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DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waterways Engineering and Wetlands

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

Environmental Quality Board

Oct. 21, 2014

Regulatory Requirements

- Chapter 102, Erosion and Sediment Control was published as final rulemaking on Nov. 19, 2010
- 25 Pa. Code § 102.6(b)(2): “The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB.”

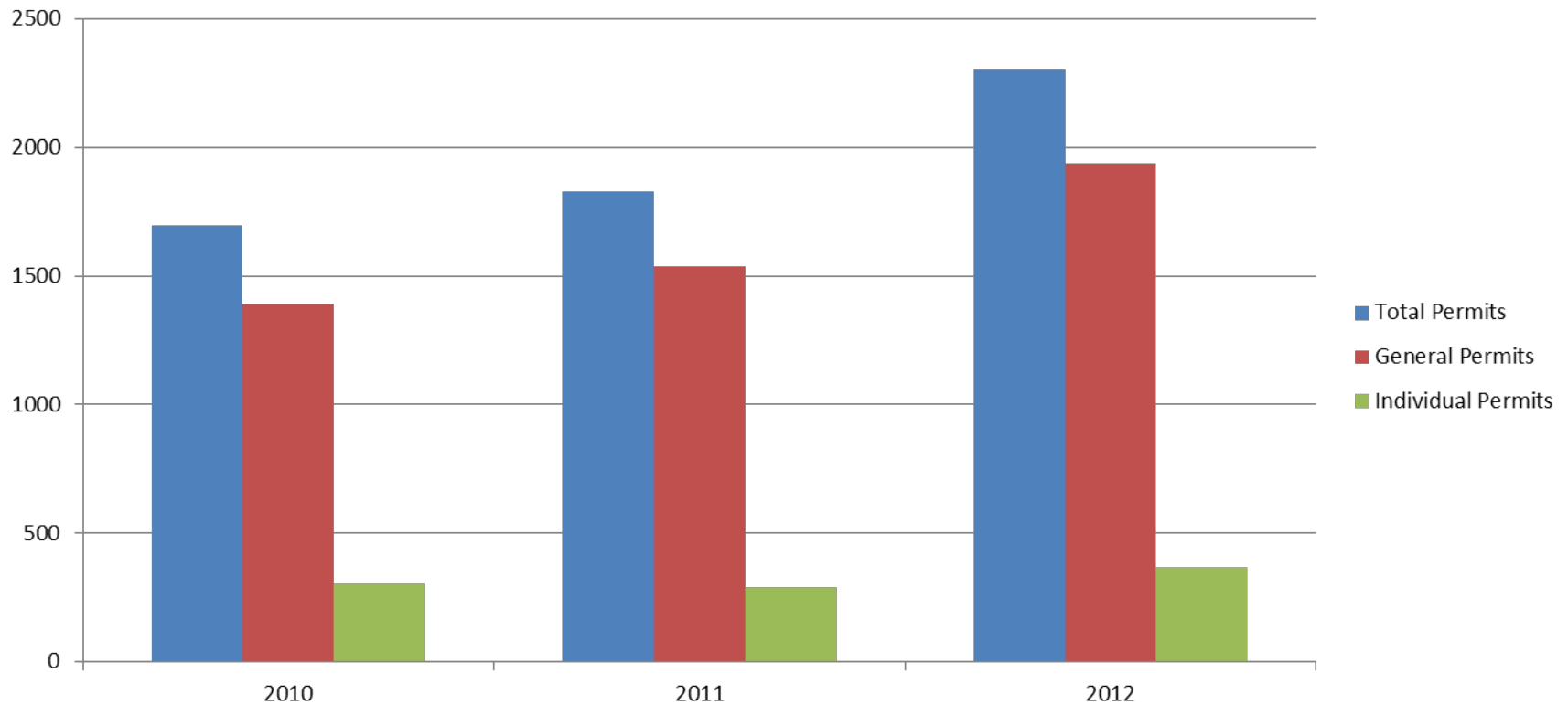
Program Implementation

- DEP administers the program and delegates some functions to (66) county conservation districts
- Level of implementation varies by district
- Includes education/outreach, permitting/inspections, enforcement and post-construction stormwater management

Fee Related Activities and Costs

- Three major fees for Chapter 102 permits
 - Application fee: \$500 general permits; \$1500 individual permits
 - Disturbance fee: \$100 per disturbed acre
 - District-specific fee: Varies based on district fee schedule
- Disturbance fee comes to the department; the application and district specific review fees are retained by the district

NPDES Permits per Year: 2010-2012



Current Program Costs

	FY 10-11	FY 11-12	FY 12-13
Chapter 102 Program Cost	\$1,275,383	\$2,306,912	\$2,392,189
Chapter 102 Fees Collected	\$530,313	\$2,641,656	\$3,292,312
Difference (dollars)	-\$745,070	\$344,744	\$900,123
Difference (percentage)	-58%	15%	38%

Projected Program Costs

	FY13-14	FY14-15	FY15-16
Chapter 102 Program Cost	\$2,439,314	\$2,487,369	\$2,536,370
Chapter 102 Fees Collected	\$2,982,648	\$3,191,433	\$3,414,834
Difference (dollars)	\$543,333	\$704,064	\$878,463
Difference (percentage)	22%	28%	35%

Trend Analysis

	FY13-14	FY14-15	FY15-16
Revenue	\$2,982,648	\$3,191,433	\$3,414,834
Expenses	\$2,439,314	\$2,487,369	\$2,536,370
Ratio	1.22	1.28	1.35

Department Comment and Assessment

- No changes in the fees for the Chapter 102 program are proposed at this time
- Two additional recommendations:
 - Continue funding training and outreach efforts such as boot camps (conservation district and DEP staff), annual training (conservation district and DEP staff), and webinars and targeted training for the regulated community.
 - Funding the development of ePermitting mechanisms, which is becoming mandatory for states to employ by the EPA.



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