

## Chapter 92a Fees

### Overview

In 2010 the Department of Environmental Protection (DEP) published the *25 Pa. Code* Chapter 92a regulations, which established application and annual fees for facilities with individual National Pollutant Discharge Elimination System (NPDES) permits in sections [92a.26](#) and [92a.62](#), respectively. These fees are intended to help cover DEP's administrative, permitting and monitoring costs for the NPDES program. Notice of Intent (NOI) fees for coverage under General NPDES Permits were not established in the Chapter 92a regulations, as such fees are incorporated into each General Permit. Agencies or commissions that provide funding for the NPDES program are exempt from 92a application and annual fees. DEP has a responsibility under the regulations to review the adequacy of the fees every three years.

### Application Fees vs. Annual Fees

The NPDES individual permit application fee covers the cost of issuing the permit plus the first year of permit coverage. This is why the initial application fee for a new permit is generally double the annual fee. The applicant is paying for the relatively high cost of developing a new permit, plus the first year of permit coverage. For subsequent renewal applications, the fee is generally the same as the annual fee.

Annual fees are billed three months before each anniversary of the effective date of the permit and are due on the anniversary date. Each application fee is followed by four annual fees to cover the 5-year term of permit coverage. If a permit is amended or transferred during the permit term, the anniversary date does not change since the invoice date is based on the original effective date of the permit. No invoice is mailed to the permittee during the year the permit expires (since a renewal fee is due), but invoices resume if the permit is administratively extended by nine or more months. Although DEP mails invoices to remind permittees of their annual fee obligations, it is important to note that failure to receive an invoice does not excuse a permittee from paying the annual fee.

### Typical Fee Structure

Start-up – Initial application fee (typically, twice the amount of the annual/renewal fee)

1st anniversary of effective date – Annual fee

2nd anniversary of effective date – Annual fee

3rd anniversary of effective date – Annual fee

4th anniversary of effective date – Annual fee

Middle of 5th year of permit coverage – Renewal application due (six months prior to expiration), typically, same amount as annual fee

5th anniversary of effective date – NO ANNUAL FEE

In the event that the permit is administratively extended past the expiration date by nine or more months, DEP will resume mailing annual fee invoices (due on the 6th anniversary of the effective date).

### Examples

General: A new permit (initial application fee) is issued with an effective date of June 1, 2013, and an expiration date of May 31, 2018. The first invoice will be sent March 1, 2014 with a June 1, 2014 due date. The second invoice will be sent March 1, 2015 with a June 1, 2015 due date, and so on. The renewal application fee is due December 31, 2017, six months prior to expiration. As such, the annual fee is not invoiced for the June 1, 2018 due date. If the permit is renewed prior to March 1, 2019, the

next invoice will be due on the anniversary of the effective date of the renewed permit. If the permit is not renewed by March 1, 2019, an invoice will be sent March 1, 2019, due June 1, 2019.

#### Delayed issuance:

- A permit expires on July 31, 2014. The permit renewal application and application fee are sent early in December 2013. DEP's issuance of the renewed permit is delayed. The next annual fee invoice is sent May 1, 2015, and is due August 1, 2015 (the anniversary of the old permit). The renewed permit is issued June 23, 2015, with an effective date of July 1, 2015. The annual fee invoice is still due on August 1, 2015. The next invoice will be based on the effective date of the renewed permit. It will be mailed on April 1, 2016, and will be due on July 1, 2016.
- A permit expires on July 31, 2014. No permit renewal application is received nor is a request for termination of the permit. The next invoice will be sent May 1, 2015, and will be due August 1, 2015. Since no permit application or request for termination has been received, the facility is considered to be discharging without a permit and may be subject to DEP enforcement.

Amendments and transfers: A permit is issued with an effective date of February 1, 2014. The permit is amended or transferred on June 10, 2015. The annual fee invoice and due dates *do not change* and the next fee invoice will be mailed on November 1, 2015, and due on February 1, 2016, as usual. In the case of a transfer, the fee invoice will be sent to the new permittee provided the transfer application was received prior to the invoice mailing.

#### Permit Termination

The annual fee must be paid unless the permit is terminated by DEP *prior to the due date*. Termination requests must be made in writing and the permit is not terminated until DEP verifies the termination in writing. This includes facilities that were never built, were decommissioned or have ceased discharging. Mail the request along with the invoice to the address listed on the invoice. If DEP terminates your permit, you must apply for a new permit in the event that you wish to resume a discharge to surface waters in the future.

#### Additional Information

If you receive an invoice from DEP for annual fees, the fees must be paid by the due date to cover DEP's costs for the next year. This includes permits that are renewed prior to the due date listed on the invoice.

Checks and money orders should be made out to "Commonwealth of Pennsylvania" and include the invoice ID or permit number. A copy of the original invoice received should be included with the fee payment. The mailing address for Chapter 92a annual fees is as follows:

PA Department of Environmental Protection  
Bureau of Point and Non-Point Source Management  
Re: Chapter 92a Annual Fee  
P.O. Box 8466  
Harrisburg, PA 17105-8466

#### For more information or to receive a W-9 form for DEP

Please contact DEP at [ra-annualfee@pa.gov](mailto:ra-annualfee@pa.gov) or 717-787-5017.

For more information, visit [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: Wastewater.