



SUSQUEHANNA RIVER BASIN COMMISSION

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REGULATORY PROGRAM FEE SCHEDULE

Effective January 1, 2022

Adopted by Resolution No. 2021-xx, December 17, 2021

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, alternative hydrogeologic evaluations, 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 and Annual Compliance and Monitoring are also set forth in this schedule.
4. The appropriate fee must be submitted to the Commission with the project application (see Paragraph 14 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 10, 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 Project Review and Modification Fees (Table 1) and Annual Compliance and Monitoring Fee (Table 2) 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 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 18.
8. Groundwater remediation systems approved by an agency of a member jurisdiction shall pay a single application fee provided under General Permit-01 Groundwater Remediation (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. Provided that wells can be reviewed at a level of effort consistent with review of a single source, wells in close proximity to each other, with similar construction and aquifer response, may be determined by the Commission to be a wellfield. A group of wells determined to be a wellfield is subject to a single aquifer testing plan or alternative hydrogeologic evaluation review fee and a single groundwater withdrawal application fee. Project sponsors should consult with Commission staff prior to preparing a wellfield determination request. Wellfield determination requests must be submitted, in writing, to the Commission and include justification for the request. Nothing in the wellfield determination limits the authority of the Commission to establish appropriate limits or conditions on an individual well or wellfield basis for those well sources included in the wellfield determination. Wellfield determinations will be made and issued by the Executive Director.
10. Application fees paid in accordance with this schedule are nonrefundable, except as allowed for in Paragraphs 13 and 15. 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.
11. If instructed to submit paper application forms, project sponsors must complete and submit the enclosed Project Review Fee Worksheet (page 8) with their application payment.

12. If fees calculated in accordance with this schedule are projected to be materially different from the expected level of effort required to complete the application review, or where technical assistance is otherwise provided at the request of the project sponsor, the Commission may elect to track the actual cost of processing applications versus assessing the standard fee(s). When this election is made, costs for actual hours worked by staff will include an allocation for fringe benefits and overhead costs using established fringe benefit and overhead rates. Projects may include, but are not limited to: hydroelectric facilities, withdrawals for power plants, out-of-basin diversions of water, and applications presenting unusual and unique environmental or technical complexities. The project sponsor will be notified in advance if additional or reduced fees are anticipated.
13. 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 or any related subsequent resolutions; (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. The Executive Director is authorized to grant application fee waivers or partial waivers of \$15,000 or less per project. Waiver of application fees in amounts that exceed \$15,000 may be considered and approved by the Commission. 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 14.
14. 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 prime¹ 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 18) 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 prime¹ 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. Interest charges will be waived for project sponsors who demonstrate financial hardship if payments are received in accordance with the payment plan.
15. The Executive Director shall refund a portion of the application fee, based upon staff effort expended, if the project sponsor voluntarily withdraws an application prior to the commencement of technical review.
16. 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 (see Table 2). Annual

¹ Prime refers to the U.S. Prime Rate at the time of the installment payment request.

Compliance and Monitoring fees apply to each facility approved by the Commission, including modifications, renewals, transfers and reissuances of approvals that require Commission or Executive Director action on or after that date.

17. The application fee is based upon the fee schedule in effect on the date that the application is submitted to the Commission.
18. 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.
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.

TABLE 1. PROJECT REVIEW AND MODIFICATION FEES

Project Category	Requested Quantities/Capacities¹	Standard Fee	Municipal Fee
Consumptive Use ²	20,000 gallons per day (gpd) – 99,999 gpd 100,000 gpd – 249,999 gpd 250,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd Over 999,999 gpd	\$ 3,175 4,775 6,410 12,715 \$15,390	\$ 2,540 3,820 5,128 10,172 \$12,312
Approval by Rule Consumptive Use; 18 CFR § 806.22(e)	20,000 gpd – 99,999 gpd 100,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd Over 999,999 gpd	\$ 1,575 3,135 8,235 see footnote ³	\$ 1,260 2,508 6,588 see footnote ³
Approval by Rule ⁴ Consumptive Use; 18 CFR § 806.22(f)	<u>Unconventional Natural Gas or Other Hydrocarbon Development:</u> New Application Renewal Application Modification of an Approval	\$ 8,075 2,075 1,125	Not Applicable
Surface Water Withdrawals ^{5,6}	Less than 100,000 gpd 100,000 gpd – 249,999 gpd 250,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd Over 5 mgd	\$ 5,540 8,310 11,080 13,850 16,545 36,100	\$ 4,432 6,648 8,864 11,080 13,236 28,880
Groundwater Withdrawals ^{5,6}	Less than 100,000 gpd 100,000 gpd – 199,999 gpd 200,000 gpd – 499,999 gpd 500,000 gpd – 999,999 gpd 1 mgd – 5 mgd Over 5 mgd	\$ 8,620 12,950 17,315 21,625 25,935 56,300	\$ 4,837 7,276 9,695 12,125 14,532 31,560
<u>Diversions:</u> Into Basin Out of Basin	All quantities Less than 250,000 gpd 250,000 gpd or greater	\$ 10,595 10,595 31,750	\$ 8,475 8,475 25,400
Hydroelectric Projects (New or Re-licensing)	Greater than 10 megawatts (anything less subject to “all other projects” category below)	\$ 247,275 ⁷	Not Applicable
All other projects requiring review and approval and not otherwise specified, including groundwater remediation systems ¹	All quantities or capacities	\$ 5,285	\$ 4,228
Minor Modifications		\$ 1,500	\$ 1,200
Aquatic Resource Survey ⁶		\$ 6,150	\$ 4,920
Pre-Drill Well Site Review ⁸		\$ 2,385	\$ 1,908
Aquifer Testing Plan ⁵		\$ 5,360	\$ 4,011
Alternative Hydrogeologic Evaluation ^{5,9}		\$ 5,360	\$ 4,011
Emergency Certificate ¹⁰		\$ 5,285	\$ 4,228
Transfer of Approval ^{11,13}		\$ 1,250	\$ 1,000

Project Category	Requested Quantities/Capacities ¹	Standard Fee	Municipal Fee
Reissuance of Approval ^{12,13}		\$ 750	\$ 600
General Permit-01 Groundwater Remediation		\$ 2,000	\$ 1,600

¹ 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 an Approval by Rule (ABR) as defined in 18 CFR § 806.22(f) and minor modifications as defined in 18 CFR § 806.18, are based on the increase in the requested quantity/capacity. When a modification other than an ABR(f) or 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.

² The applicable Consumptive Use application fee will be discounted by 50% when submitted in combination with another application.

³ 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. The Commission will track costs for these projects as outlined in Paragraph 12 of this fee schedule, but in no case will the initial fee be less than \$8,235 (\$6,588 for municipal projects).

⁴ Except where the project sponsor has an approved docket, any water source serving an ABR must be either registered or administratively approved, regardless of quantity.

⁵ A separate fee is required for each withdrawal location, except for groundwater remediation systems (see Paragraph 8), and wellfields as determined by the Commission (see Paragraph 9), which may be determined to qualify for a single fee. The fee for a wellfield will be based on the maximum total withdrawal for the wellfield.

⁶ An Aquatic Resource Survey fee may be required for applications for surface water and groundwater withdrawals, or for modifications or renewals of approved withdrawals. 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.

⁷ The project sponsor may request staff determination of an initial fee installment. Fees for these projects will be subject to Paragraph 12 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.

⁸ 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.

⁹ If an alternative hydrogeologic evaluation 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.

¹⁰ The fee for an emergency certificate will be waived for projects that are paying the Annual Compliance and Monitoring fee (Table 2).

¹¹ The maximum fee assessed for multiple transfers under 18 CFR § 806.6 that occur simultaneously as part of a single transaction will not exceed \$31,250. The Commission reserves the right to assess additional fees per Paragraph 12 of this fee schedule.

¹² The maximum fee assessed for reissuances under 18 CFR § 806.6 which occur simultaneously as part of a single transaction will not exceed \$18,750. The Commission reserves the right to assess additional fees per Paragraph 12 of this fee schedule.

¹³ Approvals or operations at a single facility will be charged a single fee.

TABLE 2. ANNUAL COMPLIANCE AND MONITORING FEE^{1,2,3,4}

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

¹ 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.

² 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. Any increases to fees included in this table will be effective July 1.

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

⁴ 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 ¹	\$0.33 per 1,000 gallons consumed

¹ 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.

PROJECT REVIEW FEE WORKSHEET

Project Sponsor:

Facility:

Municipality:

County:

State:

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