Office of Oil and Gas Management
Fee and Program Cost Analysis Report

Environmental Quality Board
February 15, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary
• **58 Pa.C.S. § 3211(d):** This section provides that “each application for a well permit shall be accompanied by a permit fee, established by the Environmental Quality Board, which bears a reasonable relationship to the cost of administering this chapter.”

• **25 Pa. Code §§ 78.19(e) 78a.19(b):** At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department’s cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.
Oil and Gas Program Funding

- Well Permit Fees
- 2012 Oil and Gas Act Impact Fees
- Civil Penalty Assessments/Bond Forfeiture
- No General Fund Moneys
## Revenue vs. Expenses

### ATTACHMENT A

#### COMPARATIVE FINANCIAL STATEMENT

**WELL PLUGGING RESTRICTED REVENUE ACCOUNT**

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<tbody>
<tr>
<td><strong>Revenue</strong>:</td>
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<tr>
<td>Permit Fees</td>
<td>13,504,728</td>
<td>7,910,959</td>
<td>9,703,101</td>
<td>8,995,548</td>
<td>8,523,114</td>
<td>5,815,163</td>
<td>8,574,882</td>
<td>9,000,000</td>
<td>9,000,000</td>
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<tr>
<td>Fines and Penalties</td>
<td>4,403,553</td>
<td>4,076,710</td>
<td>9,590,432</td>
<td>3,608,492</td>
<td>6,296,868</td>
<td>28,327,593</td>
<td>-</td>
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<tr>
<td>Act 13 Impact Fees</td>
<td>6,000,000</td>
<td>6,000,000</td>
<td>- 12,000,000</td>
<td>6,000,000</td>
<td>6,000,000</td>
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<tr>
<td>Other Revenue</td>
<td>66,415</td>
<td>(101,327)</td>
<td>(168,185)</td>
<td>(384,700)</td>
<td>(83,910)</td>
<td>(178,373)</td>
<td>(1,194,586)</td>
<td>(104,439)</td>
<td>(100,000)</td>
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<tr>
<td><strong>Total Revenue:</strong></td>
<td>23,974,696</td>
<td>17,886,341</td>
<td>19,125,347</td>
<td>24,219,341</td>
<td>20,736,072</td>
<td>39,964,382</td>
<td>15,953,538</td>
<td>14,895,561</td>
<td>14,900,000</td>
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<tr>
<td><strong>Total Funds Available:</strong></td>
<td>35,092,803</td>
<td>31,892,199</td>
<td>29,390,423</td>
<td>31,540,464</td>
<td>31,717,538</td>
<td>50,423,270</td>
<td>44,607,665</td>
<td>36,867,288</td>
<td>21,935,252</td>
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<td><strong>Expenditures:</strong></td>
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<td>Personnel</td>
<td>(17,984,651)</td>
<td>(19,450,600)</td>
<td>(19,777,394)</td>
<td>(18,137,164)</td>
<td>(18,305,045)</td>
<td>(18,011,754)</td>
<td>(18,981,826)</td>
<td>(20,053,288)</td>
<td>(20,602,014)</td>
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<tr>
<td>Operating</td>
<td>(1,809,728)</td>
<td>(1,457,284)</td>
<td>(1,392,751)</td>
<td>(1,588,022)</td>
<td>(1,671,731)</td>
<td>(2,842,280)</td>
<td>(2,613,926)</td>
<td>(4,642,767)</td>
<td>(4,024,026)</td>
</tr>
<tr>
<td>Fixed Assets</td>
<td>(646,356)</td>
<td>(73,888)</td>
<td>(104,606)</td>
<td>(133,486)</td>
<td>(500,671)</td>
<td>(174,147)</td>
<td>(288,434)</td>
<td>(738,500)</td>
<td>(586,000)</td>
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<tr>
<td>Transfers and Other</td>
<td>(646,210)</td>
<td>(645,351)</td>
<td>(794,550)</td>
<td>(700,325)</td>
<td>(781,204)</td>
<td>(740,962)</td>
<td>(751,752)</td>
<td>(1,858,094)</td>
<td>(1,435,000)</td>
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<td>Commitments Carried Forward</td>
<td>(2,539,387)</td>
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<tr>
<td><strong>Total Expenditures:</strong></td>
<td>(21,086,946)</td>
<td>(21,627,122)</td>
<td>(22,069,301)</td>
<td>(20,558,997)</td>
<td>(21,258,651)</td>
<td>(21,769,143)</td>
<td>(22,635,938)</td>
<td>(29,832,036)</td>
<td>(26,647,040)</td>
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<tr>
<td><strong>ENDING BALANCE:</strong></td>
<td>14,005,857</td>
<td>10,265,076</td>
<td>7,321,123</td>
<td>10,981,466</td>
<td>10,458,888</td>
<td>28,654,127</td>
<td>21,971,727</td>
<td>7,035,252</td>
<td>(4,711,788)</td>
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</tbody>
</table>

**Note:** The Act 13 Impact Fee payment for FY2016-17 was received after the end of the fiscal year, and therefore is not shown until FY2017-18. Commitments carried forward in FY2021-22 reflect unpaid expenses from prior year FY2020-21.
Program Complement

- 190 positions currently
  - Full complement of 226 but over time have reduced staff by 36 positions due to declining permit application fee revenues
- Personnel expenses account for 84% of total operating costs
Increased Workload & Policy Initiatives

• Larger Inventory of Wells = More Inspections
• Emergency Response & Complaint Mgmt.
• Increased Well Plugging Activities
• Regulatory & Technical Guidance Development
• Updated Forms
• Improved Data Management Systems
Cost of approximately $25 million to fund the Program at its reduced complement of 190 employees

Assumed DEP would receive 2,000 unconventional well permit applications per year

Final-form rulemaking established unconventional well permit application fee of $12,500

No change to conventional well permit application fee

New fee amount took effect on August 1, 2020
Unconventional Well Permit Fee Analysis

• Over past 3 fiscal years, DEP received on average only 1,210 unconventional well permits per year
  o 2020 final-form rulemaking projected 2,000 permits per year

• With the current unconventional well permit fee at $12,500, the Program has received approximately $8.5 million in FY2020-21
  o 2020 final-form rulemaking anticipated Program receiving $25 million in FY2020-21 to sustain reduced complement of 190 staff
Over past 3 fiscal years, DEP received on average 186 conventional well permits per year

The average conventional well permit application fee was approximately $289

Only $46,100 collected in FY2020-21 (0.2% of total operating budget)

At 40% of cost to administer program, proportional cost of conventional permit fee would be $53,763 for EACH conventional permit

No conventional permit fee increase is recommended
Well Permit Fee Analysis

• FY2020-21 Revenues*:
  $8.5 million  Unconventional Permit Fees
  + $6.0 million  Impact Fee
  + $46,100  Conventional Permit Fees
  $14.5 million  Total fees received

• $25 million to sustain reduced complement of 190 staff - $14.5 million = $10.5 million DEFICIT

*Fines & Penalties not included in analysis.
Summary

• Current fees are inadequate to cover the operation of the Oil and Gas Program

• Finance & Budget Update presented to the Oil and Gas Technical Advisory Board on May 5, 2021
The Department recommends proposing a future rulemaking to develop alternate funding options to adequately and sustainably fund the Oil and Gas program.
Kurt Klapkowski, Director
Bureau of Oil and Gas Planning and Program Management
kklapkowsk@pa.gov

Todd Wallace, Executive Assistant
Office of Oil and Gas Management
twallace@pa.gov

Elizabeth Davis, Assistant Director
Bureau of Regulatory Counsel
elidavis@pa.gov