

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 109. SAFE DRINKING WATER**

**§ 109.5. Organization of chapter.**

(a) This subchapter and Subchapters H **and** N (relating to laboratory certification **and** drinking water fees) apply to all public water systems.

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**§ 109.305. [Fees] Reserved.**

[(a) *Data management fees*. Community water systems shall submit the following data management fees to the Department by December 31, 1995:

<i>System Size</i> <i>(population served)</i>	<i>Fee</i>
<b>&lt;100</b>	<b>\$ 120</b>
<b>100-1,000</b>	<b>\$ 120</b>
<b>1,001-3,300</b>	<b>\$ 240</b>
<b>3,301-10,000</b>	<b>\$ 360</b>
<b>10,001-50,000</b>	<b>\$ 600</b>

**>50,000** **\$1,200**

**(b) *Waivers.*** A request for a waiver from the monitoring requirements in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements) shall be accompanied by the appropriate fee as follow:

<i>System Size</i> <i>(population served)</i>	<i>Fee</i>
<b>&lt;100</b>	<b>\$ 100</b>
<b>100-1,000</b>	<b>\$ 200</b>
<b>1,001-3,300</b>	<b>\$ 400</b>
<b>3,301-10,000</b>	<b>\$ 500</b>
<b>10,001-50,000</b>	<b>\$1,000</b>
<b>&gt;50,000</b>	<b>\$2,000</b>

**Fees will be based on system size, taking into consideration the following conditions:**

**(1) For systems with one or more sources all in the same contribution area—for groundwater systems, the contribution area is the surface area overlying the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery—the fee will be as indicated in this subsection.**

**(2) For systems with a single wellfield—one contribution area—the fee will be as indicated in this subsection.**

**(3) For systems with sources in two or more contribution areas, the fee will be as indicated in this subsection plus 1/2 of the system size fee as indicated in this subsection for each additional contribution area in which a source is located.]**

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**Subchapter E. PERMIT REQUIREMENTS**

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**§ 109.503. Public water system construction permits.**

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(c) *Permit fees.* **An application for a permit from the Department under this subchapter shall be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).**

**[(1) An application for a permit or a major permit amendment under subsection (a)(1), except for an application for construction or modification of corrosion control treatment facilities under § 109.1105 (relating to permit requirements), shall be accompanied by a check in the amount of \$750, payable to the "Commonwealth of Pennsylvania," except a fee is not required for an application submitted by a State regulatory agency, or an application submitted for a public water system serving 100 or fewer individuals. The fees for permitting and related services under § 109.1105 for corrosion control treatment facilities are established under § 109.1108 (relating to fees).**

**(2) A fee is not required for an application for an emergency permit under § 109.506 (relating to emergency permits).]**

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**Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS**

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**109.1005. Permit requirements.**

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(i) *Permit fees.* **An application for a permit from the Department under this subchapter shall be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).**

**[(1) An application for a new permit or major permit amendment under subsection (f)(1) for a bottled water or vended water system, retail water facility or bulk water hauling system shall be accompanied by a check in the amount of \$750 payable to the “Commonwealth of Pennsylvania,” except that:**

**(i) An application from an out-of-State bottled water system submitting proof of out-of-State approval under subsection (e)(6) shall be accompanied by a fee of \$100.**

**(ii) An application from a bottled water system, retail water facility or bulk water hauling system purchasing finished water, as its sole source of water, from a public water system operating under a permit issued under this chapter, and a vended water system permitted by rule, shall submit a fee of \$300.**

**(2) A fee is not required for an emergency permit under subsection (g) or a minor permit amendment under subsection (f)(2).]**

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### **Subchapter K. LEAD AND COPPER**

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#### **§ 109.1108. Fees.**

**[A system receiving permitting and related services from the Department under § 109.1105 (relating to permit requirements) for corrosion control treatment facilities shall pay the applicable fees in this section by a check in the amount specified in this section to the “Commonwealth of Pennsylvania.”**

(1) An application for a construction permit or major permit amendment under § 109.1105(b) shall be accompanied by payment for the applicable fee as follows:

<i>System size</i>	<i>Fee</i>
Small...	\$ 250
Medium...	\$ 500
Large...	\$1,750

(2) A system not required to submit an application for a construction permit or major permit amendment under § 109.1105(b) shall submit payment for the applicable fee with its request for Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2) (relating to action levels and treatment technique requirements):

<i>System size</i>	<i>Fee</i>
Small...	\$ 125
Medium...	\$ 375
Large...	\$1,250]

An application for the review of a corrosion control treatment feasibility study under § 109.1102(b)(3) (relating to action levels and treatment technique requirements), a permit from the Department under this subchapter, or a Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2)(ii) shall be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).

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**Subchapter N. DRINKING WATER FEES**

**§109.1401. General.**

- (a) This subchapter establishes fees for each public water system for services provided by the Department to implement the Safe Drinking Water Act, retain primacy and protect the public health and safety.**
- (b) This subchapter applies to each public water system.**

**§109.1402. Annual fees.**

- (a) Each public water system shall pay an annual fee as set forth in this section.**
  - (1) For community water systems, the annual fees are as follows:**

<b><u>Population Served</u></b>	<b><u>Fee</u></b>
<b><u>25 – 100</u></b>	<b><u>\$300</u></b>
<b><u>101 – 500</u></b>	<b><u>\$500</u></b>
<b><u>501 – 1,000</u></b>	<b><u>\$1,500</u></b>
<b><u>1,001 – 2,000</u></b>	<b><u>\$3,000</u></b>
<b><u>2,001 – 3,300</u></b>	<b><u>\$5,000</u></b>
<b><u>3,301 – 5,000</u></b>	<b><u>\$7,500</u></b>
<b><u>5,001 – 10,000</u></b>	<b><u>\$10,000</u></b>
<b><u>10,001 – 25,000</u></b>	<b><u>\$20,000</u></b>
<b><u>25,001 – 50,000</u></b>	<b><u>\$30,000</u></b>
<b><u>50,001 – 75,000</u></b>	<b><u>\$40,000</u></b>
<b><u>75,001 – 100,000</u></b>	<b><u>\$50,000</u></b>
<b><u>100,001 or more</u></b>	<b><u>\$60,000</u></b>

**(2) For bottled water or vended water systems, retail water facilities, or bulk water hauling systems, the annual fees are as follows:**

<u>Type</u>	<u>Fee</u>
<u>Bottled – In-state</u>	<u>\$10,000</u>
<u>Bottled – Out of state</u>	<u>\$10,000</u>
<u>Vended</u>	<u>\$500</u>
<u>Retail</u>	<u>\$500</u>
<u>Bulk</u>	<u>\$500</u>

**(b) The “population served” shall be based on the Department’s public water system inventory at the time of billing.**

**(c) Payment of fees.**

**(1) All fees payable under this section shall be due according to the following schedule:**

<u>Population Served</u>	<u>Submit annual fee by:</u>
<u>25 – 100</u>	<u>March 31</u>
<u>101 – 500</u>	<u>June 30</u>
<u>501 – 3,300</u>	<u>September 30</u>
<u>3,301 or more</u>	<u>December 31</u>

**(2) New systems that begin operation after January 1 shall not be assessed an annual fee for partial calendar-year periods. Annual fees shall be payable on or before the date indicated in paragraph (1) of the next calendar year, and each year thereafter.**

**(3) For annual fees of \$10,000 or more, a public water system may request to divide its annual fee payment into equal quarterly installments by submitting a written request to the**

Department. Quarterly installments shall be due on March 31, June 30, September 30 and December 31.

§109.1403. Monitoring waiver fees.

(a) New waivers. An application for a new waiver from the monitoring requirements in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements) for a single source shall be accompanied by a fee as set forth below:

<u>Waiver Type</u>	<u>New Waiver Fee</u>
<u>VOC Use Waiver</u>	<u>\$100</u>
<u>SOC Use Waiver</u>	<u>\$100</u>
<u>SOC Susceptibility Waiver</u>	<u>\$300</u>
<u>IOC Waiver</u>	<u>\$100</u>

(b) Waiver renewals. An application for a waiver renewal from the monitoring requirements in §§ 109.301 and 109.302 for a single source shall be accompanied by the appropriate fee as follows:

(1) For renewal applications with no changes in land uses or potential sources of contamination, the fee will be \$50.

(2) For renewal applications with changes in land uses or potential sources of contamination, the fee will be based on the type of waiver and the fee for that waiver set forth in subsection (a).

(c) Waiver fees for systems with more than one source.



(1) For systems with multiple sources all in the same contribution area, the fee will be as indicated in subsection (a) or (b), as applicable. For groundwater systems, the contribution area is the surface area overlying the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery

(2) For systems with sources in two or more contribution areas, the fee will be as indicated in subsection (a) or (b), as applicable, for the first source, plus one-half of the applicable fee for each additional contribution area in which a source is located.

§109.1404. Community and noncommunity water system permitting fees.

(a) An application for a construction permit or a major construction permit amendment under subsection 109.503 (relating to public water system construction permits), except for an application for BVRB facilities under § 109.1005, shall be accompanied by a fee as set forth below:

<u>Population Served</u>	<u>Fee</u>
<u>25 – 100</u>	<u>\$300</u>
<u>101 – 500</u>	<u>\$600</u>
<u>501 – 3,300</u>	<u>\$1,000</u>
<u>3,301 – 10,000</u>	<u>\$2,500</u>
<u>10,001 – 50,000</u>	<u>\$5,000</u>
<u>50,001 – 100,000</u>	<u>\$7,500</u>
<u>100,001 or more</u>	<u>\$10,000</u>

**(b) A written request for a minor construction permit amendment under subsection 109.503, except for a change in legal status (relating to paragraph 3), shall be accompanied**

**by a fee as set forth below:**

<b><u>Population Served</u></b>	<b><u>Fee</u></b>
<b><u>25 – 100</u></b>	<b><u>\$100</u></b>
<b><u>101 – 500</u></b>	<b><u>\$250</u></b>
<b><u>501 – 3,300</u></b>	<b><u>\$500</u></b>
<b><u>3,301 – 10,000</u></b>	<b><u>\$750</u></b>
<b><u>10,001 – 50,000</u></b>	<b><u>\$1,000</u></b>
<b><u>50,001 – 100,000</u></b>	<b><u>\$2,500</u></b>
<b><u>100,001 or more</u></b>	<b><u>\$5,000</u></b>

**(c) A written request for a change in legal status, such as a transfer of ownership, incorporation or merger, shall be accompanied by a fee of \$100.**

**(d) A written request for a new or amended operations permit under section 109.504 (relating to public water system operating permits) shall be accompanied by a fee of \$50.**

**(e) A written request for an emergency permit shall be accompanied by a fee of \$100.**

**§109.1405. Permitting fees for bottled water and vended water systems, retail water facilities, and bulk water hauling systems.**

**(a) An application for a construction permit or a major construction permit amendment under § 109.1005 (relating to permit requirements), except an out-of-state facility or system using finished water as its sole source of water, shall be accompanied by a fee as set forth below:**

<u>System Type</u>	<u>Fee</u>
<b><u>Bottled Water System (population served)</u></b>	
<b><u>25 – 100</u></b>	<b><u>\$500</u></b>
<b><u>101 – 500</u></b>	<b><u>\$750</u></b>
<b><u>501 – 3,300</u></b>	<b><u>\$1,000</u></b>
<b><u>3,301 – 10,000</u></b>	<b><u>\$2,500</u></b>
<b><u>10,001 – 50,000</u></b>	<b><u>\$5,000</u></b>
<b><u>50,001 – 100,000</u></b>	<b><u>\$7,500</u></b>
<b><u>100,001 or more</u></b>	<b><u>\$10,000</u></b>
<b><u>Vended Water System</u></b>	<b><u>\$100</u></b>
<b><u>Retail Water Facilities</u></b>	<b><u>\$250</u></b>
<b><u>Bulk Water Hauling System</u></b>	<b><u>\$500</u></b>

**(b) An application from a bottled water system, retail water facility or bulk water hauling system whose sole source of water is finished water purchased from another public water system shall be accompanied by a fee as set forth below:**

<u>System Type</u>	<u>Fee</u>
<b><u>Bottled Water System (population served)</u></b>	
<b><u>25 – 100</u></b>	<b><u>\$100</u></b>
<b><u>101 – 500</u></b>	<b><u>\$250</u></b>
<b><u>501 – 3,300</u></b>	<b><u>\$500</u></b>
<b><u>3,301 – 10,000</u></b>	<b><u>\$750</u></b>
<b><u>10,001 – 50,000</u></b>	<b><u>\$1,000</u></b>
<b><u>50,001 – 100,000</u></b>	<b><u>\$2,500</u></b>

<u>100,001 or more</u>	<u>\$5,000</u>
<u>Retail Water Facilities</u>	<u>\$100</u>
<u>Bulk Water Hauling System</u>	<u>\$100</u>

(c) An application from an out-of-State bottled water system submitting proof of out-of-State approval under § 109.1005 shall be accompanied by a fee of \$1,000.

(d) A written request for a minor construction permit amendment under § 109.1005, except for a change in legal status, shall be accompanied by a fee as set forth below:

<u>System Type</u>	<u>Fee</u>
<u>Bottled Water System</u>	<u>\$1,000</u>
<u>Vended Water System</u>	<u>\$100</u>
<u>Retail Water Facilities</u>	<u>\$100</u>
<u>Bulk Water Hauling System</u>	<u>\$100</u>

(e) A request for a change in legal status, such as a transfer of ownership, incorporation or merger, shall be accompanied by a fee of \$100.

(f) A written request for a new or amended operations permit shall be accompanied by a fee of \$50.

(g) A written request for an emergency permit shall be accompanied by fee of \$100.

**§109.1406. Feasibility Study.**

An application for a review of a feasibility study or pilot study shall be accompanied by a fee as set forth below:

<u>Population Served</u>	<u>Fee</u>
<u>25 – 100</u>	<u>\$300</u>

<u>101 – 500</u>	<u>\$600</u>
<u>501 – 3,300</u>	<u>\$1,000</u>
<u>3,301 – 10,000</u>	<u>\$2,500</u>
<u>10,001 – 50,000</u>	<u>\$5,000</u>
<u>50,001 – 100,000</u>	<u>\$7,500</u>
<u>100,001 or more</u>	<u>\$10,000</u>

**§109.1407. Noncommunity Water System Application for Approval.**

**For a noncommunity water system that is released from the obligation to obtain a construction and an operation permit under § 109.505 (relating to requirements for noncommunity water systems), the application for approval required under § 109.505(a)(2)(ii) shall be accompanied by a fee of \$50.**

**§109.1408. Noncommunity Water System 4-Log Permit.**

**For noncommunity water systems demonstrating 4-log treatment of viruses under subchapter M (relating to Additional requirements for groundwater sources), the permit application shall be accompanied by a fee of \$50.**

**§109.1409. Payment of fees.**

**All fees under this subchapter shall be payable by a check to the “Commonwealth of Pennsylvania” or through a secure computer application provided by the Department.**

**§109.1410. Disposition of funds.**

All fees shall be paid into the State Treasury into a special restricted revenue account in the General Fund known as the Safe Drinking Water Account administered by the department for use in protecting the public from the hazards of unsafe drinking water and which funds are hereby appropriated to the department for such purposes as are authorized in the act.

§109.1411. Failure to remit fees.

(a) If fees are not remitted as required under section 109.1402, interest shall accrue on the entire amount from the original date payment was due, at a rate of six percent (6%) per annum until payment is remitted.

(b) For any system delinquent in payment of fees in excess of one hundred and eighty (180) days, the Department may suspend technical services provided by the Department until payment is remitted.

§109.1412 Evaluation of fees.

At least every three years, the Department will provide the Environmental Quality Board with an evaluation of the fees in the Chapter and recommend regulatory changes to the Environmental Quality Board 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.