



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



Bureau of Clean Water

# **Chapters 91 & 92a Fee Amendments Proposed Rulemaking Agricultural Advisory Board**

Harrisburg, PA

April 28, 2016

Tom Wolf, Governor

John Quigley, Secretary

# Current Regulatory Requirements

- NPDES Individual Permit Application Fees: 25 Pa. Code § 92a.26 (CAFOs - \$1500 for new, \$750 for renewal)
- NPDES Individual Permit Annual Fees: 25 Pa. Code § 92a.62 (CAFOs - \$0)
- WQM Permit Application Fees: 25 Pa. Code § 91.22 (Manure Storage - \$500)

# Current Revenues and Expenses

- The NPDES Program costs approx. \$20 million per year to administer – about \$3.6 million is collected through fees (DEP also receives an EPA grant of about \$6.6 million)
- The WQM Program costs approx. \$1.5 million per year to administer – about \$140,000 is collected through fees

# Problem Statement

- DEP's NPDES and WQM programs are underfunded
- Since 2007, DEP has lost 74 positions from the Clean Water Program and Bureau of Clean Water, 65 of which had a direct role in implementation of the NPDES and WQM permit programs

# Proposed Solution

- DEP is seeking to restore the 65 positions lost through increasing NPDES and WQM permit fees. Restoring these positions is deemed critical to serve DEP's mission and fulfill commitments made in DEP's local water quality and Chesapeake Bay initiatives.
- New revenue required = \$9 million per year (\$8 million of which will come from NPDES, \$1 million from WQM)

# Impact to Agriculture

- Individual NPDES Permit Application Fee for CAFOs upon publication of Chapter 92a: \$2,000 (new) and \$1,000 (renewal)
- Individual NPDES Permit Annual Fee for CAFOs upon publication of Chapter 92a: \$1,000

# Impact to Agriculture

- Individual NPDES Permit Application Fee for CAFOs 5 years following publication of Chapter 92a: \$3,000 (new) and \$1,500 (renewal)
- Individual NPDES Permit Annual Fee for CAFOs 5 years following publication of Chapter 92a: \$1,500

# Impact to Agriculture

- PAG-12 NOI Fee for CAFOs: not determined at this time, but there will be a fee. The draft reissued PAG-12 will contain the fee proposal (2017/2018).



# Impact to Agriculture

- WQM Permit Application Fee for Manure Storage upon publication of Chapter 91: \$1,250
- WQM Permit Application Fee for Manure Storage 5 years following publication of Chapter 91: \$2,500

# Timeline

- EQB Meeting – September 2016
- Draft Rule Published – February 2017
- Final Rule Published – September 2017



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# Thank you.

Lee A. McDonnell, P.E., Director  
Bureau of Clean Water