

Bureau of Waterways Engineering Regulatory Proposal for Fee Revisions

Chapter 105 Dam Safety and Waterway Management (Dam Safety Portion Only)



June 16, 2010



The Purpose of Today's Presentation

Review and answer questions on proposed revisions to Chapter 105 regulations for those sections relating to fees for dam related activities



Purpose of Revisions

- Amend the Department's Dam Safety and Waterway Management regulations to update existing fees and include additional fees for activities performed by the Department.
- The fees were developed to cover the reasonable costs to the Department to administer the Dam Safety Program.
- The fees for most activities have not been increased since 1991.



Proposed Revisions

§ 105.13 Regulated activities – information and fees.

The title of Section 105.13 was revised to “Regulated activities – information and fees” to better define the information contained within this section. This revised section includes updated fees, new fees and specifies the appropriate restricted revenue accounts where the fees will be deposited for each program administering Chapter 105. In addition, the Department will review the adequacy of the fees once every three years and provide a written report to the EQB.

§ 105.131a Annual dam registration.

A new Section 105.131a was developed establishing annual dam registration fees for the Department’s administration of all categories of dams regulated under the Act.



Steps to Develop New Fees

- An in-depth analysis of the Dam Safety Program's day-to-day workload was performed, identifying specific activities such as Dam Permit application reviews, Letter of Amendment or Letter of Authorization reviews, and Environmental Assessment reviews.
- These activities performed were broken down into individual review process steps.
- The job classification of all staff involved in each step of the review process was identified; time required to perform each step of the review was estimated from historical knowledge; and the total cost, including salary, benefits and overhead, was then calculated.
- The above steps resulted in a preliminary fee for each activity the Dam Safety Program staff performs.



Steps to Develop New Fees

- Total numbers of each activity performed were determined from data contained in the Dam Inventory for the years 2006, 2007 and 2008. The three-year totals for each activity were separated into state, municipal and privately owned dam categories. These totals were then averaged to estimate the annual numbers of each activity type for each ownership category and multiplied by the previously calculated preliminary fees.
- The results were added together to provide a preliminary projected revenue for the Dam Safety Program.



Steps to Develop New Fees

- The Dam Safety Program's projected budget for FY 2011-12 was then obtained from Bureau of Fiscal Management.
- The previously calculated incoming revenue from the preliminary fees was, as expected, found to be significantly less than the projected FY 2011-12 budget.
- A multiplier of 1.88 was applied to all preliminary fees to increase the total projected revenue to match the projected budget.



Steps to Develop New Fees

- The shortfall in the preliminary projected budget can be attributed to time utilized for:
 - Policy and planning activities
 - Activities related to the dam removal program
 - Jurisdictional determination activities
 - Compliance and enforcement activities
 - Courthouse file reviews and deed searches
 - Field and office meetings conducted that do not result in submission of applications or other activities with proposed fees
 - Staff meetings, meetings with other DEP program staff and meetings with legislators
 - Program audits
 - Training given and training received
 - Public outreach activities



Proposed Revisions

- § 105.13 of the Department's rules and regulations was edited to include the final proposed fees.
- New sections have been developed in the Department's rules and regulations to accommodate for some of the language and new terminologies outlined in the revised §105.13.



Proposed Revisions

(i) Dam permit application fees for new dam construction.

<u>Size Category</u>	<u>Hazard Potential Category</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>A</u>		<u>\$39,500</u>	<u>\$39,500</u>	<u>\$38,500</u>	<u>\$35,000</u>
<u>B</u>		<u>\$28,500</u>	<u>\$28,500</u>	<u>\$28,000</u>	<u>\$25,500</u>
<u>C</u>		<u>\$15,500</u>	<u>\$15,500</u>	<u>\$14,500</u>	<u>\$12,000</u>

(A) Initial fees are based upon the size and hazard potential category of the final operating stage of the dam.

(B) Staged construction requires an additional 90% of the appropriate fee for each additional stage beyond the initial stage of work proposed under this permit application, including the closure stage.



Proposed Revisions

(ii) Dam permit application fees for modification of existing dams.

<u>Size Category</u>	<u>Hazard Potential Category</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>A</u>		<u>\$27,500</u>	<u>\$27,500</u>	<u>\$27,500</u>	<u>\$27,000</u>
<u>B</u>		<u>\$18,000</u>	<u>\$18,000</u>	<u>\$18,000</u>	<u>\$17,500</u>
<u>C</u>		<u>\$11,000</u>	<u>\$11,000</u>	<u>\$11,000</u>	<u>\$11,000</u>

(A) Initial fees are based upon the size and hazard potential category of the final operating stage of the dam.

(B) Staged construction requires an additional 85% of the appropriate fee for each additional stage beyond the initial stage of work proposed under this permit application, including the closure stage.



Proposed Revisions

(iii) Dam permit application fees for operation and maintenance of existing dams.

<u>Size Category</u>	<u>Hazard Potential Category</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>A</u>		<u>\$18,500</u>	<u>\$18,500</u>	<u>\$17,500</u>	<u>\$15,000</u>
<u>B</u>		<u>\$15,000</u>	<u>\$15,000</u>	<u>\$14,500</u>	<u>\$12,500</u>
<u>C</u>		<u>\$10,000</u>	<u>\$10,000</u>	<u>\$9,500</u>	<u>\$9,000</u>



Proposed Revisions

(iv) Letter of amendment or authorization review fees.

<u>Size Category</u>	<u>Major Project</u>	<u>Minor Project</u>
<u>A</u>	<u>\$22,100</u>	<u>\$1,900</u>
<u>B</u>	<u>\$13,100</u>	<u>\$1,500</u>
<u>C</u>	<u>\$6,600</u>	<u>\$1,000</u>

(A) The estimated total construction cost of the project shall be provided to the Department with the submission of the letter of amendment or authorization request.

(B) A major project is a dam rehabilitation project qualifying for a Letter of Amendment for Dams or a Letter of Authorization for Dams as defined in § 105.1 (relating to definitions) whose total construction costs equals or exceeds \$250,000. If, after completion of the project, the total construction costs do not exceed \$250,000, the Department will refund the difference between major and minor project review fees upon approval of the completion certification as required in § 105.108 (relating to completion certification and project costs).

(C) A minor project is a dam rehabilitation project qualifying for a Letter of Amendment for Dams or a Letter of Authorization for Dams as defined in § 105.1 (relating to definitions) whose total construction costs are less than \$250,000. If, after completion of the project, the total construction costs exceed \$250,000, the difference in review fees between major and minor projects shall be submitted to the Department with the completion certification as required in § 105.108.



Proposed Revisions

(v) Major dam design revision review fees based on major dam design revision as defined in §105.1.

<u>Size Category</u>	<u>Fee</u>
<u>A</u>	<u>\$7,100</u>
<u>B</u>	<u>\$4,900</u>
<u>C</u>	<u>\$2,500</u>

~~(vi) Environmental assessment review fees for non-jurisdictional dams, letters of amendment or letters of authorization.~~
Major Dam Design Revision: A revision to a previously approved or permitted dam design which requires either the Department's review or modeling of a revised hydrologic and hydraulic analysis of the dam and reservoir's capacity to pass or store, or both, the required spillway design flood; the Department's review or modeling of an analysis to determine the ability of the dam's spillway or decant to dewater after runoff events; or the Department's review or modeling of a stability analysis of the revised dam design.

(vii) Transfer of dam permit as required in §105.25.

<u>Type of Dam Permit Transfer</u>	<u>Fee</u>
<u>No Proof of Financial Responsibility Required</u>	<u>\$400</u>
<u>Proof of Financial Responsibility Required</u>	<u>\$850</u>



Proposed Revisions

(viii) Annual dam registration fees as required in §105.131a.

<u>Size Category</u>	<u>Hazard Potential Category</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>A</u>		<u>\$2,200</u>	<u>\$2,200</u>	<u>\$1,100</u>	<u>\$150</u>
<u>B</u>		<u>\$2,200</u>	<u>\$2,200</u>	<u>\$1,100</u>	<u>\$150</u>
<u>C</u>		<u>\$2,200</u>	<u>\$2,200</u>	<u>\$1,100</u>	<u>\$150</u>

(A) Annual registration fees are due by July 1 of each year.

(B) If the annual registration fee is not received by July 1, all dams regulated and permitted by the Department are subject to a temporary suspension of the dam permit, draining of the reservoir at a rate not to exceed 1 foot per day, where applicable.

(C) If the annual registration fee is not received by July 1, all dams regulated by the Department qualifying for waiver of permit provisions in § 105.12. (relating to waiver of permit requirements) are subject to a temporary draining of the reservoir at a rate not to exceed 1 foot per day, where applicable.

(D) If annual registration fees are not remitted as specified, interest shall accrue on the entire amount from the original date payment was due, at a rate of twelve percent (12%) per annum until payment is remitted.

Proposed Revisions

Fee Title	Current Fee	Proposed Fee (NEW)	Proposed Fee (MOD)	Proposed Fee (O&M)
Permit Application – A-1	\$3,000	\$39,500	\$27,500	\$18,500
Permit Application – A-2	\$3,000	\$39,500	\$27,500	\$18,500
Permit Application – A-3	\$3,000	\$38,500	\$27,500	\$17,500
Permit Application – A-4	\$3,000	\$35,000	\$27,000	\$15,000
Permit Application – B-1	\$2,500	\$28,500	\$18,000	\$15,000
Permit Application – B-2	\$2,500	\$28,500	\$18,000	\$15,000
Permit Application – B-3	\$2,500	\$28,000	\$18,000	\$14,500
Permit Application – B-4	\$2,500	\$25,500	\$17,500	\$12,500
Permit Application – C-1	\$1,500	\$15,500	\$11,000	\$10,000
Permit Application – C-2	\$1,500	\$15,500	\$11,000	\$10,000
Permit Application – C-3	\$1,500	\$14,500	\$11,000	\$9,500
Permit Application – C-4	\$1,500	\$12,000	\$11,000	\$9,000



Proposed Revisions

Fee Title	Current Fee	Proposed Fee
Major Letter of Amendment or Authorization Review Fee - Class A	\$0	\$22,100
Major Letter of Amendment or Authorization Review Fee - Class B	\$0	\$13,100
Major Letter of Amendment or Authorization Review Fee - Class C	\$0	\$6,600
Minor Letter of Amendment or Authorization Review Fee - Class A	\$0	\$1,900
Minor Letter of Amendment or Authorization Review Fee - Class B	\$0	\$1,500
Minor Letter of Amendment or Authorization Review Fee - Class C	\$0	\$1,000
Major Dam Design Revision Review - Class A	\$0	\$7,100
Major Dam Design Revision Review - Class B	\$0	\$4,900
Major Dam Design Revision Review - Class C	\$0	\$2,500
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class A	\$0	\$2,100
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class B	\$0	\$1,500
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class C	\$0	\$1,400
Transfer of Dam Permit Fee - No Proof of Financial Responsibility Required	\$0	\$400
Transfer of Dam Permit Fee - Proof of Financial Responsibility Required	\$0	\$850



Proposed Revisions

Fee Title	Current Fee	Proposed Fee
Annual Registration Fee - Class A-1	\$0	\$2,200
Annual Registration Fee - Class A-2	\$0	\$2,200
Annual Registration Fee - Class A-3	\$0	\$1,100
Annual Registration Fee - Class A-4	\$0	\$150
Annual Registration Fee - Class B-1	\$0	\$2,200
Annual Registration Fee - Class B-2	\$0	\$2,200
Annual Registration Fee - Class B-3	\$0	\$1,100
Annual Registration Fee - Class B-4	\$0	\$150
Annual Registration Fee - Class C-1	\$0	\$2,200
Annual Registration Fee - Class C-2	\$0	\$2,200
Annual Registration Fee - Class C-3	\$0	\$1,100
Annual Registration Fee - Class C-4	\$0	\$150



QUESTIONS?



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DEPARTMENT OF ENVIRONMENTAL PROTECTION