

Draft Chapter 102

Three-Year Regulatory Fee and Program Cost Analysis Report

Bureau of Clean Water
March 11, 2026





Background

- Chapter 102: Erosion and Sediment (E&S) Control and Post-Construction Stormwater Management (PCSM) for earth disturbance activities
- 25 Pa. Code § 102.6(b)(2) requires DEP to evaluate the adequacy of fees and report to Environmental Quality Board (EQB) every three years
- County Conservation Districts (CCDs) are delegated to administer portions of the Chapter 102 program
- A fee rulemaking finalized in 2021 included new annual fee for Chapter 102 Individual NPDES Permits



Chapter 102 Permit Fees

- 25 Pa. Code § 102.6(b)(1): Chapter 102 Permit Fees
- 25 Pa. Code § 92a.62: Chapter 102 Individual NPDES Permit Annual Fee

Fee Type	Permit Type	Fee
Base Administrative Filing Fee	General Permits (NPDES PAG-01 and 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
Annual Fee	Individual NPDES Permits	\$500



Chapter 102 Fees

Fees collected by DEP:

- Base Administrative Filing Fee – DEP only collects if performing a completeness review of application/NOI
- Disturbed Acreage Fee
- Annual Fee

Fees collected by CCDs:

- Base Administrative Filing Fee
- CCD Service Fees (including PCSM Fee)



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DEP Program Costs and Fees Collected

- Fiscal Years (FY) 2021-2022, 2022-2023, and 2023-2024
- Program Costs = DEP Staff Costs (Central and Regional Offices), including Overhead, and Training and Research Costs
- Fees Collected = Base Administrative Filing Fees, Disturbed Acreage Fees, and Annual Fees



DEP Program Costs and Fees Collected

Costs and Fees Associated with
DEP's Implementation of the Chapter 102 Program

	FY 2021-2022	FY 2022-2023	FY 2023-2024
Program Costs	\$7,669,640	\$7,595,761	\$8,509,837
Fees Collected	\$3,972,480	\$4,324,012	\$3,918,888



DEP Program Costs and Fees Collected

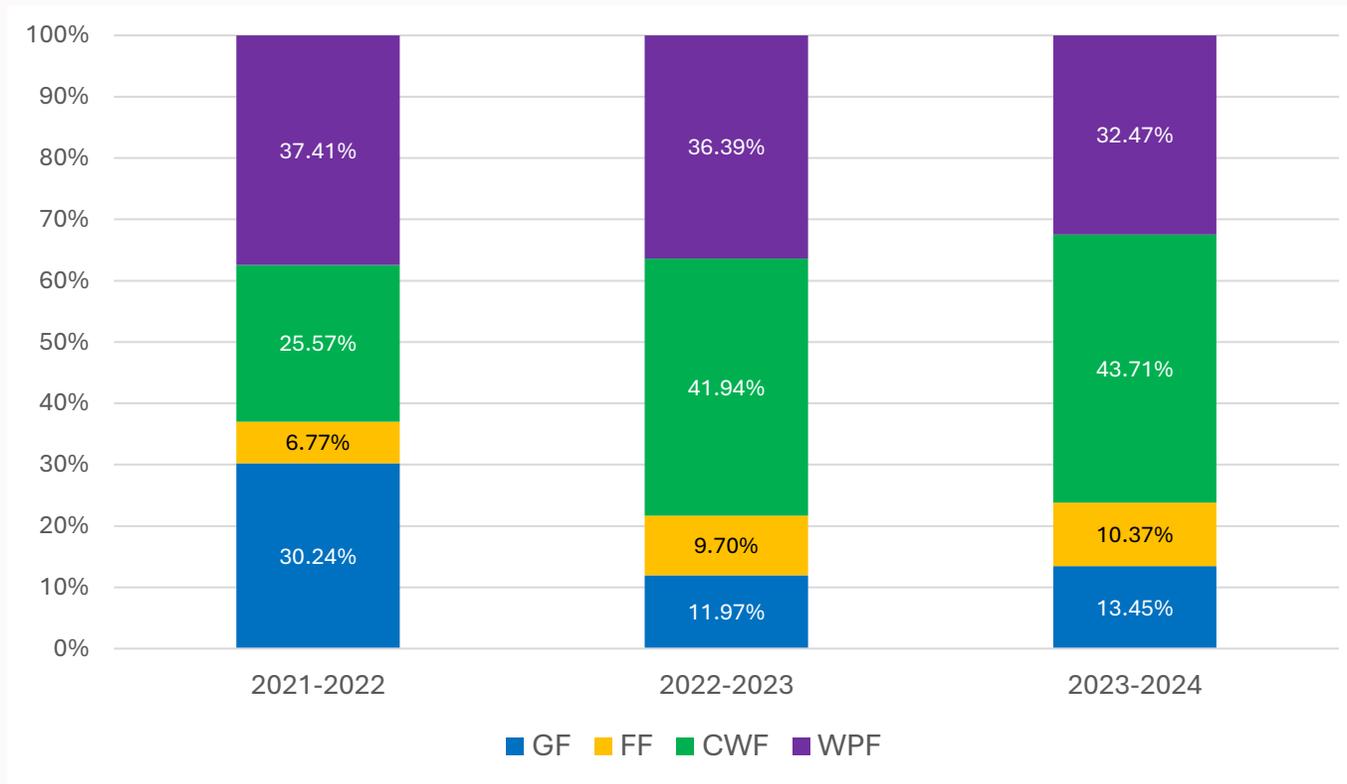
To close the gap between fees collected and program expenses, DEP uses:

- General Fund (GF)
- Clean Water Fund (CWF)
- Well Plugging Fund (WPF)
 - DEP Oil and Gas staff costs for Chapter 102 activities
 - Beginning FY 2024-2025, supplemented with GF to offset declining WPF balance
- Federal Funds (FF)



DEP Program Costs and Fees Collected

Allocation of Funding Sources for DEP's Chapter 102 Program Costs





DEP Program Costs and Fees Collected

Costs and fees collected associated with DEP's implementation of the Chapter 102 program illustrating the revenue to cost ratio.

	FY 2021-2022	FY 2022-2023	FY 2023-2024
Program Costs	\$7,669,640	\$7,595,761	\$8,509,837
Fees Collected	\$3,972,480	\$4,324,012	\$3,918,888
Difference	(\$3,697,160)	(\$3,271,750)	(\$4,590,949)
Ratio	52%	57%	46%



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CCD Program Costs and Fees Collected

- Fiscal Years (FY) 2021-2022, 2022-2023, and 2023-2024
- Program Costs = Total Program Costs reported by CCDs, plus Overhead
- Fees Collected = Base Administrative Filing Fee and Service Fees



CCD Program Costs and Fees Collected

Costs and fees collected associated with CCD's implementation of the Chapter 102 program illustrating the revenue to cost ratio.

	FY 2021-2022	FY 2022-2023	FY 2023-2024
Program Costs	\$22,746,079	\$22,915,289	\$23,503,029
Fees Collected	\$16,140,398	\$17,190,428	\$17,879,983
Transfer	\$1,292,082	\$1,617,000	\$1,617,000
Difference	(\$6,605,681)	(\$5,724,861)	(\$5,623,046)
Ratio	77%	82%	83%



Projections

- Fiscal Years (FY) 2024-2025 through 2026-2027.
- Program Costs estimated to increase by 4%
- Fees Collected estimated to increase by 2.2%, 2.6% and 2.6% for each FY, respectively

DEP Projections

DEP's projected costs and fees collected associated with the Chapter 102 program

	FY 2024-2025	FY 2025-2026	FY 2026-2027
Projected Program Cost	\$8,850,231	\$9,204,240	\$9,572,409
Projected Fees Collected	\$4,005,104	\$4,109,237	\$4,216,077
Projected Difference	(\$4,845,127)	(\$5,095,003)	(\$5,356,333)
Ratio	45%	45%	44%



CCD Projections

CCDs' projected costs and fees collected associated with the Chapter 102 program

	FY 2024-2025	FY 2025-2026	FY 2026-2027
Projected Program Costs	\$24,443,150	\$25,420,876	\$26,437,711
Projected Fees Collected	\$18,273,343	\$18,748,450	\$19,235,909
Transfers*	\$1,617,000	\$1,617,000	\$1,617,000
Projected Difference	(\$4,552,808)	(\$5,055,427)	(\$7,201,802)
Ratio	75%	74%	73%



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Recommendation

- New DEP initiatives require IT-related costs
- Continued training and research costs

DEP recommends an increase in Chapter 102 permit fees and intends to begin drafting a proposed rulemaking.



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Get In Touch

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).