

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1206 Session of 2007

INTRODUCED BY SURRA, BELFANTI, BIANCUCCI, CALTAGIRONE, COHEN, EACHUS, FREEMAN, GOODMAN, GRUCELA, JOSEPHS, KULA, LEACH, MAHONEY, MYERS, M. O'BRIEN, PETRONE, SCAVELLO, STABACK, TANGRETTI, WOJNAROSKI, STURLA, YOUNGBLOOD, GERGELY, MCGEEHAN, FABRIZIO, JAMES, BENNINGTON, THOMAS, SANTONI, PRESTON AND McILVAINE SMITH, MAY 24, 2007

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 20, 2007

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," ~~further providing for the~~ <—
21 ~~establishment of certain fees~~ PROVIDING FOR THE ESTABLISHMENT <—
22 AND ALLOCATION OF AN ADDITIONAL MUNICIPAL WASTE LANDFILL
23 DISPOSAL FEE in the Department of Environmental Protection+ <—
24 and making repeals.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

1 Section 1. ~~Section 607 A heading, introductory paragraph and~~ <—
2 ~~(5)(i) of the act of April 9, 1929 (P.L.177, No.175), known as~~
3 ~~The Administrative Code of 1929, added July 1, 1981 (P.L.143,~~
4 ~~No.48), are amended and the section is amended by adding~~
5 ~~subsections and clauses to read:~~

6 SECTION 1. SECTION 607-A HEADING AND INTRODUCTORY PARAGRAPH <—
7 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
8 ADMINISTRATIVE CODE OF 1929, ADDED JULY 1, 1981 (P.L.143,
9 NO.48), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
10 SUBSECTION AND CLAUSE TO READ:

11 Section 607-A. Department of Environmental [Resources.--]
12 Protection.--(a) The Department of Environmental [Resources]
13 Protection is authorized to charge fees for the following
14 purposes and in the following amounts:

15 * * *

16 ~~(5) Water and related matters:~~ <—
17 ~~{(i) Public water supply surface Fee to be set~~
18 ~~water allocation permit. by regulation~~
19 ~~of department~~
20 ~~to reimburse~~
21 ~~costs of admin~~
22 ~~istering the~~
23 ~~act of June 24,~~
24 ~~1939 (P.L.842,~~
25 ~~No.365)}~~

26 * * *

27 ~~(8) Dam safety, water obstructions and encroachments~~
28 ~~annual oversight and review fees:~~
29 ~~(i) Annual oversight monitoring~~
30 ~~fee Class A, 1..... 550.00~~

1	(ii) Annual oversight monitoring	
2	 — fee Class A, 2.....	275.00
3	(iii) Annual oversight monitoring	
4	 — fee Class A, 3.....	15.00
5	(iv) Annual oversight monitoring	
6	 — fee Class B, 1.....	550.00
7	(v) Annual oversight monitoring	
8	 — fee Class B, 2.....	275.00
9	(vi) Annual oversight monitoring	
10	 — fee Class B, 3.....	15.00
11	(vii) Annual oversight monitoring	
12	 — fee Class C, 1.....	500.00
13	(viii) Annual oversight monitoring	
14	 — fee Class C, 2.....	210.00
15	(ix) Annual oversight monitoring	
16	 — fee Class C, 3.....	15.00
17	(x) Letter of amendment or authorization	
18	 — review fee Class A.....	1,000.00
19	(xi) Letter of amendment or authorization	
20	 — review fee Class B.....	650.00
21	(xii) Letter of amendment or authorization	
22	 — review fee Class C.....	300.00
23	(xiii) Major dam design revision review	
24	 — fee Class A.....	1,000.00
25	(xiv) Major dam design revision review	
26	 — fee Class B.....	650.00
27	(xv) Major dam design revision review	
28	 — fee Class C.....	300.00
29	(xvi) Permit application Class A,	
30	 — Hazard 1.....	12,200.00

1	(xvii) Permit application Class A,	
2	 Hazard 2.....	11,600.00
3	(xviii) Permit application Class A,	
4	 Hazard 3.....	10,700.00
5	(xix) Permit application Class B,	
6	 Hazard 1.....	9,100.00
7	(xx) Permit application Class B,	
8	 Hazard 2.....	8,800.00
9	(xxi) Permit application Class B,	
10	 Hazard 3.....	8,100.00
11	(xxii) Permit application Class C,	
12	 Hazard 1.....	5,000.00
13	(xxiii) Permit application Class C,	
14	 Hazard 2.....	4,600.00
15	(xxiv) Permit application Class C,	
16	 Hazard 3.....	3,700.00
17	(xxv) Permit application modification	
18	 of dam Class A, 1.....	8,300.00
19	(xxvi) Permit application modification	
20	 of dam Class A, 2.....	8,300.00
21	(xxvii) Permit application modification	
22	 of dam Class A, 3.....	8,000.00
23	(xxviii) Permit application modification	
24	 of dam Class B, 1.....	5,500.00
25	(xxix) Permit application modification	
26	 of dam Class B, 2.....	5,500.00
27	(xxx) Permit application modification	
28	 of dam Class B, 3.....	5,300.00
29	(xxxi) Permit application modification	
30	 of dam Class C, 1.....	3,600.00

1	(xxxii) Permit application modification	
2	of dam Class C, 2.....	3,600.00
3	(xxxiii) Permit application modification	
4	of dam Class C, 3.....	3,400.00
5	(xxxiv) Permit application of operation	
6	and maintenance of existing dam	
7	Class A, 1.....	6,700.00
8	(xxxv) Permit application of operation	
9	and maintenance of existing dam	
10	Class A, 2.....	6,600.00
11	(xxxvi) Permit application of operation	
12	and maintenance of existing dam	
13	Class A, 3.....	5,300.00
14	(xxxvii) Permit application of operation	
15	and maintenance of existing dam	
16	Class B, 1.....	5,300.00
17	(xxxviii) Permit application of operation	
18	and maintenance of existing dam	
19	Class B, 2.....	5,000.00
20	(xxxix) Permit application of operation	
21	and maintenance of existing dam	
22	Class B, 3.....	4,300.00
23	(xl) Permit application of operation	
24	and maintenance of existing dam	
25	Class C, 1.....	3,500.00
26	(xli) Permit application of operation	
27	and maintenance of existing dam	
28	Class C, 2.....	3,300.00
29	(xlii) Permit application of operation	
30	and maintenance of existing dam	

1	Class C, 3.....	3,300.00
2	(xliii) Review fees for environmental	
3	assessments of non jurisdictional	
4	dams or letters of amendment and	
5	authorization Class A.....	600.00
6	(xliv) Review fees for environmental	
7	assessments of non jurisdictional	
8	dams or letters of amendment and	
9	authorization Class B.....	500.00
10	(xlv) Review fees for environmental	
11	assessments of non jurisdictional	
12	dams or letters of amendment and	
13	authorization Class C.....	400.00
14	(xlvi) Base individual water obstruction	
15	and encroachment administrative	
16	filing fee.....	1,000.00
17	(xlvii) Additional filing fee for	
18	permanent wetlands impacts	
19	general.....	1,600.00
20		(per tenth acre)
21	(xlviii) Additional filing fee for	
22	temporary wetlands impacts	
23	general.....	500.00
24		(per tenth acre)
25	(xlix) Additional filing fee for	
26	watercourse impacts general.....	12.00
27		(per linear foot)
28	(l) Additional filing fee for	
29	floodway impacts general.....	1.00
30		(per square foot)

1	(li) Additional filing fee for	
2	permanent wetlands impacts special	
3	protection resources.....	2,000.00
4		-(per tenth acre)
5	(lii) Additional filing fee for	
6	temporary wetlands impacts special	
7	protection resources.....	500.00
8		-(per tenth acre)
9	(liii) Additional filing fee for	
10	watercourse impacts special	
11	protection resources.....	15.00
12		-(per linear foot)
13	(liv) Additional filing fee for	
14	floodway impacts special	
15	protection resources.....	1.00
16		-(per square foot)
17	(lv) Water obstruction and	
18	encroachment general permit	
19	registration.....	500.00
20		-(or lesser amount specified
21		in general permit)
22	(lvi) Individual water obstruction and	
23	encroachment permit amendment	
24	fee major amendment.....	500.00
25	(lvii) Individual water obstruction and	
26	encroachment permit amendment	
27	fee minor amendment.....	100.00
28	(9) Explosives permit and license fees:	
29	(i) Annual blasters license.....	70.00
30	(ii) Blasting activity permit.....	250.00

1	(iii) Magazine storage license.....	200.00
2	(iv) Blasting activity (permit by rule)...	10.00
3	(v) Magazine security plan.....	240.00
4	(vi) Magazine security plan revision.....	100.00
5	(vii) Annual purchase permit.....	40.00
6	(viii) Annual sales permit.....	40.00
7	(10) Hazardous waste fees:	
8	(i) Annual administration during	
9	—closure—impoundment facility.....	150.00
10	(ii) Annual administration during	
11	—closure—land disposal facility.....	150.00
12	(iii) Annual administration during	
13	—closure—other facility.....	75.00
14	(iv) Annual permit	
15	—administration—captive treatment...	900.00
16	(v) Annual permit	
17	—administration—commercial treatment	2,600.00
18	(vi) Annual permit	
19	—administration—incinerator.....	1,700.00
20	(vii) Annual permit	
21	—administration—land disposal	
22	—facility.....	3,250.00
23	(viii) Annual permit	
24	—administration—storage.....	700.00
25	(ix) Annual permit administration	
26	—surface impoundment.....	3,250.00
27	(x) Application—captive	
28	—incinerator.....	70,000.00
29	(xi) Application—captive	
30	—land disposal.....	92,800.00

1	(xii) Application captive	
2	 — storage.....	18,200.00
3	(xiii) Application captive	
4	 — surface impoundment.....	18,200.00
5	(xiv) Application captive	
6	 — treatment.....	18,200.00
7	(xv) Application commercial	
8	 — incinerator.....	121,000.00
9	(xvi) Application commercial	
10	 — land disposal.....	162,500.00
11	(xvii) Application commercial	
12	 — storage.....	46,800.00
13	(xviii) Application commercial	
14	 — surface impoundment.....	46,800.00
15	(xix) Application commercial	
16	 — treatment.....	46,800.00
17	(xx) Application post closure	
18	 — permit.....	32,500.00
19	(xxi) Generic Module I	
20	 — application.....	1,800.00
21	(xxii) Hazardous waste generator	
22	 — annual fee.....	1,000.00
23	(xxiii) Hazardous waste	
24	 — transporter application.....	1,000.00
25	(xxiv) Hazardous waste transporter	
26	 — license cards (per card).....	10.00
27	(xxv) Hazardous waste transporter	
28	 — license renewal.....	500.00
29	(xxvi) Modification Class 1 and 2.....	900.00
30	(xxvii) Modification Class 3.....	50% of initial

~~application~~

~~(xxviii) Module I~~

~~application..... 400.00~~

~~(11) Municipal waste annual administration and application~~

~~fees:~~

~~(i) Annual permit administration~~

~~agricultural utilization..... 450.00~~

~~(ii) Annual permit administration~~

~~construction/demolition landfill... 9,750.00~~

~~(iii) Annual permit administration~~

~~composting facility..... 1,400.00~~

~~(iv) Annual permit administration~~

~~incinerator or resource~~

~~recovery facility..... 5,900.00~~

~~(v) Annual permit administration~~

~~land reclamation utilization..... 2,750.00~~

~~(vi) Annual permit administration~~

~~municipal waste landfill..... 32,300.00~~

~~(vii) Annual permit administration~~

~~other processing facility..... 2,500.00~~

~~(viii) Annual permit administration~~

~~transfer facility..... 2,800.00~~

~~(ix) Application agricultural~~

~~utilization..... 2,850.00~~

~~(x) Application construction/demolition~~

~~landfill..... 31,600.00~~

~~(xi) Application demonstration~~

~~facility..... 27,600.00~~

~~(xii) Application infectious or~~

~~chemotherapeutic waste general~~

1	permit.....	1,900.00
2	(xiii) Application incinerator or	
3	resource recovery facility.....	23,000.00
4	(xiv) Application land reclamation	
5	utilization.....	9,650.00
6	(xv) Application municipal waste	
7	landfill.....	40,150.00
8	(xvi) Application other processing	
9	facilities.....	18,200.00
10	(xvii) Application transfer	
11	facility.....	18,350.00
12	(xviii) Beneficial use of sewage sludge	
13	general permit.....	2,700.00
14	(xix) General permit application.....	1,700.00
15	(xx) General permit modification.....	500.00
16	(xxi) General permit determination	
17	of applicability.....	1,250.00
18	(xxii) General permit registration.....	350.00
19	(xxiii) Infectious or chemotherapeutic	
20	waste determination of	
21	applicability.....	1,000.00
22	(xxiv) Infectious or chemotherapeutic	
23	waste general permit	
24	registration.....	500.00
25	(xxv) Infectious or chemotherapeutic	
26	waste permit modification.....	500.00
27	(xxvi) Infectious or chemotherapeutic	
28	waste permit renewal.....	1,000.00
29	(xxvii) Infectious or chemotherapeutic	
30	waste transporter license.....	2,300.00

1	(xxviii) Infectious or chemotherapeutic	
2	 — waste transporter license renewal.....	950.00
3	(xxix) Modification — additional types of	
4	 — waste not covered by permit.....	550.00
5	(xxx) Modification — agricultural	
6	 — utilization.....	1,000.00
7	(xxxii) Modification — demonstration	
8	 — facility.....	13,300.00
9	(xxxiii) Modification — incinerator or	
10	 — resource recovery facility.....	14,500.00
11	(xxxiiii) Modification — land reclamation	
12	 — utilization.....	2,950.00
13	(xxxv) Modification — minor modification.	2,700.00
14	(xxxvi) Modification — municipal waste or	
15	 — construction/demolition landfill.....	24,600.00
16	(xxxvii) Modification — other processing	
17	 — facilities.....	10,750.00
18	(xxxviii) Modification — transfer	
19	 — facilities.....	12,900.00
20	(xxxix) Permit reissuance.....	4,600.00
21	(xl) Permit renewal.....	5,850.00
22	(12) Residual waste annual administration and	
23	application fees:	
24	(i) Annual permit administration — agricultural	
25	 — utilization.....	1,350.00
26	(ii) Annual permit administration	
27	 — composting facility.....	2,500.00
28	(iii) Annual permit administration	
29	 — incinerator.....	1,750.00
30	(iv) Annual permit administration	

1	land reclamation utilization.....	4,700.00
2	(v) Annual permit administration	
3	landfill.....	11,300.00
4	(vi) Annual permit administration	
5	other processing facility.....	2,500.00
6	(vii) Annual permit administration	
7	transfer facility.....	2,100.00
8	(viii) Application agricultural	
9	utilization.....	12,100.00
10	(ix) Application captive incinerator....	14,750.00
11	(x) Application demonstration	
12	facility.....	9,450.00
13	(xi) Application disposal impoundment...	27,350.00
14	(xii) Application land reclamation	
15	utilization.....	12,100.00
16	(xiii) Application noncaptive	
17	incinerator.....	23,500.00
18	(xiv) Application other processing	
19	facilities.....	15,000.00
20	(xv) Application residual waste	
21	landfill.....	30,700.00
22	(xvi) Application transfer facility....	15,000.00
23	(xvii) Closure administration disposal	
24	impoundment.....	17,600.00
25	(xviii) Closure administration landfill.	17,600.00
26	(xix) Closure administration other	
27	processing or disposal.....	1,500.00
28	(xx) General permit determination	
29	of applicability.....	1,250.00
30	(xxi) General permit registration.....	400.00

1	(xxii) General permit renewal.....	1,500.00	
2	(xxiii) Modification agricultural		
3	utilization.....	1,500.00	
4	(xxiv) Modification disposal		
5	impoundment.....	16,000.00	
6	(xxv) Modification incinerator.....	12,800.00	
7	(xxvi) Modification land		
8	reclamation utilization.....	5,100.00	
9	(xxvii) Modification landfill.....	24,300.00	
10	(xxviii) Modification minor		
11	modification.....	2,600.00	
12	(xxxix) Modification other		
13	processing facilities.....	11,500.00	
14	(xxx) Permit reissuance.....	4,950.00	
15	(xxxi) Permit renewal.....	5,200.00	
16	(13) (8) Municipal waste landfill disposal fee:		<—
17	(i) Additional disposal fee for all solid		
18	waste received at municipal waste landfill		
19	per ton of weighted waste or per three		
20	cubic yards of volume - measured waste...	2.75	
21	(14) Water allocation application fees:		<—
22	(i) Change in service territory		
23	application.....	2,000.00	
24	(ii) Increased water rights		
25	permit application.....	2,000.00	
26	(iii) Increased water rights permit fee		
27	per million gallons per day.....	2,000.00	
28	(iv) Increased water rights permit fee		
29	per source.....	3,750.00	
30	(v) New permit application.....	4,000.00	

1	(vi) New permit fee per million gallons	
2	per day.....	4,000.00
3	(vii) New permit fee per source.....	7,500.00
4	(viii) Subsidiary permit application....	2,000.00
5	(ix) Subsidiary permit fee per million	
6	gallons per day.....	1,000.00
7	(x) Subsidiary permit fee per source....	2,000.00
8	(15) Oil and gas application fees:	
9	(i) Alternative methods.....	200.00
10	(ii) Alternative methods with well permit.....	100.00
11	(iii) Brine spreading.....	100.00
12	(iv) Inactive status.....	100.00
13	(v) Pillar permit.....	100.00
14	(vi) Well permit transfer.....	100.00
15	(vii) Variance.....	200.00
16	(viii) Variance with well permit.....	100.00
17	(ix) Waiver.....	200.00
18	(x) Waiver with well permit.....	100.00
19	(xi) Well permit.....	1,475.00

20 ~~(b) Notwithstanding the establishment of the fees in~~
21 ~~paragraphs (a)(8) through (14), the Department of Environmental~~
22 ~~Protection, including the Environmental Quality Board, shall~~
23 ~~continue to exercise the authority previously granted to~~
24 ~~establish or change fees by regulation.~~

25 ~~(c) The Department of Environmental Protection will review~~
26 ~~the adequacy of the fees established in subsection (a) at least~~
27 ~~once every three years and provide a written report to the~~
28 ~~Environmental Quality Board. The report shall identify any~~
29 ~~disparity between the amount of program income generated by the~~
30 ~~fees and the costs to administer these programs and shall~~

1 ~~contain recommendations to increase fees to eliminate the~~
2 ~~disparity, including recommendations for regulatory amendments~~
3 ~~to increase program fees.~~

4 ~~(d)~~ (B) The additional municipal waste disposal fee <—
5 established in paragraph (a)(13)(i) (A)(8)(I) shall be allocated <—
6 as follows:

7 (1) \$2.25 shall be deposited into the Hazardous Sites
8 Cleanup Fund established under section 901 of the act of
9 October 18, 1988 (P.L.756, No.108), known as the "Hazardous
10 Sites Cleanup Act," and the department may expend these
11 moneys in accordance with section 902 of the "Hazardous Sites
12 Cleanup Act."

13 (2) \$.50 shall be deposited into the Environmental
14 Stewardship Fund established in 27 Pa.C.S. § 6104 (relating
15 to fund) and the department may expend these moneys in
16 accordance with 27 Pa.C.S. Ch. 61 (relating to environmental
17 stewardship and watershed protection), including payments
18 authorized by 27 Pa.C.S. § 6115(d)(4) (relating to debt
19 retirement).

20 ~~(c) The well permit fee established in subsection~~ <—
21 ~~(a)(15)(xi) shall be allocated as follows:~~

22 ~~(1) \$1,375.00 shall be placed in the General Fund.~~

23 ~~(2) \$100.00 shall be appropriated to the Department of~~
24 ~~Environmental Protection to carry out the purposes of the act~~
25 ~~of December 19, 1984 (P.L.1140, No.223), known as the "Oil~~
26 ~~and Gas Act."~~

27 ~~Section 2. Repeals are as follows:~~

28 ~~(1) The General Assembly declares that the repeal under~~
29 ~~paragraph (2) is necessary to effectuate the addition of~~
30 ~~section 607 A(a)(10)(xxix).~~

1 ~~(2) Section 903(d)(1) of the act of October 18, 1988~~
2 ~~(P.L. 756, No. 108), known as the Hazardous Sites Cleanup Act,~~
3 ~~is repealed insofar as it relates to the fee to be charged.~~

4 ~~(3) All other acts and parts of acts are repealed~~
5 ~~insofar as they are inconsistent with this act.~~

6 Section 3 2. This act shall take effect July 1, 2007, or <—
7 immediately, whichever is later.