



P.O. Box 1307, Mechanicsburg, PA 17055



Re: Regulation #7-533: Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees

Dear IRRC Members,

The Pennsylvania Automotive Recycling Trade Society (PARTS) represents 130 professional automotive recyclers in Pennsylvania. PARTS appreciates the opportunity to provide comments regarding the Department of Environmental Protection (DEP)'s proposed regulation to increase fees for the Water Quality Program and National Pollution Discharge Elimination System. PARTS and our members have serious concerns with the significant increase in fees as this would have serious negative consequences and potentially put many small automotive recycling facilities in Pennsylvania out of business.

The Department claims that increases are necessary to administer the WQM and NPDES programs and to implement the Pennsylvania Clean Streams Law, as well as the NPDES program mandated by the federal Clean Water Act. While I can certainly agree it is important to maintain adequate funding for environmental compliance monitoring, increasing financial burdens on entities in which these programs rely on to generate such funding may actually not be in the best interest of DEP.

It is our understanding that funding for the Clean Water Program should and has come out of DEP's General Fund appropriation, and not out of fees levied on businesses and municipalities throughout the Commonwealth. From what we have heard it was not the intention of the General Assembly to fund DEP's Clean Water Program through application fees authorized by the Clean Streams Law.

Another important consideration regarding statutory authorization of these increases is the word **reasonable**. Though subjective, it is clear from the excessive percentage of the proposed increases that it has now moved beyond reasonable by any definition. DEP is proposing exponential increases from existing fees that will impose a severe hardship on businesses that may still be struggling to recoup from the pandemic.

Finally, and perhaps the least palatable portion of this proposed regulation according to some state legislators, is the proposal to adjust fees every two years based on changes to the U.S. Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation. Allowing fee increases to occur based on an index without going through the regulatory process circumvents the intent of the General Assembly to require that fee increases be set by regulation. This will also prevent the important step required by the Regulatory Review Act of public participation in the process by allowing future increases to happen out of the public's view, thus denying Pennsylvanians who will be impacted the ability to comment.

PARTS has a history of a positive working relationship with the Department of Environmental Protection on making the necessary state regulations related to stormwater permitting issues the best that they can be for the waters, citizens and regulated industries of the Commonwealth.

We strongly urge the IRRC to reject the proposed regulation IRRC 3227 regarding Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees. These proposed fee increases for these two programs as well as the proposed changes to the oversight process for changing the fees.

The increase in fees represents a serious burden for many professional automotive recycling businesses and would have far reaching consequences on the waters, citizens and regulated industries businesses. We have seen the cost of compliance rise just over the last five years from \$500 (\$100 per year) for a 5-year permit to \$500 per year and now \$1500 per year with potential of fees being raised every two years. Pennsylvania businesses cannot afford the current suggested increase not to mention an unknown amount in two years.

Recycling Responsibly Today for Pennsylvania Tomorrow!