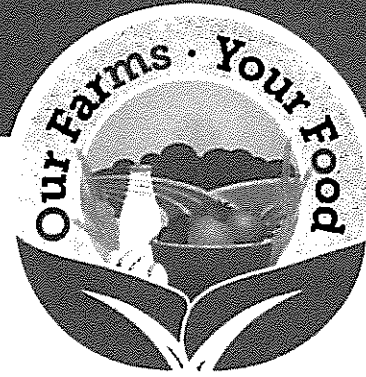


Lancaster County Agriculture Council



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May 10, 2019

By E-mail (RegComments@pa.gov) and First Class Mail
Environmental Quality Board
P.O. Box 8477
Harrisburg PA 17105-8477

RECEIVED
IRRC
2019 MAY 16 A 8:51

Re: Proposed Rulemaking by DEP
Comments to DEP's Proposed Change to NPDES/ WQM Permit Fees

Dear Board Members:

The Lancaster County Agriculture Council is an agriculture education and farmer advocacy organization. The Council's Board has 11 farmers on it (among other Board members), and we are in regular communication with many more farmers.

On behalf of the Council's members and in its own right, the Council is opposed to the fee increase being proposed by DEP. It would appear that the gist of DEP's "raise the fees" proposal is rooted in the concept that the bigger a farm is, the "more fair" it is that such farms absorb the DEP costs for running CAFO/ water quality programs. However, for the following reasons and other reasons, the proposal is in fact not fair and should be rejected.

- A. In many cases, the fee increase represents a doubling of the current fees causing an expense increase that might, for certain farmers anyway, be measured in thousands of dollars per year. This is an excessive increase to ask farmers to absorb in a single phase.
- B. The cost is being placed on producing farmers, many of whom already currently are facing significant financial challenges due to low commodity prices, disastrous weather in 2018, and rising fixed costs.
- C. Not all CAFOs and water quality permittees are "big" operations capable of absorbing a fee increase of this nature. To the contrary, many are family farms that whose cost structure includes employment of numerous people in the local economies they operate in.

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- D. Unlike the fees for waste treatment plants, these costs cannot be passed on to customers. In fact, the fee increase, to many farmers, is just one more example of the Commonwealth government adding burdens to family farms and family businesses leading to a bigger disadvantage for Pennsylvania farm families. These family farms already have the burden of complying with significant paperwork requirements promulgated by various regulations.
- E. Comparison to other states is also informative. In New York, the annual fee for CAFO is only \$50 per year. In Maryland, the permit fee for CAFOs is waived. In Ohio the application fee for a new CAFO is \$200 and there is no annual fee. In these states, Water Quality Management permits are not required for new manure storage facilities. All of this reflects the competitive disadvantage that Pennsylvania farmers are put to.
- F. The Commonwealth and DEP need to consider alternative ways to administer these programs in a more efficient manner through the use of technology, partnerships and modern efficiencies. Farmers in general are certainly proponents of clean water. The Clean Water Partners initiative, for example, is active here in Lancaster County. But increasing the number of and fees for the increasing number of regulations is not the solution to the clean water challenge.
- G. One of our members asked a non-farmer about the fee increase, and the reply was:

“Why does the cost of running this program have to be paid for by those who are regulated under the program when the outcome of those regulations is a cleaner environment for all citizens of the Commonwealth? Those citizens, through the general fund, should bear the cost of implementing this program since they are the persons who are gaining the most from it.”

The Council hopes your Board will give careful consideration to these comments and reject the proposed fee increases.

Sincerely,

The Lancaster County Agriculture Council



George T. Cook, Board Chair

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GTC:esp

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