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Senate of Pennsylvania

May 14, 2019

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Honorable Patrick McDonnell
Chairman, Environmental Quality Board
Rachel Carson Building, 16th Floor
P.O. Box 2063
Harrisburg, PA 17105-2063

RE: Proposed Rulemaking - Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees

Dear Chairman McDonnell:

We write to you today opposing the proposed rulemaking amending Chapters 91 and 92a to establish new fee schedules for Water Quality Management (WQM) permit applications, National Pollutant Discharge Elimination System (NPDES) permit applications and NPDES annual fees, and to make clarifications in 25 Pa. Code §§ 91.1, 91.22, 91.27, 91.36, 91.52, 92a.26, 92a.32 and 92a.62, respectively. Having heard from many of our constituents on the proposed fee increases, we concur that this package is excessive and burdensome to permittees.

The Department acknowledges that the costs to comply with the proposed regulation for up to 10,300 NPDES and WQM-permitted facilities could be as high as \$8 million. Operators of approximately 4,000 facilities in this Commonwealth with individual NPDES permits would be affected by this proposed rulemaking. While certain categories of facilities would be subject to little or no fee increase, other categories would be subject to more significant increases, based on the nature and complexity of these facilities and the applications they submit.

One business sector that would be particularly harmed by the proposed fee increases would be agricultural operations, particularly dairy producers, who have CAFO permits. Pennsylvania has already lost 120 dairy farms within the past three years due to a myriad of factors. The state of the dairy industry combined with added state and federal mandates, have placed many current operations on difficult ground, creating another financial hardship. Increasing permit fees now would increase the financial stress on

these businesses and likely cost many Pennsylvanians their jobs. As indicated in other comments, the proposed NPDES CAFO fees cannot be passed on to the customer, as they might be in various other industries.

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 it is certainly important to maintain adequate funding for environmental compliance monitoring, increasing financial burdens on entities in which these programs rely to generate such funding may actually decrease funds available.

Agriculture is Pennsylvania's number one industry. Our unified goal this legislative session is to ensure Pennsylvania agricultural operations remain competitive and profitable for current and future generations of farmers. Increasing existing fees on an industry that is already contributing significantly to Pennsylvania's overall economy and workforce should not be supported or considered at this time. Pennsylvania farmers are making great strides in adopting best management practices with clean water and sustainability in mind. Furthermore, these proposed regulations seem to conflict with the intent of the Governor's PA Farm Bill aimed at bolstering the agricultural industry.

Based on the number of comments received on this proposed rulemaking, it is evident that further discussion is needed and a public hearing is necessary to further examine the costs of the permit fees, as well as the economic impact to our agriculture industry (and other industries) overall.

Thank you for your consideration of these comments.

Sincerely,



GENE YAW
SENATOR



JOE SCARNATI
PRESIDENT PRO TEMPORE



JAKE CORMAN
MAJORITY LEADER



CAMERA BARTOLOTTA
SENATOR



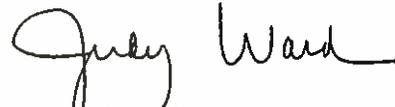
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