



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

Chapters 91 and 92a Three-Year Regulatory Fee and Program Cost Analysis Reports

Environmental Quality Board

August 21, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Regulatory Requirements

- 25 Pa. Code § § 92a.26(h) and 92a.62(e):
 - “The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs...”

Clean Water Program Activities

- Water Quality Standards
- Permitting
- Inspection and Enforcement
- Surface Water Assessment

Water Quality Standards

- Statewide designated uses
- Additional designated uses if the water can support them
- Existing uses
- Chemical-specific water quality criteria
- Narrative water quality criteria

Permitting

- NPDES permits for discharges to surface waters – required under PA Clean Streams Law, federal Clean Water Act and Chapter 92a.
- WQM permits for construction of pollutant conveyance/treatment facilities or discharges to groundwater – required under PA Clean Streams Law and Chapter 91.

Inspection & Enforcement

- Inspections occur following permit issuance to ensure permit compliance
- Self-monitoring data are submitted by permittees and reviewed by staff
- Approximately 4,000 – 5,000 inspections annually
- Failure to comply may lead to enforcement

Surface Water Assessment

- Evaluations to determine whether waters are meeting state water quality standards
- Attaining uses vs. impaired
- TMDL may be developed for impaired waters
- Feedback loop for permitting – if operator is meeting permit requirements but water is impaired, permit or water quality criteria may not be protective

How Much Does This Cost?

Source	FY2013	FY2014	FY2015	FY2016	FY2017
92a Expenses	\$19,120,015	\$19,369,439	\$19,623,852	\$20,016,329	\$20,416,656
91 Expenses	\$1,316,219	\$1,343,081	\$1,370,490	\$1,398,460	\$1,427,000
Total Expenses	\$20,436,234	\$20,712,520	\$20,994,342	\$21,414,789	\$21,843,656

How Do We Pay For It?

Source	FY2013	FY2014	FY2015	FY2016	FY2017
92a Fee Revenue	\$4,147,683	\$3,473,825	\$3,341,925	\$3,361,150	\$4,145,200
Federal Funds ¹	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800	\$6,648,800
91 Fee Revenue	\$148,000	\$141,000	\$139,000	\$140,000	\$125,000
Total Revenue	\$10,944,483	\$10,263,625	\$10,129,725	\$10,149,950	\$10,919,000

1 Federal Funds include the Section 106 base grant, a supplementary 106 grant and a 604(b) grant.

Problem Statement

- Despite numerous efficiency measures, DEP is falling behind on its regulatory obligations and commitments to EPA.
 - Example: No new staff positions for significant initiatives such as Chesapeake Bay non-permitted agricultural inspections.
 - Example: Surface water assessments occurring at a rate less than 20% of DEP's historical performance due to competing obligations.

Workload Analysis

Program Implementation – DEP Regional Offices

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
NPDES and WQM Permit Application Reviews	74,032	49	47	2
NPDES and WQM Inspections	82,823	55	41	14
Surface Water Assessment	38,437	26	15	11
NPDES and WQM Enforcement	18,956	13	6	7
Soils Evaluations	3,968	3	0	3
Hydrogeological Evaluations	2,464	2	1	1
	220,680	148	110	38

Workload Analysis

Program Administration – DEP Bureau of Clean Water

Task	Hours Required / Year	FTEs Required	Current FTEs	Increase Required
Program Development, Policy, Guidance, Regulations, and Oversight	111,000	74	49	25

Recommendation

- DEP is seeking to generate more revenue for additional positions for the statewide Clean Water Program.
- DEP is also committed to modernization efforts to continually improve efficiency.
- New revenue is required to support these positions.
- DEP recommends increasing NPDES fees and WQM fees.

Summary

- A disparity between revenue and program costs exists.
- DEP's immediate concern is improving its capacity to meet its responsibilities and protect public health and environment.
- Adjustment to fees under Chapters 91 and 92a are recommended to meet this objective.



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