



# SUSQUEHANNA RIVER BASIN COMMISSION

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## **REGULATORY PROGRAM FEE SCHEDULE**

**Effective July 1, 2018**

**Adopted by Resolution No. 2018-xx, June x, 2018**

1. The Susquehanna River Basin Commission (Commission) requires payment of nonrefundable fees for the review of applications (see Table 1 herein). The following categories of projects require approval by the Commission under the Susquehanna River Basin Compact (the "Compact") and Commission regulations found in 18 CFR Parts 801 and 806.
  - a. Consumptive uses, including all related administrative approvals under 18 CFR § 806.22.
  - b. Surface water and groundwater withdrawals, including any related aquifer testing plan evaluations, waiver requests, or aquatic resource surveys.
  - c. Diversions.
  - d. Hydroelectric projects.
  - e. Any other projects requiring the review and approval of the Commission under the Compact that do not involve a request for a quantity of water.
  - f. Other applications required under 18 CFR § 806.5.
  - g. Modifications to approvals under 18 CFR § 806.18.
2. If any project involves more than one of the above categories, a separate application fee is required for each category.
3. Fees for Consumptive Use Mitigation, Annual Compliance and Monitoring, and Registration of a Grandfathered Project are also set forth in this schedule.
4. The appropriate fee must be submitted to the Commission with the project application (see Paragraph 13 regarding an installment payment option). Failure to submit payment of the fee or submission of an insufficient fee with the application will result in its return to the project sponsor or, at the discretion of the Commission, an additional billing of the proper fee to the project sponsor. Except as otherwise provided in Paragraph 9, refunds will be made for any portion of a fee payment submitted with the application that exceeds the

appropriate amount identified on Table 1 herein. The Commission will not take action on a project application until the appropriate fees are paid.

5. Agencies of the member jurisdictions to the Compact with applicable member jurisdiction-wide authority, subject to the provisions of Paragraph 19, are exempt from the fees set forth in this schedule. Political subdivisions of the member jurisdictions, as defined herein, are subject to these fees.
6. Agricultural water use projects, as defined in 18 CFR § 806.3, are exempt from the fees set forth in this schedule.
7. Public water systems owned and operated by a governmental authority, as defined in 18 CFR § 806.3, are eligible to pay the discounted fee amounts identified in the “Municipal Fee” category listed on the tables herein, except as outlined in Paragraph 17.
8. Groundwater remediation systems approved by an agency of a member jurisdiction shall pay a single application fee provided under the “other projects” category (see Table 1 herein) regardless of the number of recovery wells or total withdrawal quantity needed to contain, capture, or remediate groundwater contaminant plumes located on or near the facility. Such systems shall also pay a single Annual Compliance and Monitoring fee. Groundwater and other remediation systems developed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Chapter 103, are exempt from application fees and the Annual Compliance and Monitoring fee pursuant to federal law.
9. Application fees paid in accordance with this schedule are nonrefundable, except as allowed for in Paragraph 14. Application fees are not reduced nor any amount credited to the project sponsor if the Commission’s approval authorizes a rate of withdrawal or quantity of water that is less than that initially requested by the project sponsor, or if application deficiencies cause Commission staff to terminate review of the application during the review process.
10. If instructed to submit paper application forms, project sponsors must complete and submit the enclosed Project Review Fee Worksheet (page 9) with their application payment.
11. When fees calculated in accordance with this schedule are deemed to be insufficient to cover costs associated with applications or compliance, or where technical assistance is otherwise provided at the request of the project sponsor, the project sponsor shall be responsible for all costs associated with actual hours worked by Commission staff, including an allocation of salary, fringe benefits and overhead costs. Projects which may require additional fees include, but are not limited to: hydroelectric facilities, withdrawals for power plants, out-of-basin diversions of water, and withdrawals from waterbodies identified under Commission Policy No. 2012-01 as Exceptional Quality or as Aquatic Resource Class 1 or 2. Efforts will be made to notify the project sponsor in advance if additional fees are anticipated.

12. The Commission may, for good cause shown, waive or partially waive any of the application fees set forth herein for situations that include, but are not limited to: (a) an incentive for the use of impaired waters in accordance with Commission Resolution No. 2012-01; (b) applications that have previously undergone substantive analysis through member jurisdiction reviews or other previous and/or concurrent Commission reviews; and (c) certain technical considerations that reduce review requirements, such as multiple sources that may be evaluated as a single source (e.g., a wellfield). The Executive Director is authorized to grant application fee waivers or partial waivers of \$15,000 or less. Any requests for waivers or partial waivers for application fees related to projects proposing to use mine degraded water shall be considered in accordance with Commission Policy No. 2009-01. Applicants subject to financial constraints may consider the installment options set forth in Paragraph 13.
13. If the fees for any single application exceed \$25,000, or if the fees for a set of applications exceed \$50,000, project sponsors have the option of making installment payments. This option provides for the payment of up to three consecutive equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The project sponsor should indicate that it intends to use this option when making application, and must submit an agreement for terms of payment in a form and manner prescribed by the Commission. Municipal project sponsors (see Paragraph 17) have the option of making installment payments for fees exceeding \$15,000 in total, and may make payments of up to five equal annual installments with interest thereon at a rate of prime<sup>1</sup> plus 2 percent, but not less than 5 percent per annum on the unpaid balance. The first annual installment is due at the time the application is submitted.
14. The Executive Director is authorized to refund up to 50 percent of the application fee, depending upon staff effort expended, if the project sponsor voluntarily withdraws an application prior to the commencement of technical review.
15. All projects approved by the Commission on or after January 1, 2010, including modifications, renewals, transfers and reissuances of approvals, shall also be subject to Annual Compliance and Monitoring fees as set forth herein. Fees are due and payable within 30 days from the date of invoice.
16. The application fee which is due is based upon the fee schedule in effect on the date that the application is submitted to the Commission.
17. For purposes of this fee schedule, municipalities are defined as political subdivisions of the member states, which shall include counties, townships, towns, boroughs, villages, cities, authorities, boards or any other organizations or public benefit corporations created by the member jurisdictions and not having jurisdiction-wide authority. When a municipality engages in commercial or private enterprise activities, including those unrelated to traditional delivery of potable water to residences and businesses within its prescribed service area, fees associated with such activities will be subject to the standard fees applicable to any private enterprise.

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<sup>1</sup> Prime refers to the U.S. Prime Rate at the time of the installment payment request.

18. Applications that are submitted in error, contain significant errors requiring Commission staff support to correct, or are withdrawn prior to the start of administrative review will incur an administrative fee of \$250 per application to cover costs associated with correcting the error(s). This fee will be subtracted from any refund payment that is made to a project sponsor for the associated application when a payment has been made.
19. This fee schedule contains fee exemptions and discounts that are supported by member contributions and intended for applications submitted by jurisdictional agencies and municipalities. These exemptions and discounts may be adjusted based on actual member contributions received should they differ significantly from amounts requested.

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**TABLE 1. PROJECT REVIEW AND MODIFICATION FEES**

| <b>Project Category</b>  | <b>Requested Quantities/Capacities<sup>1</sup></b>  | <b>Standard Fee</b>  | <b>Municipal Fee</b>   |
|--|---|--|--|
| Consumptive Use  | 20,000 gallons per day (gpd) – 99,999 gpd<br>100,000 gpd – 499,999 gpd<br>500,000 gpd – 999,999 gpd<br>1 million gpd (mgd) – 5 mgd<br>Over 5 mgd  | \$ 3,100<br>6,250<br>12,395<br>37,075<br>61,840  | \$ 2,480<br>5,000<br>9,916<br>29,660<br>49,472   |
| Approval by Rule<br>Consumptive Use;<br>18 CFR § 806.22(e)   | 20,000 gpd – 99,999 gpd<br>100,000 gpd – 499,999 gpd<br>500,000 gpd – 999,999 gpd<br>Over 999,999 gpd   | \$ 1,575<br>3,135<br>8,235<br>see footnote <sup>2</sup>  | \$ 1,260<br>2,508<br>6,588<br>see footnote <sup>2</sup>  |
| Approval by Rule <sup>3</sup><br>Consumptive Use;<br>18 CFR § 806.22(f)  | <u>Unconventional Natural Gas or Other Hydrocarbon Development:</u><br>New Application<br>Renewal Application<br><br><u>Water Source:</u><br>Source Registration; Subsection (12)<br>Source Approval; Subsection (13)<br>Hydrocarbon Water Storage Facilities;<br>Subsection (14) | \$ 8,075<br>2,075<br><br>530<br>1,125<br>2,575   | Not Applicable   |
| Surface Water Withdrawals <sup>4,5</sup>   | Less than 100,000 gpd<br>100,000 gpd – 249,999 gpd<br>250,000 gpd – 499,999 gpd<br>500,000 gpd – 999,999 gpd<br>1 mgd – 5 mgd<br>5,000,001 gpd – 10 mgd<br>Over 10 mgd  | \$ 5,400<br>8,100<br>10,800<br>13,500<br>16,125<br>35,190<br>35,190 +<br>\$5,995 for each<br>additional 1 mgd<br>increment <sup>6,7</sup>  | \$ 4,320<br>6,480<br>8,640<br>10,800<br>12,956<br>28,152<br>28,152 +<br>\$4,796 for each<br>additional 1 mgd<br>increment <sup>6,7</sup> |
| Groundwater Withdrawals <sup>4,5</sup>   | Less than 100,000 gpd<br>100,000 gpd – 199,999 gpd<br>200,000 gpd – 499,999 gpd<br>500,000 gpd – 999,999 gpd<br>1 mgd – 5 mgd<br>5,000,001 gpd – 10 mgd<br>Over 10 mgd  | \$ 8,400<br>12,625<br>16,875<br>21,075<br>25,275<br>54,875<br>54,875 +<br>\$9,640 for each<br>additional 1 mgd<br>increment <sup>6,7</sup> | \$ 4,714<br>7,092<br>9,449<br>11,818<br>14,164<br>30,760<br>30,760 +<br>\$5,402 for each<br>additional 1 mgd<br>increment <sup>6,7</sup> |
| <u>Diversions:</u><br>Into Basin<br><br>Out of Basin   | All quantities<br><br>Less than 250,000 gpd<br>250,000 gpd or greater   | \$ 10,325<br><br>10,325<br>30,950  | \$ 8,260<br><br>8,260<br>24,760  |
| Hydroelectric Projects<br>(New or Re-licensing)  | Greater than 10 megawatts (anything less subject to “all other projects” category below)  | \$ 241,000 <sup>8</sup>  | Not Applicable   |
| All other projects requiring review and approval and not otherwise specified, including groundwater remediation systems <sup>1</sup> | All quantities or capacities  | \$ 5,150   | \$ 4,120   |

**TABLE 1. PROJECT REVIEW AND MODIFICATION FEES (continued)**

| <b>Project Category</b>  | <b>Requested Quantities/Capacities<sup>1</sup></b> | <b>Standard Fee</b> | <b>Municipal Fee</b> |
|--|--|---------------------|----------------------|
| Minor Modifications  |  | \$ 1,025            | \$ 820               |
| Aquatic Resource Survey <sup>5,9</sup>                         |  | \$ 5,990            | \$ 4,792             |
| Pre-Drill Well Site Review <sup>10</sup>                       |  | \$ 2,325            | \$ 1,860             |
| Aquifer Testing Plan <sup>4,11</sup>                           |  | \$ 5,225            | \$ 3,909             |
| Aquifer Testing Plan Waiver Request Evaluation <sup>4,11</sup> |  | \$ 5,225            | \$ 3,909             |
| Emergency Certificate <sup>12</sup>                            |  | \$ 5,150            | \$ 4,120             |
| Transfer of Approval <sup>13,15</sup>                          |  | \$ 1,075            | \$ 860               |
| Reissuance of Approval <sup>14,15</sup>                        |  | \$ 535              | \$ 428               |

<sup>1</sup> Fees for new and renewal applications are based on the maximum withdrawal amount (on a peak day or 30-day average basis, as appropriate) requested in the application. Fees for modifications of approved projects, other than minor modifications as defined in 18 CFR § 806.18, are based on the increase in the requested quantity/capacity. When a modification other than a minor modification is requested that does not include an increase in quantities, the lowest fee for the applicable project category shall apply. For groundwater remediation systems, see Paragraph 8 for additional information.

<sup>2</sup> Projects under 18 CFR § 806.22(e) which will require consumptive use of more than 999,999 gpd should consult with Commission staff prior to submitting an application. Fees for these projects will be subject to Paragraph 11 of this fee schedule, but in no case will pay less than \$8,235 (\$6,588 for municipal projects).

<sup>3</sup> Except where the project sponsor has an approved docket, any water source serving an Approval by Rule must be either registered or administratively approved, regardless of quantity.

<sup>4</sup> A separate fee is required for each withdrawal location, except for groundwater remediation systems that may be eligible for a single fee (see Paragraph 8).

<sup>5</sup> An Aquatic Resource Survey fee may be required for applications for surface water and groundwater withdrawals, or for modifications or renewals of approved withdrawals (see footnote 9).

<sup>6</sup> 1 mgd increment includes any amount from 1 gallon to the next mgd.

<sup>7</sup> The maximum calculation of a project fee for this category will be \$288,325.

<sup>8</sup> The project sponsor may request staff determination of an initial fee installment. Fees for these projects will be subject to Paragraph 11 of this fee schedule. Additional fees will be assessed when actual costs exceed the fee. A refund will be issued when actual costs are less than the fee.

<sup>9</sup> Aquatic resource surveys will be conducted on streams when recent relevant data are not available to evaluate the potential impacts of a withdrawal. Commission staff will make that determination during the review of an application and will invoice this fee separately.

<sup>10</sup> Project sponsors may request a pre-drilling evaluation for proposed groundwater withdrawals. Fifty percent (50%) of the fee paid for a pre-drilling evaluation will be applied towards the Aquifer Testing Plan fee for a well that was completed at the same borehole location identified in and evaluated with the pre-drilling well site review.

<sup>11</sup> If a waiver for an aquifer testing plan is requested and reviewed to completion by Commission staff and denied, the project sponsor will be required to develop an aquifer testing plan and pay an additional fee if the project sponsor continues to seek approval of that source.

<sup>12</sup> The fee for an emergency certificate will be waived for projects that are paying the Annual Compliance and Monitoring fee (Table 2).

<sup>13</sup> The maximum fee assessed for multiple transfers under 18 CFR § 806.6 that occur simultaneously as part of a single transaction will not exceed \$26,875. The Commission reserves the right to assess additional fees per Paragraph 11 of this fee schedule.

<sup>14</sup> The maximum fee assessed for reissuances under 18 CFR § 806.6 which occur simultaneously as part of a single transaction will not exceed \$13,375. The Commission reserves the right to assess additional fees per Paragraph 11 of this fee schedule.

<sup>15</sup> Approvals or operations at a single facility will be charged a single fee.

**TABLE 2. ANNUAL COMPLIANCE AND MONITORING FEE<sup>1,2,3,4</sup>**

| Facility Category                                | Standard Fee | Municipal Fee  |
|--|--------------|----------------|
| Hydroelectric:                                   |              |                |
| Less than 10 megawatts                           | \$ 950       | Not Applicable |
| 10 megawatts – 40 megawatts                      | 4,500        |                |
| Over 40 megawatts                                | 9,300        |                |
| Withdrawal, Consumptive Use, Diversion           | \$ 950       | \$ 475         |
| Approval by Rule/General Permit Notice of Intent | \$ 850       | \$ 425         |

<sup>1</sup> Annual Compliance and Monitoring fees apply to each facility approved by the Commission on or after January 1, 2010, including modifications, renewals, transfers and reissuances of approvals that require Commission or Executive Director action on or after that date. Commission orders, including consent order and agreements, may include the Annual Compliance and Monitoring fee where the order requires ongoing metering and reporting to the Commission or requires applications to be made to the Commission.

<sup>2</sup> All fees on this table will be invoiced by the Commission on or after July 1 of each year. During the first year, fees will be prorated by quarter on the basis of a fiscal year commencing July 1. Fees are due and payable within 30 days from the date of invoice. Facilities which submit rescission requests on or after July 1 of each year will owe the entire annual fee.

<sup>3</sup> Organizations that have 25 or more facilities which are subject to the fee can request to pay their total annual amount in quarterly installments.

<sup>4</sup> Projects approved through coordination and concurrence with the issuance of a Water Allocation Permit by the Pennsylvania Department of Environmental Protection (PADEP) pursuant to 18 CFR § 806.7 and the Memorandum of Understanding between the Commission and PADEP are exempt from this fee.

**TABLE 3. CONSUMPTIVE USE MITIGATION FEE**

| Project Category                            | Standard Fee                      |
|---|-----------------------------------|
| Consumptive Use Mitigation Fee <sup>1</sup> | \$0.33 per 1,000 gallons consumed |

<sup>1</sup> Consumptive Use Mitigation fees are paid by project sponsors approved to use such payments as their method of compliance with 18 CFR § 806.22(b). Such fees are deposited in the Commission’s Water Management Fund and shall be used for planning, engineering, design, and construction phases of new projects, or the reformulation of existing reservoirs, or any other project or study initiated by the Commission to address the cumulative impact of consumptive use or otherwise to support low flow management in the Susquehanna River Basin, as provided for in the Commission’s Water Management Fund Policy, originally adopted as Commission Policy No. 95-02, June 8, 2005, and amended by Commission Resolution No. 2008-05, September 11, 2008.

**TABLE 4. REGISTRATION OF A GRANDFATHERED PROJECT FEE**

| <b>Project Category</b>                                  | <b>Standard Fee</b>    |
|--|------------------------|
| Registration of a Grandfathered Project Fee <sup>1</sup> | \$1,000 <sup>2,3</sup> |

<sup>1</sup> The Commission’s regulations provide that certain withdrawals and pre-compact consumptive uses that are in excess of the Commission’s regulatory thresholds do not require Commission approval under 18 CFR § 806.4(a) if those sources predated regulations, provided there is no environmental harm. This exemption from review and approval is commonly referred to as “grandfathering.” The Commission requires grandfathered projects to register with the Commission, receive a definitive determination of a grandfathered quantity, and to report water withdrawal and consumptive use data.

<sup>2</sup> The fee for registering a grandfathered project will be applied on a per facility basis.

<sup>3</sup> Project sponsors who submit their registration application between July 1, 2018 and December 31, 2018, will receive a fifty percent (50%) discount of the standard fee.

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## PROJECT REVIEW FEE WORKSHEET

**Project Sponsor:**

**Facility:**

**Municipality:**

**County:**

**State:**

| Project Category <sup>1</sup>  | Source Location <sup>2</sup> | Requested Quantity (gpd) <sup>3</sup> | Municipal Fee (Yes/No) | Fee from Table 1 |
|--|------------------------------|---------------------------------------|------------------------|------------------|
|  |                              |                                       |                        |                  |
|  |                              |                                       |                        |                  |
|  |                              |                                       |                        |                  |
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|  |                              |                                       |                        |                  |
| <sup>1</sup> Consumptive Use, Approval by Rule, Withdrawal, Diversion, etc.<br><sup>2</sup> Name of withdrawal point (not applicable for Consumptive Use); e.g., Well 2A, Trout Creek, etc.<br><sup>3</sup> Requested amount of water in gallons per day (gpd) based on peak 24-hour period or 30-day average, as appropriate. |                              |                                       | <b>Amount Due</b>      |                  |
|  |                              |                                       | <b>Amount Paid</b>     |                  |
|  |                              |                                       | <b>Check Number</b>    |                  |