

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

Bureau of Clean Water
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Regulatory Background

- Chapter 91 – Water Quality Management (WQM) permitting
- Chapter 92a – National Pollutant Discharge Elimination System (NPDES) permitting, monitoring and compliance
- Both chapters require DEP to review the adequacy of fees at least once every three years and provide a written report to the EQB, identifying any disparities between the amount of program income generated by fees and the costs to administer the programs, and recommendations to eliminate any such disparities, including recommendations for regulatory amendments to increase program fees.



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Recent Fee Histories

- August 2018 – Fee reports for Chapters 91 and 92a presented to EQB, recommending fee increases
- August 2021 – Rulemaking finalized to implement fee increases



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Clean Water Program Activities

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



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Water Quality Standards

- Generally, water quality standards define how we know if waters are polluted.
- More specifically, water quality standards are regulations that define...
 - What **uses** waters are protected for (such as water supplies, recreation, aquatic life)
 - The water quality **criteria** necessary for waters to support protected uses
 - Requirements to prevent degradation of water quality (**antidegradation**)



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Permitting

- Generally, permits set terms and conditions so that permitted activities and facilities will not pollute waters.
- NPDES permits for discharges to surface waters – required under Pennsylvania’s 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 the Clean Streams Law and Chapter 91



Inspection and Enforcement

- Generally, inspections and enforcement are how we ensure that permitted activities and facilities are complying with the terms and conditions of their permits.
- 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
- Compliance Monitoring Strategy required by USEPA for NPDES permits
- Failure to comply may lead to enforcement



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Surface Water Assessment

- Generally, assessments are how we know if waters are meeting 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
- Assessments results also inform restoration efforts



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Fee Revenues and Expenses – Chapter 91

Fiscal Year	Fee Revenue	Expenses	Ratios
2018	\$175,750	\$1,759,667	0.10
2019	\$116,750	\$1,831,209	0.06
2020	\$127,190	\$1,787,287	0.07
2021	\$135,390	\$1,943,540	0.07
2022	\$458,313	\$2,010,973	0.23
2023	\$561,930	\$2,180,675	0.26
2024	\$714,000	\$2,348,000	0.30
2025	\$684,200	\$2,500,326	0.27



Fee Revenues, Federal Funds, and Expenses – Chapter 92a

Fiscal Year	Fee Revenue	Federal Funds	Total Revenue	Expenses	Ratios
2018	\$3,468,900	\$6,648,800	\$10,117,700	\$20,825,000	0.49
2019	\$4,453,900	\$6,648,800	\$11,102,700	\$21,241,488	0.52
2020	\$3,938,900	\$6,648,800	\$10,587,700	\$21,666,319	0.49
2021	\$4,688,800	\$6,648,800	\$11,337,600	\$22,099,645	0.51
2022	\$6,486,300	\$6,648,800	\$13,135,100	\$22,541,638	0.58
2023	\$8,116,500	\$6,648,800	\$14,765,300	\$22,992,471	0.64
2024	\$7,863,250	\$6,648,800	\$14,512,050	\$23,452,320	0.62
2025	\$7,770,250	\$6,648,800	\$14,419,050	\$23,921,367	0.60



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Summary

- Numerous efficiency measures have been implemented
- WQM and NPDES permit fees now cover approximately 33% of overall Clean Water Program costs, with federal funds covering approximately 25% and the remainder covered by DEP's general fund
- No fee increase recommended
- Goal to deliver the fee reports to the EQB in the first quarter of 2026



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Get In Touch

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).