



## PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES

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May 14, 2019

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, Pennsylvania 17105-8477

### **Re: Comments on Proposed Rulemaking – 25 Pa. Code Chapters 91 and 92a, Water Quality Management (WQM) and National Pollutant Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees**

On behalf of the members of The Pennsylvania State Association of Boroughs (PSAB), I respectfully submit the following comments on the proposed WQM, NPDES & MS4 Application & Annual Fee regulation.

PSAB is a statewide, non-partisan, non-profit organization dedicated to serving 957 borough governments. Since 1911, PSAB has represented the interests of boroughs and helped to shape the laws that laid their foundation. The Association improves and assists local governments through legislative advocacy, research, education and other services. With more than 2.6 million Pennsylvanians residing in borough communities, our members strive to deliver quality leadership and service to citizens across the Commonwealth.

In general, we support the goals of the Clean Streams Law, which is a federal mandate from the Clean Water Act. We believe this public policy is an important mandate which must be funded by the mandating entities, i.e. the federal and state government. Unfortunately, we have seen a dramatic decrease in the appropriation to the Department of Environmental Protection (DEP) to fund the Clean Streams Law implementation. The result is an ever-increasing pressure on the regulated community to subsidize the operations of the Bureau of Clean Water.

PSAB members would be affected by the proposed regulation as part of the regulated community. Our members hold permits for which the fees in the regulation would, for the most part, increase substantially. Take for example the MS4 fees for an Individual Permit. The annual fees would increase from \$500 to \$2,500. These costs will be absorbed by the local taxpayers since most members do not have a stormwater utility.

We are also concerned by the Department's inclusion of an automatic index of the fees every two years based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation. PSAB believes this automatic fee increase seeks to frustrate the Regulatory Review Act (71 P.S. §745.1 *et. seq.*) We strongly object to the lack of a public comment period before fees would be increased on the regulated community. Why has the Department chosen the Water Quality Management & NPDES permits for the automatic index and not other permits?

The fiscal impact to our members would be significant with local governments bearing an estimated \$2 million of the \$8 million of new fees. PSAB believes the additional revenue needed for the Bureau should come from the Commonwealth's General Fund.

Thank you for the opportunity to provide comments on this proposed regulation and respectfully request the Board's consideration.

Sincerely,

A handwritten signature in dark ink, reading "Ronald J. Grutza". The signature is written in a cursive style with a large, sweeping initial 'R'.

Ronald J. Grutza  
Assistant Director of Government Affairs  
Regulatory Affairs Coordinator