



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



Bureau of Clean Water

**Proposed Rulemaking:  
Water Quality Management (WQM) and  
National Pollutant Discharge Elimination  
System (NPDES)  
Permit Application and Annual Fees  
25 Pa. Code Chapters 91 and 92a**

Environmental Quality Board  
December 18, 2018

# 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

# Fee Reports - Summary

- The 3-Year Regulatory Fee Reports presented to EQB on August 21, 2018 illustrated:
  - DEP spends approximately \$22 million/year to administer and implement the Clean Water Program (NPDES & WQM permitting, compliance, enforcement, and surface water monitoring)
  - Despite numerous efficiency measures, DEP is falling behind on its regulatory obligations and commitments to EPA related to clean water

# Fee Reports - Summary

- The 3-Year Regulatory Fee Reports presented to EQB on August 21, 2018 illustrated:
  - A comprehensive workload analysis determined that additional staff are needed in the program; in the regional offices the primary need is for additional inspectors and biologists
  - Certain permitting fees have not been increased since 1971 (Chapter 91)

# Purpose

- Purpose of the proposed rulemaking is to increase Chapters 91 and 92a fees to generate sufficient revenue to support the activities needed to implement an effective Clean Water Program
  - \$7 million in new fees proposed through NPDES permitting and annual fees (Chapter 92a)
  - \$1 million in new fees proposed through WQM permitting (Chapter 91)

# Proposed Rule – Chapter 91

- § 91.22 – WQM Permit Application Fees
  - New fee categories for individual WQM permits ranging from \$200 for SRSTP to \$15,000 for a major industrial wastewater treatment plant
  - Fees for all types of applications (e.g., new, amendment, transfer)
  - Adjustment to fees every 2 years based on Employment Cost Index unless the adjustment would result in greater fees than required for DEP to administer program

# Proposed Rule – Chapter 91

- § 91.22 – WQM Permit Application Fees
  - Removal of \$500 cap on General WQM permits (may not be greater than individual WQM fees)
  - DEP to prepare a fee report every 3 years to evaluate revenue vs. cost to administer program
  - Fees would not be required of state or federal agencies or commissions that contribute funds to DEP for WQM administration
- Add new definitions and update Chapter 92 to 92a throughout

# Proposed Rule – Chapter 92a

- §§ 92a.26 and 92a.62 – NPDES Permit Application Fees and Annual Fees
  - Increase fees for new applications (example: fee for 1 MGD Sewage Discharger would increase from \$2,500 to \$7,500)
  - Increase annual fees (example: fee for 1 MGD Sewage Discharger would increase from \$1,250 to \$3,750)
  - Remove permit renewal/reissuance fees (annual fees only)

# Proposed Rule – Chapter 92a

- §§ 92a.26 and 92a.62 – NPDES Permit Application Fees and Annual Fees
  - Remove cap of \$2,500 on General Permit NOIs (may not exceed individual NPDES fees)
  - Adjustment to fees every 2 years based on Employment Cost Index unless the adjustment would result in greater fees than required for DEP to administer program

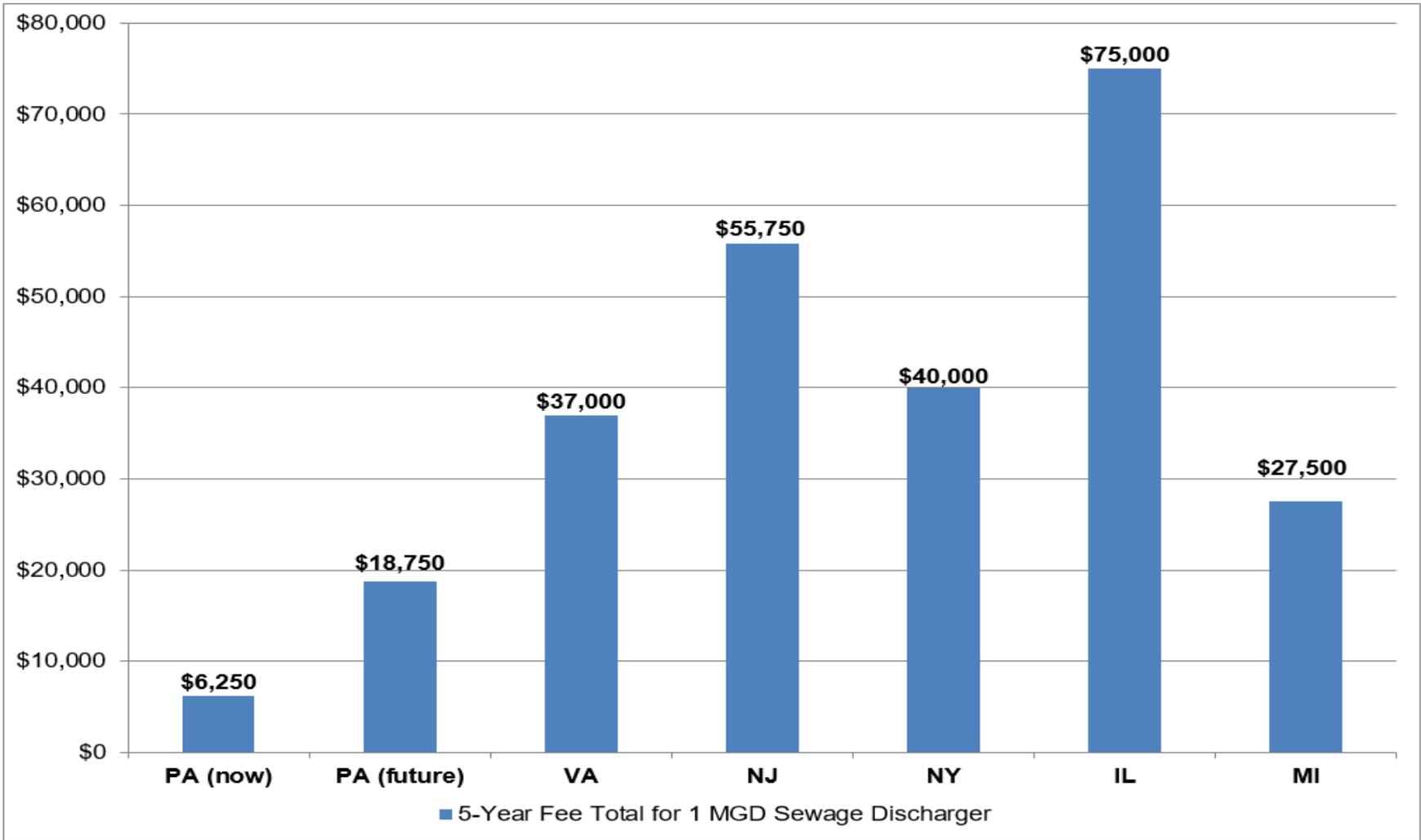
# Proposed Rule – Chapter 92a

- §§ 92a.26 and 92a.62 – NPDES Permit Application Fees and Annual Fees
  - Annual fees would be due on the same date each year (based on the latest issued or new permit's effective date)

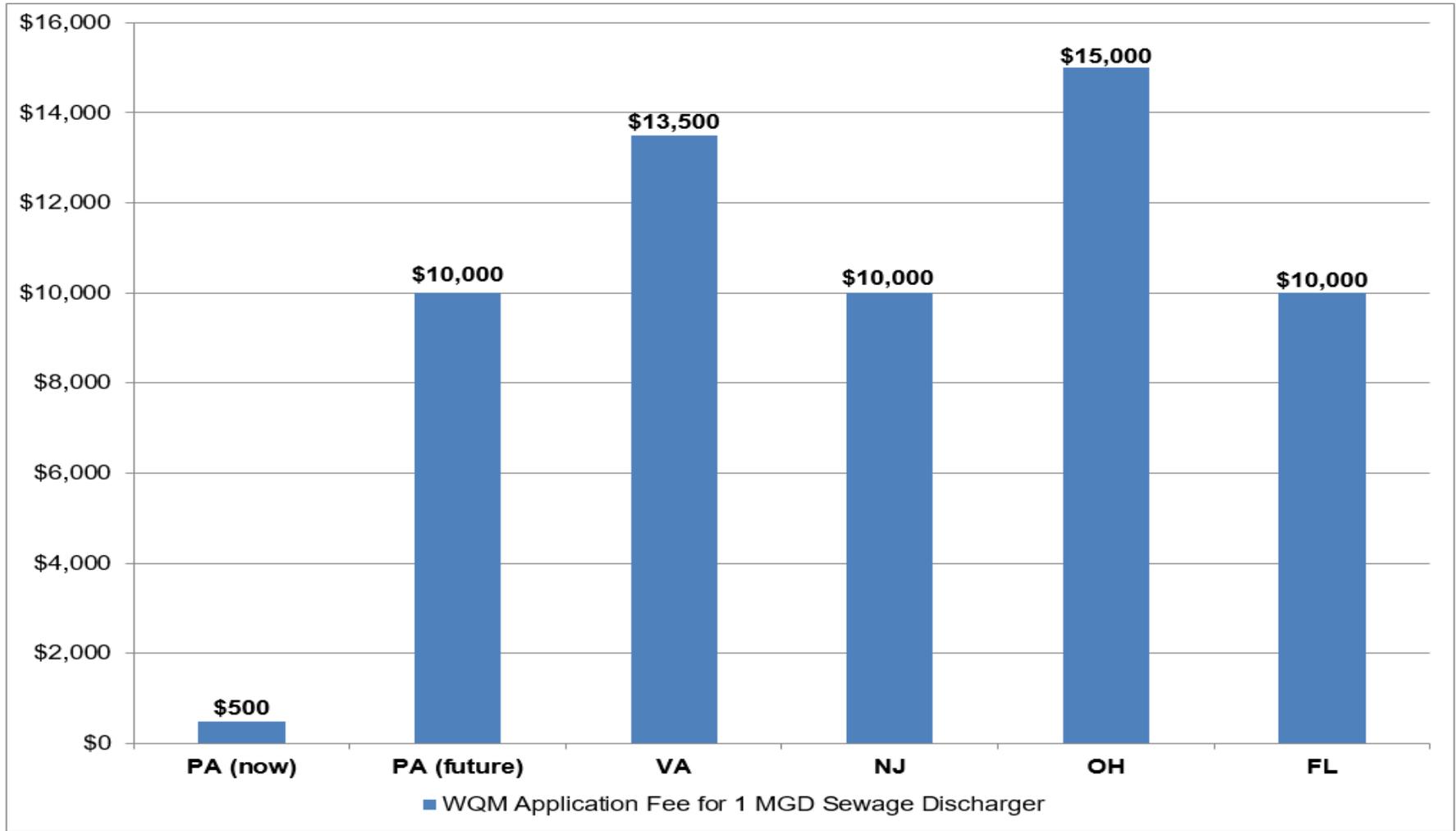
# Proposed Rule – Chapter 92a

- § 92a.32 – Stormwater discharges
  - Clarification that MS4s seeking waivers and industrial facilities seeking No Exposure Certifications must submit appropriate applications or NOIs, including fees

# Chapter 92a Fee Increases



# Chapter 91 Fee Increases



# Benefits of Fee Increases

- Improved compliance assistance to regulated community
- Satisfaction of regulatory requirements and federal commitments
- Reduced reliance on general fund

# Recommendation

The Department recommends the adoption of this proposed rulemaking. The proposed rule will have a 45-day public comment period with at least one public hearing.



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