



February 17, 2022

VIA ELECTRONIC FORMAT

dwq_pas@dep.nj.gov *ATTN: NJPDES Fee Management Unit*

Michele.Christopher@dep.nj.gov

Mail Code 401-02B

NJDEP – Division of Water Quality

Bureau of Ground Water, Residuals, and Permit Administration

Permit Administration Section

PO Box 420

401 East State Street

Trenton, New Jersey 08625-0420

Re: FY2022 Annual Fee Report and Assessment of Fees for the NJPDES Permit Program

To Michele,

On behalf of our members, the Chemistry Council of New Jersey (CCNJ) appreciates the opportunity to provide comments on the New Jersey Pollutant Discharge Elimination System (NJPDES) Fiscal Year (FY) 2022 Annual Fee Report and Assessment of Fees. CCNJ, founded in 1955, is the trade and advocacy organization representing the interests of more than 100 manufacturers and firms engaged in the business of chemistry. Our membership consists of large and small companies that are part of New Jersey's chemical, pharmaceutical, consumer packaged goods, petroleum, flavor & fragrances, and precious metals industries.

CCNJ last commented on the NJPDES fees in 2018 (please see attached letter) and still strongly urges the New Jersey Department of Environmental Protection (NJDEP) to restructure their industrial fee calculations to make them more predictable and equitable. The current self-fulfilling process of meeting NJDEP budget requirements is entirely unfair as the number of permittees and loading/emissions decrease while their discharge permit fees increase.

We decided not to submit comments on the last few rounds of NJPDES fee assessments since we have been told by the NJDEP that they agree the industrial fee structure needs to be improved upon and stakeholder meetings would be scheduled last summer to pick up on the previous work done, which never happened. When we reviewed the FY2022 document, we very quickly realized that, though the number of industrial surface water permitted facilities decreased, the total amount of these fees assessed significantly increased (over \$1 million!), which is concerning to say the least. Operating a facility in New Jersey where just one permit fee (in this instance, a NJPDES permit fee) is in the hundreds of thousands of dollars with nothing comparable existing in other states is simply not sustainable.

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Given the fact that we were told by the NJDEP as recently as last year that they agree with our concerns, coupled with the outrageous increase in industrial surface water permit fees, we are extremely frustrated and disappointed that no action (not even an update regarding when this stakeholder process will reconvene) has been taken prior to this proposal. We ask the NJDEP to not move forward with the FY2022 Annual Fee Report and Assessment of Fees, reconvene all stakeholders, and make the much needed improvements now. In addition, CCNJ respectfully requests that the NJDEP be transparent and share how their NJPDES budget is calculated, discuss what is included and which costs are fixed/variable, and, specifically, explain why the industrial surface water permit fees drastically increased with less facilities being permitted.

We welcome the opportunity to continue working collaboratively with the NJDEP to develop a more predictable and equitable NJPDES industrial fee structure. Please feel free to reach out to me with any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'D Hart', with a long horizontal flourish extending to the right.

Dennis Hart
Executive Director

Attachment