



Getting you on the road

novakautoparts.com

1640 Route 68, New Brighton, PA 15066
724-452-4343 • Toll-Free 1-800-452-4343



April 22, 2021

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

Dear IRRC Members:

It is my privilege to run Novak Auto Parts, Inc., a small family business that has been around for 63 years. We are located in New Sewickley Township, north of Pittsburgh, and we employ 14 people, providing them with good jobs, fair wages, healthcare and a 401k plan. We diligently strive to be good stewards of the environment and good neighbors in our community. Running a business is always a challenge, but the pandemic has made it even harder over the last year. We are very concerned about the proposed increase in annual fees, especially considering that small businesses are being financially hit more than once on this subject. For instance, our new township Stormwater Fee is \$5,400 per year so that the township can meet DEP's mandates. Between all these fees, will businesses be able to survive and employ their people at their present wages and benefits?

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.



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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.

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.

Thank you for your consideration.

Sincerely,

Roger A. Novak, President
NOVAK AUTO PARTS, INC.

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