

3177

**Kathy Cooper**

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**From:** IRRC  
**Subject:** FW: Environmental Quality Board proposed regulation #7-521 (IRRC #3177): "Safe Drinking Water; General Update and Fees"

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**From:** Michelle Elliott  
**Sent:** Tuesday, September 26, 2017 8:23 AM  
**To:** Irrchelp  
**Subject:** FW: Environmental Quality Board proposed regulation #7-521 (IRRC #3177): "Safe Drinking Water; General Update and Fees"

Michelle: We have reviewed the Environmental Quality Board's proposed regulation #7-521 (IRRC #3177) to Title 25 of the Pa Code, Chapter 109 (Safe Drinking Water). This regulation would add the remaining general update provisions which include revisions to treatment technique requirements for pathogens, clarifications to permitting requirements, and would expand requirements for alarms, shutdown capabilities, and auxiliary power.

This proposed regulation would also increase existing permit fees from \$100 to \$10,000 (*current permit ranges are \$125 to \$1,750*) depending on the population served and whether the permit is for major or minor construction and add a new annual fee ranging from \$250 to \$40,000 for CWSs to supplement state costs and address the \$7.5 million funding gap. All fees would be deposited into a special restricted revenue account in the General Fund to allow the Safe Drinking Water Program to restore staffing levels and reverse the decline in services that has occurred since 2009.

Finally, the proposed regulation would establish a new process for issuing general permits, and address concerns related to gaps in monitoring, reporting and tracking of back-up sources of supply.

It should be noted that several provisions in the proposal are more stringent than federal requirements, and question why? Although the proposal states that "the Department developed these provisions to better protect public health and to be consistent with existing Pennsylvania drinking water regulations, we question whether the enhancements above the federal requirements is to justify the new fee schedule."

This proposed regulation would include increased costs to systems that are owned and/or operated by local governments. If increases in permit fees alone were passed onto customers, per-person costs could range from \$0.35 to \$10 per person per year. Additionally, the cost of compliance with the new regulations could range from \$3,000 to \$4,000 for small systems and \$50,000 to \$200,000 for large systems. We understand that the department has the authority to raise fees to help offset their cost to run the program, but they cannot be such that the customer cannot afford them. The reality is that the systems do not pay these fees, but rather the residents and customers do.

If you have any questions, please feel free to contact me. Elam

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