



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

Chapter 105 Dam Safety Fees

March 20, 2014

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WebEx Technical Support: 866-229-3239

Agenda

- Who is exempt from paying permitting fees.
- Review of Chapter 105 Fees calculation worksheet with examples.
- Commonly encountered problems.

CHAPTER 105 FEE(S) CALCULATION WORKSHEET

Additional information can be found at 25 PA Code §105.13 (relating to regulated activities – information and fees).

Federal, State, county or municipal agencies or municipal authorities:

 EXEMPT from fees

These entities are exempt from these fees. If the applicant falls into one of these categories, please check the box above and provide only the first page of this worksheet with the project application or registration.

ALL OTHERS:

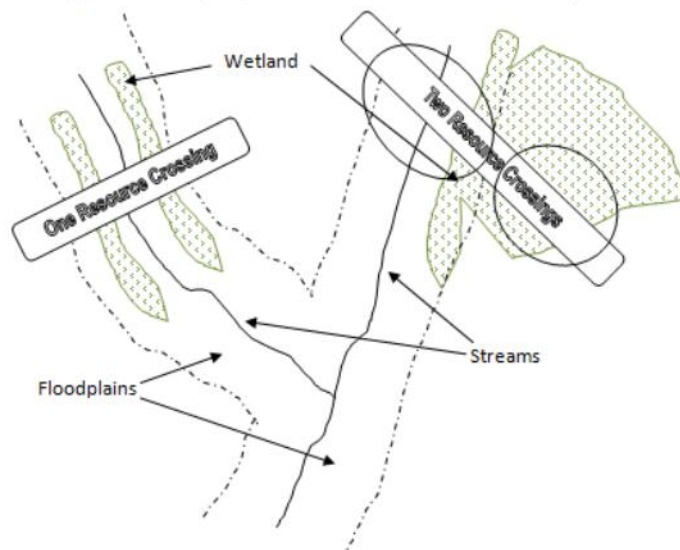
1. Please place an "X" in the box next to all authorizations that apply to the project and complete the fee information below those authorization(s). Projects may require multiple authorizations and fees, further clarification and examples are included below and at the end of this document.
2. Total each authorization, Section, and Part. Part One is for Water Obstructions and Encroachment authorizations. Part Two is for Dam Safety authorizations.
3. Please provide this completed worksheet (page 1 and page 2 and/or page 3, as is appropriate to the project) and a check for the applicable fee(s) with the project application or registration. The check should be made payable to the "Commonwealth of Pennsylvania Clean Water Fund" OR "Conservation District Clean Water Fund", whichever is the reviewing entity.

NOTE: Entities proposing structures or activities to occupy a Submerged Lands of the Commonwealth must obtain a Submerged Lands License Agreement (SLLA) and pay the appropriate annual charge. The applicant will be contacted if this charge applies to the project.

Floodway – The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

¹ **Wetland and Stream Clarification:** In many instances, wetlands are located within the floodplain of a stream. These resources for the purposes of calculating disturbance fees are considered co-located or overlapping and the area of disturbance would only be used once. In the case of BDWM GP-05 and BDWM GP-07 fees are charged per structure per resource crossing and the following also applies to the disturbance fees:

- A crossing of the stream and the floodplain with wetlands present within the floodplain is considered one resource crossing.
- When the crossing traverses a stream and the floodplain and a wetland that is located outside of the floodplain or a wetland that extends out beyond the floodplain, it is considered two resource crossings.



Fee(s) Calculation Worksheet - Part Two: Dam Safety

- Section A – Application Fees
 - New Dam
 - Modification of Dam
 - Operation and Maintenance of Existing Dam
- Section B – Other Fees
 - Letter of Amendment or Authorization
 - Environmental Assessment
 - Transfer of Permit
 - Annual Registration

PART TWO: DAM SAFETY

SECTION A. APPLICATION FEES

- DAM PERMIT APPLICATION – NEW DAM**
 - Size A
 - Hazard 1 \$26,500 Hazard 2 \$26,500 Hazard 3 \$25,500 Hazard 4 \$23,500 \$ _____
 - Size B
 - Hazard 1 \$19,000 Hazard 2 \$19,000 Hazard 3 \$18,500 Hazard 4 \$17,000 \$ _____
 - Size C
 - Hazard 1 \$10,500 Hazard 2 \$10,500 Hazard 3 \$10,000 Hazard 4 \$ 8,000 \$ _____
- DAM PERMIT APPLICATION – MODIFICATION OF DAM**
 - Size A
 - Hazard 1 \$18,500 Hazard 2 \$18,500 Hazard 3 \$18,500 Hazard 4 \$18,000 \$ _____
 - Size B
 - Hazard 1 \$12,000 Hazard 2 \$12,000 Hazard 3 \$12,000 Hazard 4 \$11,500 \$ _____
 - Size C
 - Hazard 1 \$ 7,500 Hazard 2 \$ 7,500 Hazard 3 \$ 7,500 Hazard 4 \$ 7,500 \$ _____
- DAM PERMIT APPLICATION – OPERATION & MAINTANANCE OF EXISTING DAM**
 - Size A
 - Hazard 1 \$12,500 Hazard 2 \$12,500 Hazard 3 \$12,000 Hazard 4 \$10,000 \$ _____
 - Size B
 - Hazard 1 \$10,000 Hazard 2 \$10,000 Hazard 3 \$ 9,500 Hazard 4 \$ 8,500 \$ _____
 - Size C
 - Hazard 1 \$ 7,000 Hazard 2 \$ 7,000 Hazard 3 \$ 6,500 Hazard 4 \$ 6,000 \$ _____

PART TWO: SECTION A. APPLICATION FEE(S) subtotal (a) \$ _____

SECTION B. OTHER FEES

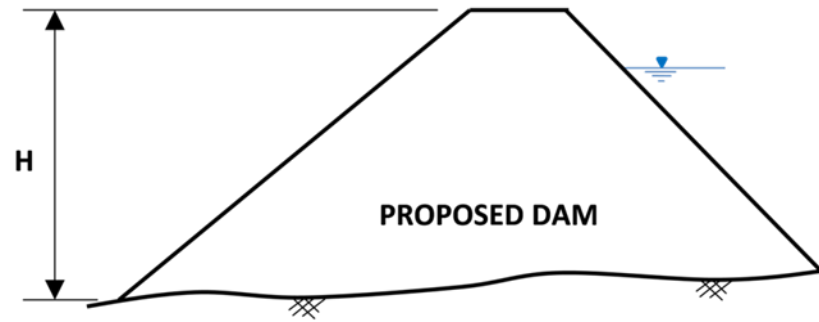
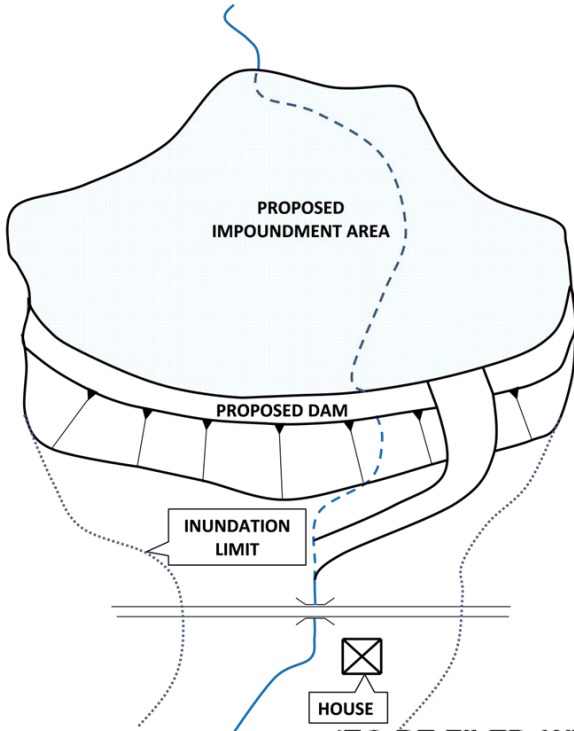
- Letter of Amendment or Authorization
 - Major (>\$250,000)
 - Size A \$14,700 Size B \$ 8,700 Size C \$ 4,400 \$ _____
 - Minor (<\$250,000)
 - Size A \$ 1,300 Size B \$ 1,000 Size C \$ 650 \$ _____
 - Major Dam Design Revision
 - Size A \$ 4,700 Size B \$ 3,200 Size C \$ 1,700 \$ _____
- Environmental Assessment
 - Non-Jurisdictional Dams \$ 900 \$ _____
 - Letter of Amendment or Authorization
 - Size A \$ 1,400 Size B \$ 1,000 Size C \$ 900 \$ _____
- Transfer of Dam Permit
 - No Proof of Financial Responsibility \$ 550 Proof of Financial Responsibility \$ 300 \$ _____
- Annual Registration
 - Hazard 1 \$ 1,500 Hazard 2 \$ 1,500 Hazard 3 \$ 800 \$ _____

PART TWO: SECTION B. OTHER FEE(S) subtotal (b) \$ _____

PART TWO: FEE(S) TOTAL (a+b=c) \$ _____

DEP USE ONLY	
FEE TOTAL: _____	Permit / Authorization Number (s): _____
Correct Amount: _____	Check #: _____
Check amount: _____	Payable to: _____

Ex. 5 New Dam Permit Application: This project proposes to construct a 25-foot high dam that has a maximum storage of 500 acre-feet of water. This dam would be classified as a size category “C” dam per § 105.91. There is one home and one roadway within the inundation area downstream of the dam. This dam would have a hazard classification of “2”. All stream and wetland impacts are covered under the Dam Permit Application. An Environmental Assessment is required as part of the Dam Permit application, but a separate fee is not required.



DAM SAFETY APPLICATION FEES

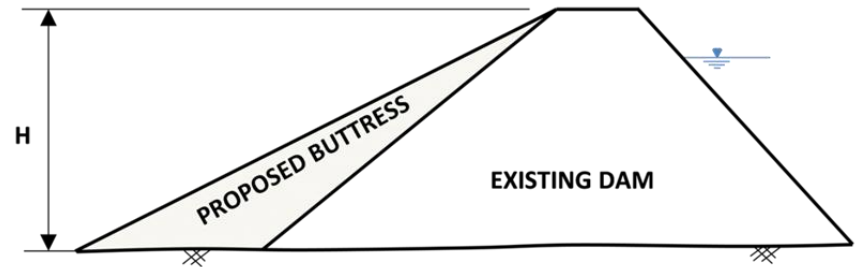
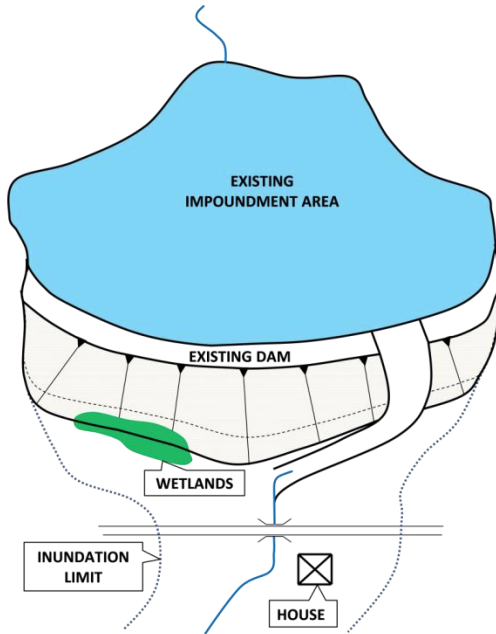
(TO BE FILED WITH DAM SAFETY WITH THE DAM PERMIT APPLICATION)

DAM PERMIT APPLICATION – NEW DAM

Size C
 Hazard 1 \$10,500
 Hazard 2 \$10,500
 Hazard 3 \$10,000
 Hazard 4 \$8,000
 \$ 10,500

DAM SAFETY FEE total \$ 10,050

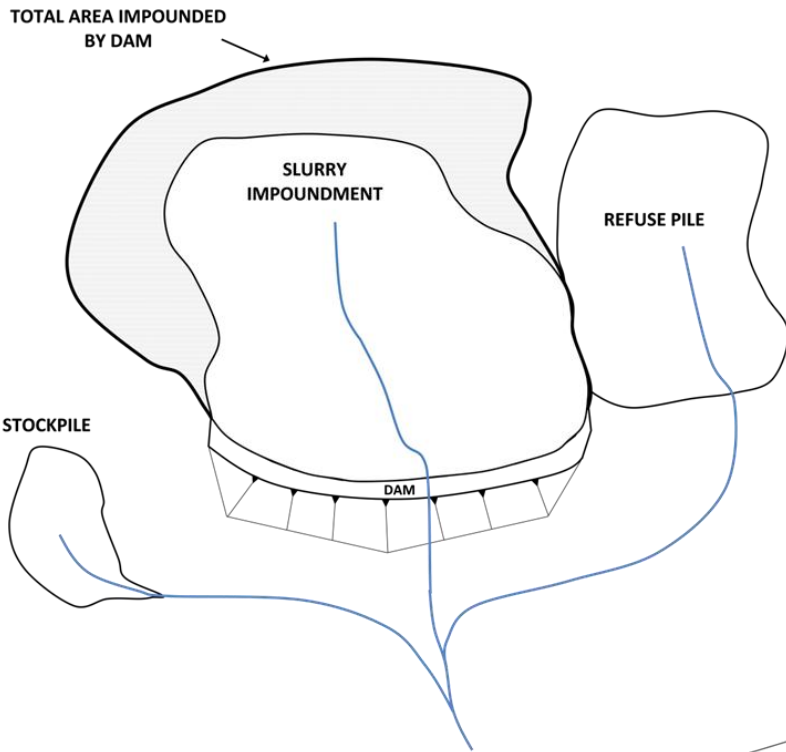
Ex. 6 Letter of Authorization with Environmental Assessment: This project proposes to modify a 25-foot high dam that has a maximum storage of 500 acre-feet of water. This dam would be classified as a size category “C” dam per § 105.91. The proposed modification involves buttressing the downstream slope of the dam with soil to improve stability. The total project cost will be \$100,00. A small wetland area will be impacted near the toe of the buttress. An Environmental Assessment will be required to assess the impacts to the wetland.



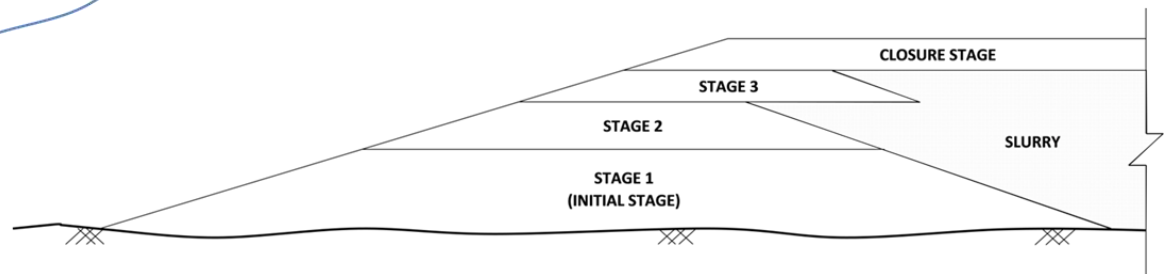
DAM SAFETY FEES

<input checked="" type="checkbox"/> Letter of Amendment or Authorization				
<input checked="" type="checkbox"/> Minor (<\$250,000)				
<input type="checkbox"/> Size A \$ 1,300	<input type="checkbox"/> Size B \$ 1,000	<input checked="" type="checkbox"/> Size C \$ 650		\$ 650
<input checked="" type="checkbox"/> Environmental Assessment				
<input checked="" type="checkbox"/> Letter of Amendment or Authorization				
<input type="checkbox"/> Size A \$ 1,400	<input type="checkbox"/> Size B \$ 1,000	<input checked="" type="checkbox"/> Size C \$ 900		\$ 900
		DAM SAFETY FEE total		\$ 1,550

Ex. 7 New Dam Permit Application with Staged Construction and Disturbance Review Fees: This project proposes to construct a staged construction, high hazard dam, to be utilized for containing a slurry impoundment. There will also be a refuse pile constructed adjacent to the slurry impoundment impacting 1000 linear feet of stream, causing a permanent disturbance to the 3-foot wide stream and 50 feet of floodway on either side of the stream [1000 x (50+3+50)]. A refuse stockpile will also impact 200 linear feet of stream, causing a permanent disturbance to the 3-foot wide stream and 50 feet of floodway on either side of the stream [200 x (50+3+50)]. The Dam Safety Application fee will include the application fee for the applicable size and hazard classification of the dam. The Dam Safety Application Fee will also include a fee equal to 90% for the original application fee for each stage beyond the initial stage, including any closure stages.



Impact Calculations and Summary		
Resource/Impact Type	Permanent	Temporary
Wetland		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0	0
Floodway/Stream		
<i>Refuse Pile</i>	2.36	0
<i>Stockpile</i>	0.47	0
Totals:	2.83	0
Rounded Totals:	2.9	0



Example 7 continued

Impact Calculations and Summary		
Resource/Impact Type	Permanent	Temporary
Wetland		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0	0
Floodway/Stream		
<i>Refuse Pile</i>	2.36	0
<i>Stockpile</i>	0.47	0
Totals:	2.83	0
Rounded Totals:	2.9	0

WATER OBSTRUCTION AND ENCROACHMENT FEES

(TO BE FILED WITH DEP REGIONAL OFFICE, COUNTY CONSERVATION OFFICE, OR DISTRICT MINING)

<input checked="" type="checkbox"/> Administrative Filing Fee		\$1,750
<input type="checkbox"/> Temporary Disturbance (\$400/0.1ac)	0.0 acres x \$4,000 =	
<input checked="" type="checkbox"/> Permanent Disturbance (\$800/0.1ac)	2.9 acres x \$8,000 =	\$23,200
WO&E FEE total		\$24,950

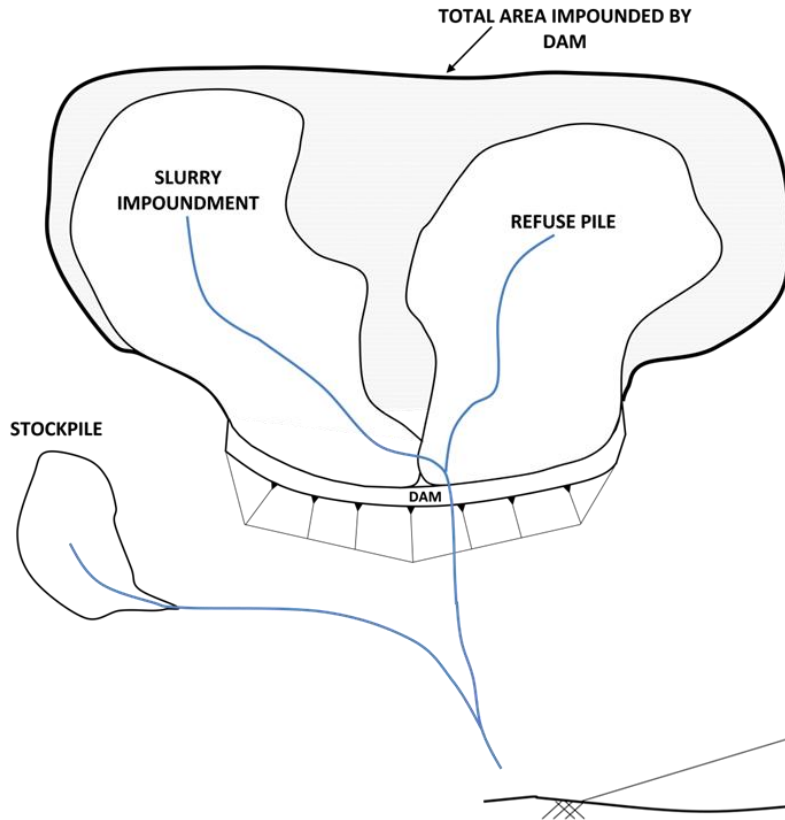
DAM SAFETY APPLICATION FEES

(TO BE FILED WITH DAM SAFETY WITH THE DAM PERMIT APPLICATION)

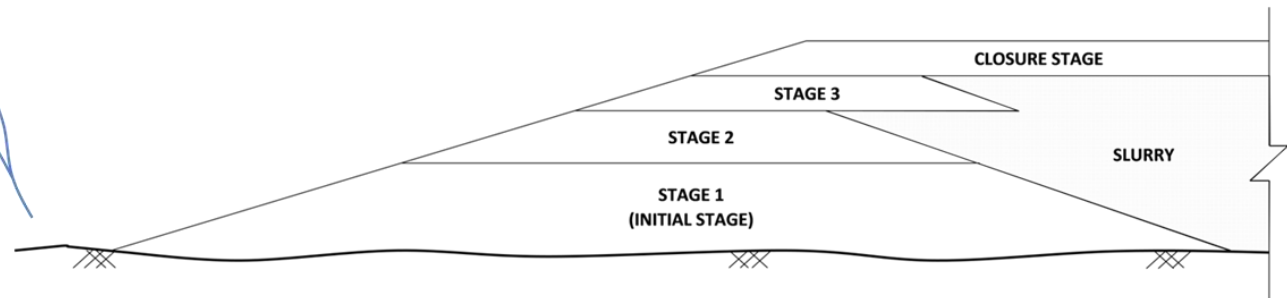
DAM PERMIT APPLICATION – NEW DAM

<input checked="" type="checkbox"/> Size A	<input checked="" type="checkbox"/> Hazard 1 \$26,500	<input type="checkbox"/> Hazard 2 \$26,500	<input type="checkbox"/> Hazard 3 \$25,500	<input type="checkbox"/> Hazard 4 \$23,500	\$ 26,500
<input checked="" type="checkbox"/> STAGED CONSTRUCTION	No. OF STAGES BEYOND INITIAL STAGE 3 X APPLICATION FEE \$26,500 X 0.90 (90%)				\$ 71,550
DAM SAFETY FEE total					\$ 98,050

Ex. 8 New Dam Permit Application with Staged Construction: This project proposes to construct a staged construction, high hazard dam, to be utilized for containing a slurry impoundment and refuse pile. A refuse pile will also impact 200 linear feet of stream, causing a permanent disturbance to the 3-foot wide stream and 50 feet of floodway on either side of the stream [200 x (50+3+50)]. The Dam Safety Application fee will include the application fee for the applicable size and hazard classification of the dam. The Dam Safety Application Fee will also include a fee equal to 90% for the original application fee for each stage beyond the initial stage, including any closure stages.



Impact Calculations and Summary		
Resource/Impact Type	Permanent	Temporary
Wetland		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0	0
Floodway/Stream		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0.47	0
Totals:	0.47	0
Rounded Totals:	0.5	0



Example 8 continued

Impact Calculations and Summary		
Resource/Impact Type	Permanent	Temporary
Wetland		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0	0
Floodway/Stream		
<i>Refuse Pile</i>	0	0
<i>Stockpile</i>	0.47	0
Totals:	0.47	0
Rounded Totals:	0.5	0

WATER OBSTRUCTION AND ENCROACHMENT FEES

(TO BE FILED WITH DEP REGIONAL OFFICE, COUNTY CONSERVATION OFFICE, OR DISTRICT MINING)

<input checked="" type="checkbox"/> Administrative Filing Fee			\$1,750
<input type="checkbox"/> Temporary Disturbance (\$400/0.1ac)	0.0 acres x \$4,000 =		
<input checked="" type="checkbox"/> Permanent Disturbance (\$800/0.1ac)	0.5 acres x \$8,000 =		\$4,000
WO&E FEE total			<u>\$5,750</u>

DAM SAFETY APPLICATION FEES

(TO BE FILED WITH DAM SAFETY WITH THE DAM PERMIT APPLICATION)

<input checked="" type="checkbox"/> DAM PERMIT APPLICATION – NEW DAM					
<input checked="" type="checkbox"/> Size A	<input checked="" type="checkbox"/> Hazard 1 \$26,500	<input type="checkbox"/> Hazard 2 \$26,500	<input type="checkbox"/> Hazard 3 \$25,500	<input type="checkbox"/> Hazard 4 \$23,500	\$ 26,500
<input checked="" type="checkbox"/> STAGED CONSTRUCTION	No. OF STAGES BEYOND INITIAL STAGE <u>3</u> X APPLICATION FEE <u>\$26,500</u> X 0.90 (90%)				\$ 71,550
DAM SAFETY FEE total					<u>\$ 98,050</u>

Common Questions

- Exemptions
- Where are Environmental Assessment fees included?
- Transfer of Permit fees
- Annual Registration Fee
- Additional Questions



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For more information contact:

James Aiello
jaaiello@pa.gov
(717) 772-5962

Ryan “Hoss” Hall
ryhall@pa.gov
(717) 772-5948



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Questions?