

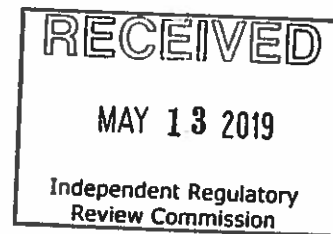
3227



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

May 13, 2019

Honorable Patrick McDonnell, Chairman  
Pa. Environmental Quality Board  
PO Box 8477  
Harrisburg 17105-8477



Dear Secretary McDonnell:

We write to offer our comments on the Department of Environmental Protection's recently proposed regulations regarding WQM and NPDES permit application fees and annual fees that was published for public comment in the March 30, 2019, edition of the *Pennsylvania Bulletin*.

As you know, the Pa. Clean Streams Law allows the department to charge and collect reasonable filing fees for applications filed and for permits issued. The level of the fee increases proposed in Sections 91.22(a), 92a.26(b), and 92a.62(b) are not reasonable, with some fees increasing by more than two or three times their previous levels. As the EQB's own analysis shows, the General Assembly has for many years underfunded the department's budget, all at a time when the department's costs for staff salaries and benefits, as well as other operational costs, have been increasing. The result has been an overall decrease in staffing for the statewide Clean Water Program of approximately 25% since 2007.

Given that clean water is guaranteed by the state's Constitution, it is incumbent on the General Assembly to make up the shortfall in the department's efforts in our clean water program. Under this proposal, the regulated community (i.e., those persons requiring an NPDES and/or WQM permit) would be the ones paying an additional \$8 million per year to the department for what essentially is a core function of state government, and of that, nearly \$2 million would come from municipal governments. We submit that you withdraw this proposed regulation and instead make a request for increased funding from the state legislature rather than passing the burden of DEP's operational costs onto local government.



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This spring, PSATS members voted to approve a resolution that opposes increases to fees levied by a state agency when applying for a stormwater permit. Our members have spoken very clearly that they cannot absorb the costs associated with this proposed regulation.

In Sections 91.22(b), 92a.26(e), and 92a.62(c), the department indicates that fees for new general permits, and amendments to and transfers of general permit coverage, will be separately established in the general permit itself, and that such fees cannot exceed the relevant individual permit fee. Does this suggest that the department intends that general permit fees will be lower than individual permit fees?

We do want to take a moment and acknowledge the department for providing language in Section 92a.32(c) that allows some municipalities to seek a waiver from NPDES permit requirements for small MS4 operators. While the universe of municipalities eligible to take advantage of this waiver is small, we nonetheless welcome any regulatory relief that can be offered to municipalities with fewer than 1,000 residents while still providing protection to our important clean water resources in the Commonwealth.

If implemented, this proposed regulation would be counterproductive to restoring Pennsylvania's aging infrastructure for many PSATS members. Fees should not be a replacement for decreased funding from the state. An increase in permit fees for local government water and wastewater is ultimately a tax on the Pennsylvanians that pay for these services. PSATS opposes proposed regulation #3227.

Sincerely,

David M. Sanko

Executive Director