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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

DEP Webinar

25 Pa. Code Chapter 105

Dam Safety and Waterway Management

Fee Revisions

Feb. 22, 2013

Dial-in number for Audio: 1-877-668-4493

Event Number: 649 234 857

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AGENDA

1. Welcome
2. Review of Chapter 105 fee revisions
3. Questions and Comments

Note: WebEx Technical Support is available at 866-229-3239

Program Background

- **Dam Safety**
 - 3,346 regulated dams
 - 646 dams affected by new regulations
- **Water Obstruction and Encroachment (WO&E)**
 - 517 WO&E permits
 - 3,428 General Permits (GPs)
 - 338 acres of streams disturbed
 - 100 acres of wetlands disturbed
- **Submerged Lands License Agreement (SLLAs)**
 - >39 million square feet leased

Process to Develop New Fees

1. Workload Analysis
2. Cost to Operate Programs
3. Fee Increases and Development
 - SLLA charge increases
4. Revenue Estimate

Purpose of Revisions

- Update existing fees and charges
 - The charges for SLLAs have not increased since 1978
 - The fees for most permitting activities have not increased since 1991
- Develop additional fees for permit related activities
- Fees collected will offset a portion of the operating costs of the programs

Rulemaking Background

- This is an appropriately promulgated regulation
- The rulemaking was in development and discussed publicly by DEP since 2010
- Fully publicly participated
- Presented on multiple occasions to both:
 - Agriculture Advisory Board
 - Water Resources Advisory Committee

Rulemaking Timeline

- EQB Approved Proposed Rulemaking
Dec. 21, 2010
- Proposed Rulemaking Published in
Pennsylvania Bulletin Jan. 28, 2012
- Public Comment Period Expired Feb. 27, 2012
- IRRC Comment Deadline Expired Mar 28, 2012

Rulemaking Timeline

- Water Resources Advisory Committee (WRAC)
May 16, 2012
- Agricultural Advisory Board (AAB)
June 20, 2012
- EQB Approved Final Rulemaking Oct. 16, 2012
- IRRC Approved Final Rulemaking Dec. 13, 2012
- Final Rulemaking Published in
Pennsylvania Bulletin Feb. 16, 2013

Key Comments and Concerns

- Exemption of federal, state, county, municipal agencies and authorities
 - Federal agencies are exempt from the fees by statute
- Ensure the solvency and fiduciary health of its municipalities

Final Rulemaking – Dam Safety

105.13(c)(1) Regulated activities – information and fees

Fee Title	Current Fee	Proposed Fee (NEW)	Proposed Fee (MOD)	Proposed Fee (O&M)
Permit Application – A-1	\$3,000	\$26,500	\$18,500	\$12,500
Permit Application – A-2	\$3,000	\$26,500	\$18,500	\$12,500
Permit Application – A-3	\$3,000	\$25,500	\$18,500	\$12,000
Permit Application – A-4	\$3,000	\$23,500	\$18,000	\$10,000
Permit Application – B-1	\$2,500	\$19,000	\$12,000	\$10,000
Permit Application – B-2	\$2,500	\$19,000	\$12,000	\$10,000
Permit Application – B-3	\$2,500	\$18,500	\$12,000	\$9,500
Permit Application – B-4	\$2,500	\$17,000	\$11,500	\$8,500
Permit Application – C-1	\$1,500	\$10,500	\$7,500	\$7,000
Permit Application – C-2	\$1,500	\$10,500	\$7,500	\$7,000
Permit Application – C-3	\$1,500	\$10,000	\$7,500	\$6,500
Permit Application – C-4	\$1,500	\$8,000	\$7,500	\$6,000

Final Rulemaking – Dam Safety

Fee Title	Current Fee	Proposed Fee
Major Letter of Amendment or Authorization Review Fee - Class A	\$0	\$14,700
Major Letter of Amendment or Authorization Review Fee - Class B	\$0	\$8,700
Major Letter of Amendment or Authorization Review Fee - Class C	\$0	\$4,400
Minor Letter of Amendment or Authorization Review Fee - Class A	\$0	\$1,300
Minor Letter of Amendment or Authorization Review Fee - Class B	\$0	\$1,000
Minor Letter of Amendment or Authorization Review Fee - Class C	\$0	\$650
Major Dam Design Revision Review - Class A	\$0	\$4,700
Major Dam Design Revision Review - Class B	\$0	\$3,200
Major Dam Design Revision Review - Class C	\$0	\$1,700
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class A	\$0	\$1,400
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class B	\$0	\$1,000
Review Fees for Environmental Assessments of Non-Jurisdictional Dams or Letters of Amendment and Authorization - Class C	\$0	\$900
Transfer of Dam Permit Fee - No Proof of Financial Responsibility Required	\$0	\$300
Transfer of Dam Permit Fee - Proof of Financial Responsibility Required	\$0	\$550

Final Rulemaking – Dam Safety

Fee Title	Current Fee	Proposed Fee
Annual Registration Fee - Class A-1	\$0	\$1,500
Annual Registration Fee - Class A-2	\$0	\$1,500
Annual Registration Fee - Class A-3	\$0	\$800
Annual Registration Fee - Class A-4	\$0	\$0
Annual Registration Fee - Class B-1	\$0	\$1,500
Annual Registration Fee - Class B-2	\$0	\$1,500
Annual Registration Fee - Class B-3	\$0	\$800
Annual Registration Fee - Class B-4	\$0	\$0
Annual Registration Fee - Class C-1	\$0	\$1,500
Annual Registration Fee - Class C-2	\$0	\$1,500
Annual Registration Fee - Class C-3	\$0	\$800
Annual Registration Fee - Class C-4	\$0	\$0

Summary – Dam Safety

- Cost to administer = \$3.2 million
- Estimated revenue = \$1.1 million
 - Difference = \$2.1 million
 - 35 percent of Dam Safety costs will be offset
- Exemptions remain for state, county, municipal agencies and authorities
- Restricted Revenue Account
- Three year review

Final Rulemaking – WO&E

105.13(c)(2) Regulated activities – information and fees

- WO&E Permit Activities
 - Current range \$100 - \$750
 - Final range \$100 - \$1,750
 - *Additional disturbance fee to some activities*
 - *\$400 / 0.1 acre temporary*
 - *\$800 / 0.1 acre permanent*

Final Rulemaking – WO&E

WO&E Permit Activities

Joint application	Administrative filing fee (* plus applicable disturbance review fees)	\$1,750
* Disturbance review fees added to application, registration or other fees where applicable		
Permanent disturbance	Waterways, floodways/floodplains and wetlands per tenth acre, minimum 0.1 acre	\$800
Temporary disturbance	Waterways, floodways/floodplains and wetlands per tenth acre, minimum 0.1 acre	\$400
<i>Other Fees not Added to Initial Application or Registration Fees</i>		
	Environmental assessment for waived activities (§105.12(a)(11) and (16) per §105.15(d))	\$500
	Major amendment to Water Obstruction and Encroachment Permit*	\$500
	Minor amendment to Water Obstruction and Encroachment Permit	\$250
	Transfer of permit with Submerged Lands License Agreement (SLLA)	\$200
	Transfer of permit without SLLA	\$100

Final Rulemaking – WO&E

105.13(c)(2) Regulated activities – information and fees

- General Permits (GPs)
 - Currently no fees
 - Final range \$50 - \$750
 - *Additional disturbance fee to some activities*

Current fee exemptions will remain

Final Rulemaking – WO&E

General Permits (GPs)

<i>General Permit</i>		<i>Registration Fees</i>
GP-1	Fish habitat enhancement structures	\$50
GP-2	Small docks and boat launching ramps	\$175
GP-3	Bank rehabilitation, bank protection and gravel bar removal	\$250
GP-4	Intake and outfall structures	\$200
GP-5	Utility line stream crossings	\$250
GP-6	Agricultural crossings and ramps	\$50
GP-7	Minor road crossings	\$350
GP-8	Temporary road crossings	\$175
GP-9	Agricultural activities	\$50
GP-10	Abandoned mine reclamation	\$500
GP-11*	Maintenance, testing, repair, rehabilitation or replacement of water obstructions and encroachments	\$750
GP-15*	Private residential construction in wetlands	\$750
* Disturbance review fees added to application, registration or other fees where applicable		

Final Rulemaking – SLLAs

105.35 Charges for use and occupation of submerged lands of this Commonwealth.

- Annual Charges
 - Currently ~ \$0.01/square foot average
 - Commercial utilities per tenth acre, \$250 minimum
 - Private recreational docks \$250
 - Public service lines per foot within a range
 - Final ~ \$0.04/square foot average
 - Private recreational docks remain \$250

Summary – WO&E and SLLA

- Cost to administer = \$9.6 million
- Estimated revenue = \$2.9 million
 - Difference = \$6.6 million
 - 31 percent of WO&E costs will be offset
- *SLLA Program*
 - *Cost to administer is embedded in WO&E costs*
 - *Estimated revenue = \$1.5 million*
 - *All revenue deposited into the General Fund*
- All exemptions remain
- Restricted Revenue Account
- Three year review



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QUESTIONS?

Please type your questions into the chat window.



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