



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Bureau of Clean Water

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

**Agricultural Advisory Board
January 27, 2020**

Proposed Rule

- DEP presented information on the proposed Chapters 91 and 92a rulemaking to AAB on June 23, 2016, October 26, 2017, and August 29, 2019
- Draft rule published in *Pennsylvania Bulletin* on March 30, 2019

Proposed Rule

- One public hearing held on May 1, 2019
- Comment period ended May 14, 2019
- Comments received from 157 individuals/groups including 69 state legislators and 55 from agricultural sector

Proposed Changes for Final Rule

- **Chapter 91**

Category	Application Type	Fee		
		published draft	proposed final	difference
Joint Pesticides Permit	New and Reissuance	\$500	\$250	-\$250
	Amendment	\$100	\$100	\$0
	Transfer	\$50	\$50	\$0
Manure Storage and Wastewater Impoundment	New	\$2,500	\$1,000	-\$1,500
	Amendment	\$500	\$500	\$0
	Transfer	\$250	\$250	\$0

Proposed Changes for Final Rule

- Chapter 91

~~—(c) The Department will adjust fees for WQM permit applications required under subsection (a) every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the United States Department of Labor, beginning 2 years after (Editor's Note: The blank refers to the effective date of the final form rulemaking). The adjustment will be based upon the cost difference for the most recent 2 year period prior to the calculation. The fees shall not be adjusted if the application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program. The Department will publish the final adjusted fee schedule and effective date in the Pennsylvania Bulletin.~~

Proposed Changes for Final Rule

- **Chapter 91**

(de) Any Federal or Commonwealth agency or independent Commonwealth commission that provides funding to the Department for the implementation of the WQM program through terms and conditions of a mutual agreement and any municipality that is currently designated as a financially distressed municipality by the Department of Community and Economic Development under the Municipalities Financial Recovery Act, Act of 1987, P.L. 246, No. 47 (Act 47) may be exempt from the fees in this section.

Proposed Changes for Final Rule

- Chapter 92a

Category	Application Fee			Annual Fee		
	published draft	proposed final	difference	published draft	proposed final	difference
Small Flow Treatment Facility	\$1,000	\$500	-\$500	\$500	\$250	-\$250
Minor Sewage Facility < 0.05 MGD	\$1,500	\$1,000	-\$500	\$750	\$500	-\$250
Minor Industrial Waste Facility not covered by ELG	\$5,000	\$3,000	-\$2,000	\$2,500	\$1,500	-\$1,000
Minor Industrial Waste Facility covered by ELG	\$7,500	\$6,000	-\$1,500	\$3,750	\$3,000	-\$750
Industrial Stormwater	\$5,000	\$3,000	-\$2,000	\$2,500	\$1,500	-\$1,000
CAFO	\$3,000	\$500	-\$2,500	\$1,500	\$500	-\$1,000

Proposed Changes for Final Rule

- Chapter 92a

~~—(f) The Department will adjust fees for NPDES permit applications imposed under subsections (b)–(d) every 2 years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the United States Department of Labor, beginning 2 years after (Editor's Note: The blank refers to the effective date of the final form rulemaking). The adjustment will be based upon the cost difference for the most recent 2 year period prior to the calculation. The fees shall not be adjusted if the application of the index would result in fees exceeding the Department's costs to administer the Clean Water Program. The Department will publish the final adjusted fee schedule and effective date in the Pennsylvania Bulletin.~~

Proposed Changes for Final Rule

- **Chapter 92a**

[(i)] ~~(gh)~~ Any Federal or State agency or independent State commission that provides funding to the Department for the implementation of the NPDES program through terms and conditions of a mutual agreement **and any municipality that is currently designated as a financially distressed municipality by the Department of Community and Economic Development under the Municipalities Financial Recovery Act, Act of 1987, P.L. 246, No. 47 (Act 47)** may be exempt from the fees in this section.

Neighboring States Comparison

- For most categories of permits, DEP's fees will continue to be less than those of most neighboring and comparable states
 - PA's largest WWTP in 2019 paid a \$2500 annual fee
 - NJ's largest WWTP in 2019 paid a fee of approximately \$706,000



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