Chapter 109 General Update and Fees Proposed Rulemaking

Technical Assistance Center Board for Small Water Systems (TAC)

Harrisburg, PA

November 14, 2016
• Incorporate the remaining general update provisions that were separated from the proposed Revised Total Coliform Rule (RTCR) as ordered by the EQB

• Establish new annual fees and amend existing permit fees

• Incorporate additional general updates that will:
  – Establish the regulatory basis for issuing general permits
  – Clarify that NCWSs require a permit or approval from DEP prior to construction or operation
  – Address concerns related to gaps in monitoring and tracking of back-up water sources and entry points
• Clarify source water assessment and protection program requirements
• Revise treatment technique and turbidity performance requirements for pathogens
• Revise permit requirements and design standards, and add new requirements for alarm and shutdown capabilities
• Require auxiliary power or an alternate provision – finished water storage or interconnections
• DEP is seeking to fill the **funding gap** to ensure sufficient program capacity to protect public health, comply with existing environmental laws and regulations, and maintain primacy

• Fees are intended to cover ~ 50% of state costs or $7.5 M. The remaining funds ($7.7 M) will continue to come from the General Fund.

• Fees will cover technical services; operations; program management, development and administration; and other state costs
SDW Program Costs and Funding

- **$7.1M** General Fund
- **$4.1M** SRF Set-asides
- **$7.5M** Funding Gap
- **$7.7M** PWSS
- **$0.8M** Op Cert
- **Fees**
At least 25 states charge annual fees including DE, NJ, OH and VA

Annual fees apply to all PWSs

The proposed fees are intended to bear a reasonable relationship to the actual cost of providing services

The fees also factor in affordability and equitability
New Annual Fees

• Annual fees range from:
  - $250 - $40,000 for CWSs
  - $50 - $1,000 for NCWSs
  - $1,000 - $2,500 for BVRBs

• Annual fees will likely be passed on to the 10.7 million customers as a user fee

• Per person costs range from $0.35 to $10 per year
Increased Permit Fees

- Permit fees have not been increased since originally adopted in 1984
- Fees were determined using a workload analysis
- Fees range from $50 - $10,000
Additional General Updates

• Establish regulatory basis for general permits for high volume, low risk modifications to streamline permitting process

• Clarify that NCWSs must obtain a permit or approval from DEP prior to construction or operations

• Address concerns related to gaps in monitoring and tracking of back-up sources
Thank You

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