



Bureau of Clean Water



Chapter 102 3-Year Regulatory Fee and Program Cost Analysis Report

Agricultural Advisory Board

January 27, 2020

Tom Wolf, Governor

Patrick McDonnell, Secretary

Background

- Current Chapter 102 regulations effective November 19, 2010
- Per 25 Pa. Code § 102.6(b)(2) evaluate adequacy of fees and report to Environmental Quality Board (EQB)

Background

Table 1. Fee for Chapter 102 Permits Under 25 Pa. Code § 102.6(b)(1)

Fee Type	Permit Type	Fee
Base Administrative Filing Fee	General Permits (NPDES PAG-02 and ESCGP)	\$500
Base Administrative Filing Fee	Individual Permits (NPDES and E&S)	\$1,500
Disturbed Acreage Fee	All Permits	\$100 x each disturbed acre

Fees

- Fees:
 - Fees collected by DEP
 - Additional Administrative Filing Fee (i.e., Disturbed Acreage Fee)
 - Base Administrative Filing Fee
 - Fees collected by County Conservation Districts
 - Base Administrative Filing Fee
 - Service Fee (E&S and PCSM, if applicable)

DEP Program Costs and Fees Collected

- Fiscal Years (FY); 2013 – 2014, 2014 – 2015, 2015 – 2016, 2016 – 2017, and 2017 – 2018
- Program Costs = DEP Staff Costs (Central and Regional Offices)
- Fees Collected = Base Administrative Filing Fees & Disturbed Acreage Fees

DEP Program Costs and Fees Collected

Table 2. Costs and Fees Collected Associated with DEP's Implementation of the Chapter 102 Program

	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Program Costs	\$2,599,726	\$2,744,413	\$2,851,953	\$3,078,610	\$3,223,585
Fees Collected	\$2,986,048	\$2,552,653	\$2,931,931	\$2,418,551	\$2,484,802
Difference (\$)	\$386,322	-\$191,760	\$79,978	-\$660,059	-\$738,783
Ratio*	115%	93%	103%	79%	77%

CCD Program Costs and Fees Collected

- Fiscal Years (FY); 2013 – 2014, 2014 – 2015, 2015 – 2016, 2016 – 2017, 2017 – 2018, and 2018 – 2019
- Program Costs = Total Program Costs (reported)
- Fees Collected = Base Administrative Filing Fee, Service Fee and PCSM Plan Review Fee

CCD Program Costs and Fees Collected

County Conservation District Costs and Fees Collected Associated with Districts' Implementation of the Chapter 102 Program

	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Program Costs	\$9,709,189	\$10,237,342	\$11,935,966	\$12,204,620	\$13,482,301	\$13,193,572
Fees Collected	\$8,942,356	\$9,659,101	\$10,800,234	\$10,440,288	\$11,002,592	\$12,000,639
Difference (\$)	-\$766,833	-\$578,241	-\$1,135,732	-\$1,764,332	-\$2,479,709	-\$1,192,933
Ratio*	92%	94%	90%	86%	82%	91%

Projections

- Fiscal Years (FY); 2018 – 2019, 2019 – 2020, and 2020 – 2021
- Program Costs estimated to increase by 4%
- Fee Collected estimated to increase by 4.4% for FY 2018 – 2019 and then by 2.4% after that

DEP Projections

Table 3. Projected Costs and Fees Collected Associated with the Chapter 102 Program

	FY 2018-19	FY 2019-20	FY 2020-21
Projected Program Cost	\$3,352,528	\$3,486,630	\$3,626,095
Projected Fees Collected	\$2,594,133	\$2,656,392	\$2,720,146
Projected Difference (\$)	-\$758,395	-\$830,238	-\$905,949
Ratio	77%	76%	75%

CCD Projections

County Conservation District Projected Costs and Fees Collected
Associated with the Chapter 102 Program

	FY 2019-20	FY 2020-21	FY 2021-22
Projected Program Cost	\$13,721,315	\$14,270,167	\$14,840,974
Projected Fees Collected	\$12,528,667	\$12,829,355	\$13,137,260
Projected Difference (\$)	-\$1,192,648	-\$1,440,812	-\$1,703,715
Ratio	91%	90%	89%

Recommendation

- Fees collected are projected to cover only about 75% of DEP's and about 90% of Districts' expenses to implement the Chapter 102 program over the next three years.
- DEP is recommending an increase in Chapter 102 fees and plans to begin drafting a proposed rulemaking to address the discrepancy in the costs and revenue to operate the Program.



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PROTECTION



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