 1 – 4.49 ACRES | \$ 1,000 + (# of Disturbed Acres x \$ 300) |
| = or > 5 ACRES | \$ 2,500 + [(# of Disturbed Acres - 5) x \$ 250] |

TIMBER HARVEST PROJECTS & ROAD MAINTENANCE ACTIVITIES

(Number of Disturbed Acres Rounded to the Nearest Whole Acre)

| | |
|---------------------------|--|
| < 25 ACRES | \$ 700 |
| = or > 25 ACRES | Fee based on the Commercial/Multi-Family/Industrial/Agricultural/Other Fee Schedule (Above) |

BORROW / DISPOSAL SITE

(Based on both Number of Disturbed Acres Rounded to the Nearest Whole Acre and Distance from the Parent Project)

| | |
|--|--|
| < 1 ACRE DISTURBED and > ¼ MILE FROM PARENT PROJECT: | \$ 600 |
| = or > 1 ACRE DISTURBED and > ¼ MILE FROM PARENT PROJECT: | Fee based on the Commercial/Multi-Family/Industrial/Agricultural/Other Fee Schedule (Above) |

EXISTING CHAPTER 102 PERMIT and = or < ¼ MILE FROM PERMIT BOUNDARY: Refer to item “d” within “Guidelines” section below.

NOTES:

1. For all fees based on the proposed number of Disturbed Acres, the acreage shall be rounded to the nearest whole acre.
2. Detached Single Family homes subject to the “Residential” category are generally intended to house one family unit and are considered to be free-standing building units each with one front, one rear, and two side yards. Where the dwelling is located on a corner lot, the dwelling may have one front, one rear, and one side yard. Manufactured, modular, and tiny homes may be considered as detached single family homes.
3. Examples of multi-family residential structures subject to the “Commercial/Multi-Family Residential” fee category include townhomes/row houses, condominiums, duplexes/twin homes, apartment buildings, and other semi-detached dwelling units.
4. For projects proposing both single-family detached homes and commercial or multi-family structures, the applicant or consultant will be required to submit a schematic of the project site which delineates the areas of the site being proposed for the “detached, single family” use and the areas being considered for the “commercial/multi-family” use along with a proposed fee. Based on the schematic, LCCD staff will determine whether the proposed fee is adequate.
5. As a condition of 25 PA Code, Chapter 105, an E&S Plan review is required for all General Permits (GPs). A fee of \$100 will be charged for LCCD to review and approve the respective E&S Plan associated with a GP, unless the GP(s) is submitted as part of a larger common plan of development. LCCD will review E&S plans associated with all GP's except for GP-11 registrations, for which E&S plans are submitted directly to the DEP. The \$100 fee shall be made payable to “LCCD.”
6. For E&S plans associated with Chapter 105 small projects or individual permits, waivers, or environmental assessments, the LCCD review fee will be based on the appropriate project type category identified above.
7. For a Corrective Action Plan (CAP), the fee will be based on the Commercial / Industrial / Agricultural / Other Fee Schedule. If the CAP will be submitted as an amendment to an Existing Chapter 102 Permit, then contact LCCD for both Permit Amendment Requirements and applicable fees.
8. Through an executed Memorandum of Understanding (MOU), the PA Turnpike Commission has agreed to pay \$150 per Disturbed Acre (rounded to the nearest whole acre) for any E&S Plans submitted for both review and approval.
9. An independent State Commission, State Agency, and / or Federal Agency which provides funding for Chapter 102 program administration by PA DEP through the terms and conditions of a mutual agreement may be exempt from all applicable fees.

Lancaster County Conservation District
 Summary of E&S Plan Review Fee requirement for "OTHER"
 category of earth disturbance activities

| Category | E&S Plan Review Fee required? | |
|--|-------------------------------|--------|
| | Y = yes | N = no |
| Chapter 105 Environmental Assessment (Waiver 11 & Waiver 16) | | Y |
| Chapter 105 Small Projects or Individual Permit | | Y |
| Community Fairgrounds | | Y |
| Community Recreation Centers | | Y |
| Growing Greener Grant Funded Projects (319) | | Y |
| Hospitals | | Y |
| Independent Borrow / Disposal Site | | Y |
| Lancaster County Library System | | Y |
| Lancaster County Public Agency / Authority Projects | | Y |
| Local Municipal Projects | | Y |
| Oil & Gas Projects | | Y |
| Places of Worship & Religious Facilities | | Y |
| Police, Fire, & EMS Stations | | Y |
| Ponds, Dams, & Impoundments | | Y |
| Private Non-Profit Organizations | | Y |
| Private Schools | | Y |
| Public Parks | | Y |
| Public Schools & School Districts | | Y |
| Rails-To-Trails Projects | | Y |
| Sewer & Water Authority Projects | | Y |
| Utility Projects | | Y |

GUIDELINES

- a. For all Chapter 102 Permit applications, LCCD will make every effort to conform to the time frames for review, as noted in both PA DEP's Permit Review Process and Permit Decision Guarantee Policy and the respective Standard Operating Procedure (SOP).
- b. For all Chapter 102 non-permitted projects, LCCD will make every effort to review such projects within thirty (30) days from the date of receipt.
- c. The E&S Control Plan Review / Inspection fee includes a pre-application meeting(s), a completeness review(s), one (1) initial technical review, one (1) resubmission technical review, a pre-construction meeting(s), all field meetings, all site / complaint inspections, and all tasks delegated to LCCD relative to Chapter 102 Permit termination. If the E&S Control Plan is deemed significantly inadequate upon completion of the resubmission technical review, then the subsequent resubmission will be subject to an additional charge of 50% of the original E&S Control Plan Review / Inspection fee.
- d. For an existing Chapter 102 Permit, Field Changes, Minor Amendments, and Major Amendments will be both reviewed and approved in accordance with PA DEP's Chapter 102 Permit Amendments Frequently Asked Questions (FAQ) document. Fees for Major and Minor Amendments are charged as follows:
 - Residential Detached Single Family:
 - Where no dwelling units are added and Limits of Disturbance decrease, remain the same, or increase less than one acre: \$600.
 - Where the Limits of Disturbance increase by 1 acre or more but no dwelling units are proposed: Use the appropriate category in the "Commercial" category.
 - Where one or more detached dwelling units are added: Use the appropriate tier and respective formula.
 - Commercial/Multi-Family Residential/Industrial/Agricultural/Other:
 - Where the Limits of Disturbance decrease, remain the same, or increase less than one acre: \$800.
 - Where the Limits of Disturbance increases one acre or more: Use the appropriate tier and respective formula.
 - For example: A project was originally authorized for 10 acres of earth disturbance. The permittee wishes to add an additional 1 acre of earth disturbance. The required review fee is: \$1000 + (1 x \$300) = \$1300.
- e. For a Chapter 102 Permit application which is withdrawn (either voluntarily or involuntarily), all remitted fees will NOT be refunded. If the applicant intends to submit a new Chapter 102 Permit application for the proposed project, then all applicable fees shall be remitted with the new Chapter 102 Permit application.
- f. For a Chapter 102 non-permitted project which is deemed inadequate, the applicant will have one (1) year from the date of the Technical Deficiency Letter to resubmit a revised E&S Control Plan which addresses all noted technical deficiencies. If the applicant fails to resubmit the revised E&S Control Plan within one (1) year from the date of the Technical Deficiency Letter, then LCCD will involuntarily withdraw said project, and all remitted fees will NOT be refunded. If the applicant intends to submit said project after being involuntarily withdrawn, then the applicable fee shall be remitted with a new E&S Control Plan / Chapter 102 Permit.
- g. Should the proposed limits of disturbance or number of detached dwelling units decrease while an application is under review, LCCD will not provide a partial refund of any previously submitted fees.
- h. LCCD will make every effort to implement this fee schedule fairly and consistently across all applications submitted for review. However, LCCD staff and Board of Directors reserve the right to deviate from the dollar amounts and guidance presented in this document should site-specific circumstances warrant.