

DEPARTMENT OF  
**ECOLOGY**  
State of Washington

As required by  
the Washington State Administrative Procedures Act  
Chapter 34.05 RCW

CONCISE EXPLANATORY STATEMENT  
AND  
RESPONSIVENESS SUMMARY  
FOR THE ADOPTION OF AMENDMENTS TO  
Chapter 173-224 WAC, *Wastewater Discharge Permit Fees*

09/25/2009  
Publication: 09-10-074



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As required by the Washington State Administrative Procedures Act, RCW 34.05.

CONCISE EXPLANATORY STATEMENT  
AND  
RESPONSIVENESS SUMMARY  
FOR THE ADOPTION OF AMENDMENTS TO  
CHAPTER 173-224 WAC, WASTEWATER DISCHARGE PERMIT FEES

Prepared by:  
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Washington State Department of Ecology  
Water Quality Program

09/25/2009

Publication: 09-10-074

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# CONCISE EXPLANATORY STATEMENT

## ***Introduction***

The Washington Department of Ecology (Ecology) is authorized by state statutory law to adopt rules to fund the operation of the Wastewater/Stormwater Discharge Permit Program.

RCW 90.48.465, *Water Pollution Control*, gives Ecology authority to establish annual fees to fund the issuance and administration of wastewater and stormwater discharge permits. The law states that all fee charges will be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and the reduction of the quantity of pollutants.

The fee regulation was first adopted in 1988. Since that time, Ecology has added a few new fee categories but overall, the fee structure has remained unchanged. Permit holders have expressed interest during the last several years in examining funding of the wastewater permit program. In particular, they are interested in examining the current fee schedule with the intent of restructuring some fee categories.

During the FY2008-09 fee rule amendment process, Ecology informed permit holders it would convene a task force consisting of industrial and municipal permit holders, governmental permit holders, and environmentally interested parties to advise the department in restructuring Chapter 173-224 WAC, *Wastewater Discharge Permit Fees*.

Ecology formed the Permit Fee Task Force and held meetings between February and November of 2008. The outcome of the first phase of the restructuring process was to develop an interim fix for the permit program that would prevent further deterioration of funding for the program. However, legislation proposed by Ecology requesting a fee increase was rejected by the Governor's Office. The Governor would not allow any proposed legislation by state agencies that allowed for increases to existing fee programs.

Business and environmental members of the Permit Fee Task Force submitted their own legislation (Substitute House Bill 1413) that would allow fee increases only for those permit categories where Ecology Time Management System information could document the cost of managing the permits would be more than the revenue being received for that specific category. The Legislature passed the budget and authorized Ecology to increase fees for both Fiscal Years 2010 and 2011. In addition, Ecology, with the advice of an advisory committee, was directed to evaluate the existing fee structure, including the current inequity of fees relative to the permit workload, and report its findings and recommendations to the 2010 Legislature.

Substitute House Bill 1413 also authorized Ecology to adjust the fee schedule annually through December 31, 2011, rather than being able to only adjust the schedule once every two years.

As a result of Substitute House Bill 1413, Ecology is adopting the following:

- Increase fees by the state fiscal growth factor limits of 5.20% for Fiscal Year 2010 and 4.61% for Fiscal Year 2011 for the following fee categories:
  - Shellfish Hatching
  - Aquatic Pest Control
  - Boatyard General Permit
  - Concentrated Animal Feeding Operations
  - Dairies
  - Municipal/Domestic Wastewater Facilities
  - Stormwater Individual Construction and Industrial Permits
  - Stormwater Construction Stormwater General Permits
  - Stormwater Industrial Stormwater General Permits
  - Municipal Separate Stormwater Sewer System Permits (Municipal Phase I and II Permits including other entities covered under either of these two permits)
- Eliminate the proration of fees to the fiscal quarter for permits terminated during the fiscal year.
- Restructure the wording of WAC 173-224-090 – Small Business Fee Reductions to make eligibility requirements easier to understand.

The rule adoption date is scheduled for September 28, 2009, making the amendments effective on October 29, 2009.

### ***Differences between Proposed and Final Rule***

Based on a public comment received, there is only one difference incorporated between the proposed fee rule and the final rule that Ecology is adopting.

#### **Current language:**

**WAC 173-224-090, Small business fee reduction.** Except as noted in subsection of (6) of this section, a small business required to pay a permit fee under an industrial facility category may receive a reduction for its permit fee.

- (1) To qualify for the fee reduction, a business must:
  - (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
  - (b) Be independently owned and operated from all other businesses (i.e. not a subsidiary of a parent company);
  - (c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and
  - (d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.
- (2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

- (a) In the case of a limited partnership by an authorized corporate officer;
  - (b) In the case of a limited partnership by an authorized general partner;
  - (c) In the case of a general partnership by an authorized partner, or
  - (d) In the case of a sole proprietorship, by the proprietor.
- (3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.
  - (4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to fifty percent of the assessed annual fee.
  - (5) If the annual gross revenue of the goods and services produced using the processes regulated by the waste discharge permit is one hundred thousand dollars or less, and the annual permit fee assessed imposes an extreme hardship to the business, the small business may request an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below \$106.00 for fiscal year 2009 and \$112.00 for fiscal year 2010.
  - (6) Facilities covered under the industrial storm water general permit are not eligible for a small business fee reduction under this section.

**Proposed language:**

**WAC 173-224-090, Permit fee reductions.** With the exception of facilities covered under the industrial stormwater general permit, any business required to pay a permit fee under an industrial or construction fee category may received a reduction of its permit fee.

**Small Business Fee Reduction.** (1) To qualify for a small business fee reduction, an industrial or construction business must:

- (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
  - (b) Be independently owned and operated from all other businesses (i.e. not a subsidiary of a parent company);
  - (c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and
  - (d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.
- (2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:
- (a) In the case of a limited partnership by an authorized corporate officer;
  - (b) In the case of a limited partnership by an authorized general partner;
  - (c) In the case of a general partnership by an authorized partner, or
  - (d) In the case of a sole proprietorship, by the proprietor.
- (3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.
  - (4) The permit fee for an industrial or construction small business determined to be eligible under subsection (1) of this section shall be reduced to fifty percent of the assessed annual permit fee.

**Extreme hardship fee reduction.** Any industrial or construction small business with annual gross revenue totaling one hundred thousand dollars or less of the goods and services produced using the processes regulated by the waste discharge or stormwater permit may apply for an extreme hardship fee reduction. The business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below \$112.00 for fiscal year 2010 and \$117.00 for fiscal year 2011.

A comment was received stating the existing language was confusing to the construction industry. Ecology changed the language to show that both industrial and construction businesses are eligible for small business fee reductions provided they meet the established criteria. Ecology further clarified language stating that any business (industrial or construction) is eligible for an extreme hardship fee reduction provided business and construction provided it has annual gross revenue of one hundred thousand dollars or less.

## ***Response to Comments***

The following comments have been summarized or paraphrased from the comment letters.

### **A. Proposed fee increases to Chapter 173-224 WAC – Wastewater Discharge Permit Fees**

#### **Written comment #1a:**

It seems kind of cruel and an inhuman punishment to have to withstand a permit increase when the economy is in such bad shape. We (Steelman-Duff) do not see any work in the future. We've sold equipment, reduced staff to try to survive and now you want a permit increase. Also what happened to the budget cuts that the State is introducing to eliminate the deficit that developed from excessive spending? We think the government agencies should consider what impact this has on the permit user. These fees should be based on the economy and not an increase every time they come due. We are entirely against this permit increase and demand it be nullified.

I (John-Wayne Enterprises) am highly opposed to any fee increases. The economy is bad enough as it is. I am trying to keep my employees working and you are going to increase a fee for a pit that only operations about 4 months out of the year.

#### **Ecology response:**

Ecology is only increasing fees for those categories of permits where the documented cost of managing the permit is greater than the revenue being recovered from that category of businesses. Steelman-Duff and John-Wayne Enterprises have their fee determined in the aggregate production fee category. Ecology is not proposing any permit fee increase for permit holders within this fee category. The fee amount assessed for fiscal year 2009 (July 1, 2008, through June 30, 2009) is the same amount being proposed for fiscal years 2010 and 2011.

**Written comment #2a:**

Hold the line, we (Ludtke-Pacific Trucking) are under a very tight market wherein we cannot raise our prices and remain competitive. I am asking that your department do the same. I would go on and on about the economy but the bottom line is this, if we are to survive we must have help in limiting costs to us and your department is one of them.

**Ecology response:**

The Ecology time management system shows that the cost of managing permits for industrial stormwater general permit holders as well as the other permit holders listed on pages 4 and 5 of this document is exceeding the revenues being received by permit holders within those fee categories. Revenues received from individual industrial wastewater permit holders are being used to subsidize fee categories that are not self-supporting.

Members of the Permit Fee Task Force introduced legislation during the 2009 legislative session which would begin to address some of the inequities of the current fee structure and staffing loss. The legislation allows Ecology to increase fees for those categories of permit holders where revenues do not match the cost of managing the permits which is why this rule amendment process is occurring. The legislation also requires Ecology to submit a report to the 2010 Legislature with recommendations from the Permit Fee Task Force on how the fee rule will be restructured.

Information about the Permit Fee Task Force and the work being done can be found at the following website:

<http://www.ecy.wa.gov/programs/wg/wdpftaskforce/index.html>

**Written comment #4a:**

As a small business owner, we feel that increasing permit fees at this time and during this recessed economy will negatively impact the small businesses and the people who work for them. During a time where margins are small, companies are struggling to meet payrolls and satisfy their many immediate financial responsibilities. Companies at the present time are cutting costs as a necessity of staying in business in order to employ so many contributing residents of our state.

We feel that since privately owned small businesses need to cut costs, so should the public entities. It is easy to pass the cost of increased permit fees on to others but it is also possible for the Department of Ecology's Wastewater Discharge Permit Program to not increase fees and make inter-departmental cuts to eliminate the need for increased fees.

**Ecology response:**

The Ecology time management system shows that the cost of managing permits for industrial stormwater general permit holders as well as the other permit holders listed on pages 4 and 5 of this document is exceeding the revenues being recovered by Ecology from permit holders within those fee categories. Revenues received from individual industrial wastewater permit holders are being used to subsidize fee categories that are not self-supporting.

**Written comment #5a:**

We (The City of Kelso) oppose the increases for fiscal years 2010 and 2011 for the City's Phase II NPDES Municipal Stormwater Permit. Two major reasons for this opposition are the City's cost for implementation of the permit requirements and the current economic climate.

**Ecology response:**

State law requires the wastewater and stormwater permit program to be funded through annual fees paid by permit holders. Information from Ecology's time management system shows the revenues for the Municipal Phase 1 and 2 permit holders do not match the cost of managing these permit categories. Individual industrial wastewater permit holders have been subsidizing the costs to manage the municipal stormwater permit fee category. House Bill 1413 allows Ecology to increase fees up to the state fiscal growth factor for fiscal years 2010 and 2011 for those fee categories where the cost of managing the permits is more than the revenue being received from permit holders within that category.

**Written comment #8a**

We (Building Industry of Washington - BIAW) believe it is important to register our opposition to fee increases when the housing industry, particularly smaller companies, are struggling to stay afloat. Never before have so many small, family, and community based businesses shut their doors, encouraging more out-of-state corporations to take over local homebuilding. While a \$4 increase seems paltry, it is the steady, now annual, increase that suddenly puts a \$454 permit beyond the reach of a contractor.

Ultimately, the BIAW opposes the fee increases and asks that future fee increases (if done) revert to a biennial pattern.

**Ecology response:**

State law requires the permit program be paid from annual fees assessed to wastewater and/or stormwater permit holders. Because of current inequities between categories of fee payers, House Bill 1413 was passed authorizing Ecology to increase fees only for those categories of permit holders whose cost to manage their permit exceeds the amount of revenue received from that category. Ecology has provisions in place to help small business. Ecology offers a small business fee reduction which reduces a fee by 50 percent. Ecology allows businesses to apply for an extreme hardship fee reduction which reduces the fee to a flat rate that will total \$112 for FY2010 and \$117 for FY2011. Ecology has also allowed construction permit holders who have temporarily stabilized the property to change their annual fee status to inactive which reduces the annual fee by 75 percent. This inactive status will remain in effect until the construction activity begins again.

**Oral comment #14a:**

"There's concern if there is an increase, this becomes part of the O and M expenses. That will impact our ratepayers. Municipalities have been capped? I don't know what that means and will have to find out."

**Ecology response:**

The fee rate for municipal/domestic wastewater permit holders that have less than 250,000 residential equivalent units has been capped at \$1.80 for the past three years. Costs for managing these permits has continued to increase. Substitute House Bill 1413, passed during the 2009 Legislative Session includes language that allows Ecology to increase fees for this group of permit holders by the fiscal growth factor for both Fiscal Year 2010 and 2011. It also changed the fee cap from \$1.80 per year per residential equivalent to \$2.16 per year per residential equivalent. Ecology is proposing to increase fees to \$1.89 per residential equivalent for Fiscal Year 2010 and \$1.98 per residential equivalent for Fiscal Year 2011.

**Oral comment 15a:**

"I understand that the comment period is over September 9, but there are many members of both organizations that didn't make in the nick that would like to talk to Ecology before the public comment period is over so we would like to request that someone from Ecology come up to Seattle and talk for an hour or so about the rate increases and explain them in detail."

"We have quite a few industrial folks that are confused and not really understanding that these rate increases are about. If we need we would like to request if necessary, that the comment period be extended, maybe perhaps a week if that's not a major impact into the overall schedule. But having this public comment period happening during the summer months has been a difficult time to try and get people to respond and we think this is a big deal with other cost increases going on especially with the City of Seattle at this time. We would like to put that in the record that we have a meeting with Ecology before the comment period ends and extend it if necessary."

**Ecology response:**

Ecology cannot extend the public comment period for this rule filing. Extending the comment period would mean Ecology would have to amend the rule filing which would result in the fee rule amendments not being adopted until the end of the current calendar year. Ecology *cannot* bill municipal/domestic permit holders until after the rule has been adopted and the appeal period has passed. Municipalities indicated this would cause extreme difficulties since local government budgeting is on a calendar year basis and if the budget is not established during budget time, there could be serious consequences.

No matter when a rule development occurs, there will be conflicts due to timing and process issues for some permit holders. Ecology follows the established rule adoption guidelines set forth by the State Code Reviser's Office.

At the Lacey Public Hearing held August 27, John Kane, Kane Environmental, requested Ecology staff participate in a telephone conference call to discuss the proposed rule changes prior to the rule adoption. However, Mr. Kane has not followed up on that request so no phone discussion has been held.

## **B. Comments concerning existing fee category structures**

### **Written comment #6b:**

The current fee structure only takes into account the gross revenue of a business. This method is very unfair and it does not take into account a business's potential for release of a pollutant, the scale of the business, the ecological history of the ability to pay.

### **Ecology response:**

Ecology considered basing fees on pollutant loading several years ago, but the Permit Partnership Advisory Committee could not agree how to develop this system. Gross revenue was used to assess fees for industrial stormwater general permit holders to break out large versus small business. Ecology is required to mitigate the impact of the fee on small business. The only way to meet that mandate was to create a tiered fee structure that immediately identifies small businesses.

As Ecology works with the Permit Fee Task Force, the structure of all fee categories will be examined and many will be restructured. At this time, it is unknown if the industrial stormwater general permits will be one of those categories. However, this comment will be forwarded to the Permit Fee Task Force for consideration of a new fee structure. Information about work being conducted by the Permit Fee Restructuring Task Force can be found at the following website:

<http://www.ecy.wa.gov/programs/wq/wdpftaskforce/index.html>

### **Written comment #7b:**

I (Pat Rabey Trucking) would also like to see more widespread responsibility for the tax. Many businesses are struggling to keep up with increases in government taxes. We are all trying to do our part while remaining viable. In my experience, the permit process unfairly targets random businesses when in fact we are all contributors of pollutants in some way. Many of our competitors are not held to the same standards. Please consider spreading the costs of running the DOL to all businesses as well as the public and the municipalities (who are obviously in violation of stormwater permit rules). It makes more sense to distribute the costs fairly to all than to over burden the few that are truly working on maintaining high ecology standards.

### **Ecology response:**

Not all business operations require wastewater or stormwater permit coverage. Those who do are required by state law to pay annual fees that fund Ecology's operation of the wastewater/stormwater permit program. Ecology can only spread the cost of the fee program to holders of wastewater and stormwater discharge permits. Municipalities are also subject to these fee increase proposals.

### **Written comment #9b:**

Instead of raising fees to cover program costs, it would be a refreshing change for Ecology to limit the scope of the program to what is necessary to satisfy federal requirements and protect state waters.

**Ecology response:**

Ecology does not believe the current permit program adequately protects surface and ground waters of the state. Cuts to the permit program over the last few years have increased the permit issuance backlog, reduced the number of site inspections, reduced the ability to provide technical assistance to permit holders, and reduced a number of other activities needed to protect water quality throughout the state.

**Written comment #10b:**

The Building Industry of Washington (BIAW) requests that Ecology institute one-time fees for different classes of construction stormwater permits. If this requires a statutory change, BIAW would be happy to work with Ecology to develop a reasonable permit fee based on actual administration and enforcement of each permit class.

**Ecology response:**

Ecology is very interested in exploring this proposal and will work with the Permit Fee Restructuring Task Force to evaluate if this is a viable option for future rule-making that assesses fees for construction stormwater general permit holders.

**Written comment #13b:**

The City of Camas has recently received additional water rights from Ecology to provide water to service our community for the next 20 years of growth. As part of the agreement with Ecology for the water rights and to comply with conditions outlined in the Salmon-Washougal and Lewis Watershed Management Plan adopted by Clark County Commissioners, the City of Camas has placed the water that serves the treatment plant line in a state seasonal trust from May 15 to October 31 each year. This agreement places the raw water during the summer season back into Jones and Boulder Creek to help aid in salmon recovery efforts in our region. This action is considered vital and was a high priority in the watershed plan.

During this seasonal interruption, the treatment facility covered under the permit will not be operational and no discharge will occur through the permitted facility.

We hope that the permit fee can be reduced to help defray the significant cost of dedicating this water source to fish recovery.

**Ecology response:**

State law (RCW 90.48.465 – Water Pollution Control) requires the permit program to be funded through annual fees paid by permit holders. Using water to aid in the recovery of salmon is commendable. However, there are no alternative funding sources that will off-set the decrease in the annual permit fee for this site.

Many permit holders have only seasonal discharges and do not discharge throughout the year. Seasonal operations may determine when it is reasonable to conduct an inspection, but the general permit issued to this site is the same general permit issued to the other statewide water treatment plants.

If this water treatment plant pays a permit fee that is more than \$3.00 per residential equivalent, the fee can be reduced.

**C. Comments concerning the elimination of the proration of fees for permits terminating during the Fiscal Year**

**Written comment #10c:**

The Building Industry Association of Washington (BIAW) opposes the proposed elimination of computing fees on the quarter of the termination. The BIAW opposes elimination of back-end proration because permit holders will pay for services not rendered by Ecology, in contravention of RCW 90.48.465 which authorizes Ecology to establish fees to “fully recover and not to exceed expenses incurred by the department.”

Elimination of back-end proration disproportionately impacts small, seasonal projects because they are likely to terminate shortly after the annual billing in July and they can least afford a new \$500 bill (and for what in return?). RCW 90.48.465 calls for fee adjustments for economically pressed small dischargers. Clearly the intent is for a downward adjustment, but Ecology is doing exactly the opposite with elimination of the back-end proration.

BIAW opposes proration elimination because it supports a flawed fee system. Construction projects—unlike industrial sites or municipal governments—are temporary. Employing an annual fee process is unwieldy and costly.

While annual billing remains in effect, the BIAW asks that you retain the language in WAC 173-224-050(8) that allows computation of fees based on the quarter of the termination.

**Ecology response:**

Permit fees are not a fee for service charged solely during the term of a permit holders discharge. Permit fees need to pay for the management of the permits within a special fee category. For example, fee monies received from construction stormwater general permit holders should pay for the costs associated with managing the construction stormwater general permit. Some of the funded activities include: application review, permit issuance, monitoring review, inspections, technical assistance to permit holders, etc. Ecology’s time management information shows that in the case of construction stormwater general permits, the cost of managing the permit coverages exceeds the amount of revenue being received from permit holders within that fee category. The administrative costs with processing refunds would further reduce available revenue. This would require additional fee subsidies from other permit holders to off-set the revenue loss. This would also disproportionately impact construction permit holders who are consistent in permit coverage.

**D. Comments concerning the current small business/extreme hardship fee reduction language**

**Written comment #11d:**

WAC 173-224-090 provides varying levels of fee relief for wastewater permit holders. However, the wording of the code conflicts with Ecology’s historical application. The code provides in part: Except as noted in subsection (6), a small business required

to pay a permit fee under an industrial facility category may receive a reduction of its permit fee (emphasis added).

A plain reading indicates that any relief provided under this section is only available to industrial permit holders. The language should clearly indicate that construction stormwater permit holders are eligible for relief.

**Ecology response:**

Ecology agrees with this comment and has amended the existing language to specifically state that construction businesses are eligible to apply for and receive a small business fee reduction provided they meet the specified requirements the same as industrial businesses.

**Written comment #12d:**

The extreme hardship fee reduction (5) is drafted as a subset of the small business fee reduction. This suggests that a permit applicant cannot take advantage of the extreme hardship provision unless he or she also satisfies the criteria under (1). This section needs to be rewritten to clearly delineate what reductions are available and to whom.

**Ecology response:**

Ecology agrees with this comment and has amended the existing language to state that any industrial or construction business with gross revenue of \$100,000 or less of the goods and services produced using the processes regulated by the waste or stormwater discharge permit may apply for an extreme hardship fee reduction. If granted, the annual permit fee is reduced to \$112 for Fiscal Year 2010 and \$117 for Fiscal Year 2011.

**E. Comments regarding fee exemptions**

**Written comments #3e:**

I would like to be exempt from paying any fee. I think it is discrimination for large businesses to be exempt from paying.

**Ecology response:**

There are no exemptions from paying wastewater/stormwater permit fees. Any business with permit coverage is required by state law (RCW 90.48.465 – Water Pollution Control) to pay an annual permit fee.

***Summary of public involvement opportunities***

**Draft rule**

Ecology filed the CR102 Proposed Rule Making and Draft Rule on July 20, 2009, with the State Code Reviser's Office. This public document was printed in the Washington State Register, Issue Number 09-15-128 on August 5, 2009. The CR102 filing packet

was made available to anyone interested in viewing the proposed rule changes. It can be found on Ecology's website at:

[http://www.ecy.wa.gov/programs/wq/permits/permit\\_fees/index.htm](http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm)

### **Public workshops and hearings after rule filing**

Ecology mailed hearing announcements either directly or through e-mail to approximately 6,000 permit holders, environmental groups, state and federal agencies, and other interested parties.

*The hearings were held as follows:*

Spokane	August 25, 2009	Spokane Regional Library South Hill Branch 3324 S Perry
Ellensburg	August 26, 2009	Hal Holmes Community Center 209 N Ruby Street
Lacey	August 27, 2009	Ecology Headquarters Building 300 Desmond Drive SE Room ROA-34

A brief presentation on the proposed rule amendments was given and Ecology engaged in a short question-and-answer period before formal testimony was received at the hearings.

Oral testimony was presented by two people who attended the Lacey hearing. Written comments were received from nine people.

## ***APPENDICES***



## APPENDIX A

### Individuals and Organizations Providing Written Comments

Document Number	Name and Affiliation	Written Comment Number(s)
1	Wayne Van Zante Steelman-Duff	1a
2	Lloyd Ludtke Ludtke-Pacific Trucking Inc	2a
3	Lee Bates	3e
4	Jay Houser Walt's Wholesale Meats Inc	4a
5	John Brumfield John-Wayne Enterprises	1a
6	Van McKay City of Kelso	5a
7	Jolene Rabey Pat Rabey Trucking Inc	6b, 7b
8	Jodi Slavik Building Industry Association of Washington	8a, 9b, 10b, 11d, 12d
9	Eric Levison City of Camas	13b



# Document #1

Poston, Bev (ECY)

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**From:** Wayne Van Zante [waynev@steelmanduff.com]  
**Sent:** Friday, July 31, 2009 11:13 AM  
**To:** Poston, Bev (ECY)  
**Subject:** Permit Fee Increase..

Bev.  
It seems kind of cruel and inhuman punishment to have to withstand a permit increase when the economy is in such bad shape. We have gone with out any work for over 9 months and do not see any work in the future. We've sold equipment, reduced staff to try to survive and now you want a permit increase. Also, what happened to the budget cuts that the State is introducing to eliminate the deficit that developed from excessive uncontrolled spending? We think the government agencies should consider what impact this has on the permit user. These fees should be based on the economy and not an increase every time they come due. We are entirely against this permit increase and demand it be nullified.

Wayne Van Zante  
Vice president  
Steelman-Duff, Inc.  
1490 Fair Street  
Clarkston, WA 99403

Written Comment  
# 1a

# Document #2

Poston, Bev (ECY)

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**From:** Lloyd Ludtke [lloyd@ludtke.com]  
**Sent:** Tuesday, August 04, 2009 4:12 PM  
**To:** Poston, Bev (ECY)  
**Cc:** info@ludtke.com  
**Subject:** Increase in permit fees

*Hold the line, we are under a very tight market wherein we cannot raise our prices and remain competitive. I am asking that your department do the same. I could go on and on about the economy but the bottom line is this, if we are to survive we must have help in limiting costs to us and your department is one of them. Respectfully*

**Lloyd A. Ludtke**  
**President**  
**Ludtke-Pacific Trucking, Inc**  
**360-733-6670 Ext 112**  
**360-815-5060 CELL**  
[www.ludtke.com](http://www.ludtke.com)

*Written Comment*  
*# 2a*

**KEEP ON TRUCKIN'**

# Document #3

Poston, Bev (ECY)

**From:** lee bates [bateslee@eburg.com]  
**Sent:** Tuesday, August 25, 2009 8:55 AM  
**To:** Poston, Bev (ECY)  
**Cc:** Holmquist, Janea; Warnick, Rep. Judith; ted barkely; jay bates; scott bates; Holmquist, Janea; Bill Hinkle; Congressman Doc Hastings; Mathew Manweller  
**Subject:** Comments on Proposed FY09-FY10 Fee Rule Development

I do not put fertilizer, oil and any other hazardous waste into a stream or storm drain. I clean up any drips from my vehicles and fix all fluid leaks. I do\_not\_want to pay any Wastewater/Stormwater Discharge Permit Fee for the property my house is on. because I am an environmentalist and do not pollute. I served 10 years on the Ellensburg WA Environmental Commission. I would like to be exempt from paying any fee. I think it is discrimination for large businesses to be exempt from paying. I live on a fixed income since I am retired. This rule is an example of bureaucrats and extreme environmentalists gone wrong.

Lee Bates  
P O Box 1666  
Ellensburg WA 98926  
( 509 } 925 5055  
[bateslee@eburg.com](mailto:bateslee@eburg.com)

Written Comment  
# 3e

Document #4

DEPARTMENT OF ECOLOG

AUG 11 2009

WATER QUALITY PROGRAM

**Walt's Wholesale Meats Inc.**

350 South Pekin road Woodland, Washington 98674  
Phone: 1-360-225-8203 Fax: 1-360-225-6196

Food Safety Department  
1-360-225-7433

*42 years of excellence in the beef industry*

Dear Department of Ecology

This letter is our comment in response to the recently proposed changes to Chapter 173-224 WAC- Wastewater Discharge Permit Fees.

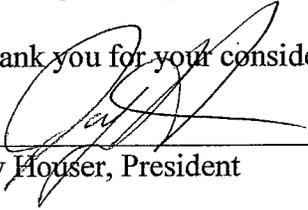
✓ As a small business owner, we feel that increasing permits fees at this time and during this recessed economy will negatively impact the small businesses and the people who work for them. During a time where margins are small; companies are struggling to meet payrolls and satisfy their many immediate financial responsibilities. Companies at the present time are cutting costs as a necessity of staying in business in order to employ so many contributing residents of our state.

We feel that since privately owned small businesses need to cut costs, so should the public entities. It is easy to pass the cost of increased permits fees on to others but it is also possible for the Department of Ecology's Wastewater Discharge Permit Program to not to increase fees and make inter-departmental cuts to eliminate the need for increased fees.

✓ *Written Comment #4a*

As a small business in Washington State, we feel that increasing the fees for wastewater discharge during these hard times could negatively impact many.

Thank you for your consideration

  
\_\_\_\_\_  
Jay Houser, President

Document #5

DEPARTMENT OF ECOLOGY

AUG 17 2009

WATER QUALITY PROGRAM

John-Wayne Enterprises  
PO Box 1768  
Westport, WA 98595  
(360) 268-9231

August 13, 2009

Department of Ecology  
Attn: Bev Poston  
PO Box 47600  
Olympia, WA 98504-7600

To Whom It May Concern:

I have just received your publication regarding the increase in permit fees for Wastewater/Stormwater permits. I am a small business owner and have been in business over 25 years. I have a wastewater permit for a small site, approx 1.5 acres affected. I pay over \$2,000.00 per year as it is for this permit. We do no washing of any type of materials. We simply dig material out of the ground. Some of it is topsoil, which we do screen with a small portable screener. Nothing gets washed or crushed. I have just asked for a hardship fee reduction application as it is. Now you are telling me that the fees are going to go up.

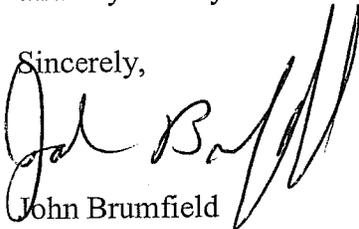
I am highly opposed to any fee increases. The economy is bad enough as it is. I am trying to keep my employees working and you are going to increase a fee on a pit that only operates about 4 months out of the year.

Written Comment #1a

The way things are I will be lucky if we can continue to operate our business.

Thank you for your consideration.

Sincerely,

  
John Brumfield



Document #6

Engineering Phone 360-423-6590  
Fax 360-423-6591  
Operations Phone 360-423-5730  
Fax 360-423-8196

CITY OF KELSO  
Public Works Department  
203 S. Pacific Ave., Suite 205  
PO Box 819  
Kelso, WA 98626

DEPARTMENT OF ECOLOGY

AUG 19 2009  
WATER QUALITY PROGRAM

August 17, 2009

Department of Ecology  
Bev Poston  
P.O. Box 47600  
Olympia, WA 98504-7600

RE: Public comment on proposed changes to wastewater/stormwater discharge permit fees

Dear Ms. Poston:

The City of Kelso appreciates the opportunity to comment on the proposed changes to the wastewater/stormwater annual permit fees. We oppose the increases for fiscal years 2010 and 2011 for the City's Phase II NPDES municipal stormwater permit (Permit). Two major reasons for this opposition are the City's cost for implementation of the Permit requirements and the current economic climate. These are more fully described below.

*Written Comment #5a*

The City has developed and executed several requirements of the Permit and has directed a significant portion of its budget towards this effort. The continued implementation of Permit requirements strains the City's stormwater budget. The City has recently exhausted funds from the two Ecology grants for the Permit implementation. The local economic climate has forced the adoption of a budget that does nothing more than sustain basic services for the community. Higher fees for the Permit are not in our current budget and would cause hardship to implement future Permit requirements.

The City requests that the annual fees for our Permit are not raised. If you have any questions, please contact me at 360-423-6590. Thank you.

Sincerely,

*Van McKay*  
Van McKay, P.E.  
Senior Engineer

Cc: Denny Richards, City Manager

It is the Mission to: Plan, Prioritize, Construct, Operate and Maintain Public Infrastructure in Order to Provide Continuous Health and Safety While Positively Impacting Citizen's Quality of Life by Efficiently and Innovatively Maximizing Available Resources Within the City so that we Provide High Quality Services for the Public.

Document #7

PAT RABEY TRUCKING, INC.

410 South Adams Street  
P.O. Box 548  
Hoquiam, WA 98550  
(360)532-2156  
Fax (360)532-5845

September 1, 2009

Department of Ecology  
Attn: Bev Poston  
PO Box 47600  
Olympia, WA 98504-7600  
Fax: (360)407-7151

Re: Increase in annual permit fees

Please reconsider the manner in which the permit fees are calculated.

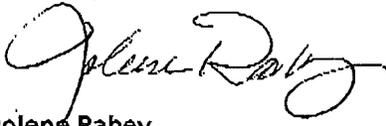
✓ The current fee structure only takes into account the gross revenue of a business. This method is very unfair as it does not take into account a business's potential for release of a pollutant, the scale of the business, the ecological history or the ability to pay. ✓

Written Comment # 6b

✓ I would also like to see more widespread responsibility for the tax. Many businesses are struggling to keep up with increases in government taxes. We are all trying to do our part while remaining viable. In my experience, the permit process unfairly targets random businesses when in fact we are all contributors of pollutants in some way. Many of our competitors are not held to the same standards. Please consider spreading the costs of running the DOL to all businesses as well as the public and the municipalities (who are obviously in violation of stormwater permit rules). It makes more sense to distribute the costs fairly to all than to over burden the few that are truly working on maintaining high ecology standards. ✓

Written Comment # 7b

Sincerely,

  
Jolene Rabey



September 8<sup>th</sup>, 2009

DEPARTMENT OF ECOLOGY  
SEP 09 2009  
WATER QUALITY PROGRAM

Bev Poston  
Fee Program Administrator  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

RE: WAC 173-224 Proposed Rule Changes

Dear Ms. Poston:

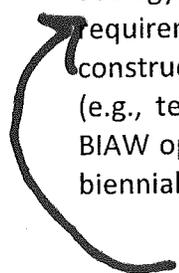
Thank you for the opportunity to comment on Ecology's proposed changes to WAC 173-224, Wastewater Discharge Permit Fees. BIAW represents nearly 12,000 member companies in the land development and building trades, many of whom currently hold or will apply for construction stormwater permits from the Department of Ecology. These members are directly impacted by the rule's proposed fee increases, especially those with small, seasonal construction projects. BIAW's comments to the proposed rule are detailed below.

**1. Annual increase of 5.2% for 2010 and 4.61% for 2011.**

While BIAW recognizes that these increases were approved by the Legislature, we believe it important to register our opposition to fee increases when the housing industry, particularly smaller companies, is struggling to stay afloat. Never before have so many small, family, and community based businesses shut their doors, encouraging more out-of-state corporations to take over local homebuilding. While a \$24 increase seems paltry, it is the steady, now annual, increase that suddenly puts a \$454 permit beyond the reach of a contractor.

Written Comment #8a

Instead of raising fees to cover program costs, it would be a refreshing change for Ecology to limit the scope of the program to what is necessary to satisfy federal requirements and protect state waters. At a minimum, Ecology could scrub the construction stormwater permit of unnecessary or repetitious paperwork requirements (e.g., termination process, annual billing), especially for small projects. Ultimately, BIAW opposes the fee increases and asks that future fee increases (if done) revert to a biennial pattern.



Written Comment #9b

## 2. Elimination of back-end proration.

BIAW strongly opposes the proposed elimination of computing fees on the quarter of termination. Unlike traditional permits, Ecology bills contractors annually based on its fiscal year. Assuming a contractor starts a project in May and completes it in October (a typical seasonal project timeline), he has, at a minimum, three written exchanges with Ecology's billing department: permit issuance in May, annual billing in July, and termination in October. Upon permit issuance he pays a prorated annual fee, is billed a full annual fee in July, and receives a prorated refund in November. This is an unnecessarily cumbersome and expensive process, both for Ecology and contractors.

First, BIAW opposes elimination of back-end proration because permit holders will pay for services not rendered by Ecology, in contravention of RCW 90.48.465. In the example above, if the contractor terminates in October, he will not receive a refund for the remainder of the year, even though his site is finished and no longer requiring any action by Ecology. RCW 90.48.465 authorizes Ecology to establish fees to "fully recover and not to exceed expenses incurred by the department."

Second, elimination of back-end proration disproportionately impacts small, seasonal projects because they are likely to terminate shortly after the annual billing in July and they can least afford a near \$500 bill (and for what in return?). The cost to comply with the construction stormwater permit is already egregiously expensive for small construction projects (Ecology estimates \$3,500 - \$5,000, without development of the SWPPP). Adding another annual fee, for which contractors didn't anticipate in their bidding or customer budgets, could put them between a rock and a hard place: anger the customer or go in arrears with Ecology? RCW 90.48.465 calls for fee adjustments for economically pressed small dischargers. Clearly the intent is for a downward adjustment, but Ecology is doing exactly the opposite with elimination of the back-end proration.

Finally, BIAW opposes proration elimination because it supports a flawed fee system. Construction projects—unlike industrial sites or municipal governments—are temporary. Employing an annual fee process is unwieldy and costly. Small contractors are ill-equipped to respond to multiple billings in a year, nor should they have to watchdog Ecology for proper refunds. Similarly, it is a poor use of taxpayer funds for Ecology to send repeated billings with invariable follow-up calls and/or letters.

"While annual billing remains in effect, BIAW asks that you retain the language in WAC 173-224-050(8) that allows computation of fees based on the quarter of termination. BIAW further requests that Ecology institute one-time fees for different classes of construction stormwater permits. If this requires a statutory change, BIAW would be happy to work with you to develop a reasonable permit fee based on actual administration and enforcement of each permit class. /

Written Comment # 10 b

3. Wording of fee relief code and notice to contractors.

WAC 173-224-090 provides varying levels of fee relief for wastewater permit holders. However, the wording of the code conflicts with Ecology's historical application. The code provides in part:

Except as noted in subsection (6) of this section, a small business required to pay a permit fee *under an industrial facility category* may receive a reduction of its permit fee. (emphasis added)

A plain reading indicates that any relief provided under this section is only available to industrial permit holders. The language should clearly indicate that construction stormwater permit holders are eligible for relief. **Written Comment # 11d**

Also, the extreme hardship reduction (5) is drafted as a subset of the small business fee reduction. This suggests that a permit applicant cannot take advantage of the extreme hardship provision unless he or she also satisfies the criteria under (1). Again, the section needs to be rewritten to clearly delineate what reductions are available and to whom. This is particularly important given that 173-224-090 is sent to permit holders when coverage is issued. The WAC needs to be understandable to the average lay person. **Written Comment # 12d**

BIAW requests that Ecology redraft WAC 173-224-090 for accuracy and accessibility. Also, BIAW requests that Ecology send a simple paper explaining who may and how to apply for the small business reduction, extreme hardship reduction, and inactivity status with the annual billing in July. While Ecology sends something of this nature with the initial invoice, it is likely buried (and disregarded) in the other documents sent with the invoice. An uncluttered reminder at the time of annual billing is the most efficient and effective way to answer the burning question: "How am I going to pay for this?"

Sincerely,



Jodi C. Slavik  
Of Counsel

Poston, Bev (ECY)

---

**From:** Mike Stevens [mstevens@ci.camamas.wa.us]  
**Sent:** Monday, August 10, 2009 11:21 AM  
**To:** Poston, Bev (ECY)  
**Subject:** Fwd: c-rule amendment comments

Mike Stevens  
Water Supply Supervisor  
City of Camas  
1620 SE 8th Ave.  
Camas, WA 98607  
(360) 817-1563 Extension 4283  
[mstevens@ci.camamas.wa.us](mailto:mstevens@ci.camamas.wa.us)

WATER - Make every drop count!

>>> Eric Levison 8/10/2009 11:12 AM >>>

Beverly,

The City of Camas is requesting that the Department of Ecology reevaluate the fee structure for the Camas Water Plant general permit WAG641006 based on the information below:

✓ The City of Camas has recently received additional Water Rights from the Department of Ecology (DOE) to provide water to service our community for the next twenty years of growth. As part of the agreement with DOE for the Water Rights and to comply with conditions outlined in the Salmon-Washougal and Lewis Watershed Management Plan adopted by Clark County Commissioners the City of Camas has placed the water that serves the treatment plant line in State seasonal trust from May 15 to October 31 each year. This agreement places the raw water during the summer season back into Jones and Boulder creek to help aid in salmon recovery efforts in our region. This action is considered vital and was a high priority in the Watershed plan.

During this seasonal interruption the treatment facility covered under permit WAG641006 will not be operational and no discharge will occur through the permitted facility.

Thank you for the opportunity to comment and we hope that the permit fee can be reduced to help defray the significant cost of dedicating this water source to fish recovery. ✓ If you have any questions please call me at the number below.

## Written Comment # 136

Eric Levison  
City of Camas  
Operations Manager  
1620 SE 8th Avenue  
Camas, Wa. 98607  
360-817-1563 ext. 4251



**APPENDIX B**

**Individuals and Organizations Providing Oral Comments**

<b>Document Number</b>	<b>Name and Affiliation</b>	<b>Oral Comment Number(s)</b>
10	Dennis McDonald City of Shelton	14a
10	John Kane Kane Environmental	15a



# Document #10

## Hearings Officer

Let the record show it is 1:33 p.m on August 27, 2009. And this public hearing is being held at the Ecology Headquarters building located at 300 Desmond Drive, room R0A34 in Lacey, WA.

The primary purpose of this hearing is to receive public comments regarding the proposed amendments to chapter 173-224 WAC waste water discharge permit fees. The legal notice of this public hearing was published August 5, 2009 in the Washington State Registrar, issue # 09-15-128.

Ecology notified over 6,000 industrial and construction permit holders, government agencies, tribes, and interested parties. In addition information about the public workshops and the hearing were posted on the wastewater/stormwater permit fee website and Ecology's public calendar.

So we're going to go ahead and open up for comment and when I call your name please let me know yes or no. And then step to the recorder and give your name, address, who you are representing and provide your comments.

Kathy, did you want to comment?

Then the next name I have is Dennis, would you like to come forward Dennis?

## Dennis McDonald

I'm Dennis McDonald with the City of Shelton. Address is 525 West Cota Street, Shelton, WA 98584. I'm the messenger. I was sent here to really state the city's concern that there would be an increase of this magnitude enforced over one or two years. Having listened the information though from this hearing. I think the city would like to review and understand better what the impact of this will be. Specifically on the wastewater treatment plant and the permits for that and also for stormwater.

The city, just as a statement, the city is under order from Ecology to deal with their I and I issues, infiltration and just recently received also an order to deal with our wastewater discharge and influent violations. We have a facility that is 30 years old, it's 10 years past it's engineered lifetime. So what we're doing we're being successful again in securing funds to both improve the I and I situation and also work on developing the improvements for improving the wastewater treatment plant to the tune of, if it's all completed, is around \$70 million. So these are grants and loans and we're very aware of what the impacts are on our rate pairs for this.

So there's concerns if there is an increase this becomes part of the O and M expenses I'm sure. So than that becomes part of what is going to impact on our rate pairs.

That's just the main concern but as I've heard today the question I do have is – and I don't know if I heard this right – was that the municipalities have been capped? So I don't know what that means and we'll have to find out.

Oral Comment #14a

That would be it for my comments.

**Hearings Officer**

Thank you.

**Dennis McDonald**

Thank you

**Hearings Officer**

Nobody else from the list that's signed up. Would anybody like to give comments? Yes, go ahead and come forward John.

**John Cain**

My name is John Cain with Cain Environmental. I'm also the chair of the Ballard Interbay Northend Manufacturing Industrial Center and I'm also here on behalf of the Manufacturing Industrial Council of Seattle. We would like to

**Hearings Officer**

Can we get your address?

**John Cain**

Oh address, excuse me, 3831 Stoneway North, Seattle 98103, Cain Environmental.

I understand that the comment period is over September 9, but there is many members of both organizations that didn't make in the nick that would like to talk to Ecology before the public comment period is over so we would like to request that someone from Ecology come up to Seattle – we can arrange a meeting place at no cost to Ecology – and have someone talk for an hour or so about the rate increases and explain them in detail.

We have quite a few industrial folks that are confused and not really understanding what these rate increases are about. If we need we would like to request if necessary, that the comment period be extended, maybe perhaps a week. If that's not too, have, a major impact into the overall schedule. But having this public comment period being – happening during the summer months has been a difficult time to try and get people to respond and we think this is a big deal with every other cost increases that are going on. Especially with the City of Seattle at this time.

So , we would like to put that in the record that we have a meeting with Ecology before the comment period ends and extend it if necessary.

Thank you.

*Oral Comment #15a*

**Hearings Officer**

Thank you very much. So anyone else like to give comment? OK. So all testimony presented at the hearing as well as the other two hearings. The first one was held Monday, August 24 in Spokane and the second was Tuesday the 25<sup>th</sup> in Ellensburg – or was it Wednesday? Wednesday.

the 26<sup>th</sup> in Ellensburg. As well as any written comments received are part of the official record for this proposal and will receive equal weight in the decision making process.

The public comment period ends on September 9, 2009. Written comments must be received by Ecology no later than 5 p.m. on September 9. You can submit written comments to Bev Poston, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. You may also submit comments by email. And her email address is [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov). You can fax them to Bev at 360-407-7151.

All oral and written comments during the public comment period that we receive will be responded to in a document called the Response to Comment Summary that will state Ecology's official position on the issues and on the concerns raised. That document will automatically be mailed to everyone that provided oral or written testimony and will be posted on the wastewater/stormwater permit fee website around September 25. Ecology is expecting to adopt these proposed changes on September 28, 2009. The rule changes would then become effective October 29, 2009. The ultimate decision to adopt the rule changes will be made by Ecology's director, Jay Manning.

On behalf of the Department of Ecology I would like to thank you for coming to this public meeting and for this hearing. We appreciate your time and comments and this meeting is officially adjourned at 1:43.



**APPENDIX C**  
**Public Notices**



## Wastewater/Stormwater Fee Rule Amendment

The Department of Ecology is amending Chapter 173-224 WAC – Wastewater Discharge Permit Fees. The 2009 Legislature gave Ecology permission to increase fees up to the state fiscal growth factor for each of the following years:

Fiscal Year 2010 (July 1, 2009 through June 30, 2010) – 5.20%

Fiscal Year 2011 (July 1, 2010 through June 30, 2011) – 4.61%

This fee increases will only occur for the following fee categories: dairies and CAFO's, boatyards, aquatic pest control, industrial and construction stormwater general permit holders, individual and general stormwater permits for municipalities.

The Legislature also increased the fee cap for municipal domestic wastewater permit holders from the current \$1.80 to \$2.16 per year per residential equivalent. However, fees will only be increased for both fiscal years 2010 and 2011 by the fiscal growth factor listed above.

Ecology is also proposing to eliminate the proration of fees to the fiscal quarter a permit termination occurs in.

For more information on the fee rule amendment timeline, please visit the following website: [http://www.ecy.wa.gov/programs/wq/permits/permit\\_fees/index.htm](http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm)

# Hearing Notice

## Water Quality Program

July 2009

# Public Hearings on Wastewater/Stormwater Discharge Permit Fees

## Background

The Washington Department of Ecology (Ecology) administers state and federal permits to regulate wastewater and stormwater discharges into Washington's surface and underground waters. In accordance with state water pollution control law (RCW 90.48.465), all permit holders are required to pay annual permit fees. Ecology uses the fee money to recover eligible costs associated with operating Ecology's wastewater discharge permit program.

## Proposed changes to the fee regulation

Ecology proposes to make the following changes to Chapter 173-224 WAC - Wastewater Discharge Permit Fees:

- Increase annual permit fees for some permit categories by the following:
  - 5.20% for Fiscal Year 2010
  - 4.61% for Fiscal Year 2011
- Increase domestic wastewater fees by the following:
  - \$1.89 per residential equivalent (RE) for Fiscal Year 2010, and \$1.98 per RE for Fiscal 2011 for RE totals less than 250,000.
  - \$1.32 per RE for Fiscal Year 2011 for RE totals greater than 250,000
- Eliminate the proration of fees for terminated permits to the fiscal quarter.

## Public comment

Ecology will accept written comments on the proposed changes until 5p.m., September 9, 2009. Send comments to:

Department of Ecology  
Attn: Bev Poston  
PO Box 47600  
Olympia WA 98504-7600  
Fax number: (360) 407-7131  
E-mail address: [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov)

### More Information

#### Public Hearing Schedule:

Ecology will hold a short workshop, immediately followed by a public hearing at the following locations, dates, and times:

#### August 25, 2009 - Spokane

12:30 p.m.  
Spokane Regional Library  
South Hill Branch  
3324 S. Perry

#### August 26, 2009 - Ellensburg

12:30 p.m.  
Hal Holmes Community  
Center  
201 N. Ruby St

#### August 27, 2009 - Lacey

12:30 p.m.  
Ecology Headquarters Building  
300 Desmond Dr. S.E.  
Room R0A-34

#### Special accommodations:

To ask about the availability of this document in a version for the visually impaired call the call the Water Quality Program at 360-407-6700. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Following the public comment period, Ecology will review and consider all comments. Ecology proposes to adopt the final rule on September 28, 2009. The rule will be effective October 29, 2009.

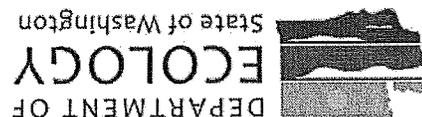
The proposed rule language is available for review on Ecology's website at [http://www.ecy.wa.gov/programs/wq/permits/permit\\_fees/index.htm](http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm)

**For more information**

If you would like more information about the hearings or proposed changes, or would like a copy of the final changes mailed to you, please contact Bev Poston at (360) 407-6425 or [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov).

Water Quality Program  
PO Box 47600  
Olympia, WA 98504-7600

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**APPENDIX D**

**Final Language for Chapter 173-224 WAC – Wastewater Discharge Permit Fees**



AMENDATORY SECTION (Amending Order 08-05, filed 8/5/08, effective 9/5/08)

**WAC 173-224-040 Permit fee schedule.** (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	FY <del>((2009))</del> 2010	FY <del>((2010))</del> 2011
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE <del>((*))</del>
Aluminum Alloys	\$16,713.00	<del>\$(17,614.00)</del> <u>16,713.00</u>
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	98,554.00	<del>((103,866.00))</del> <u>98,554.00</u>
b. State Permit	49,279.00	<del>((51,935.00))</del> <u>49,279.00</u>
Aluminum Forming	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Aggregate Production - Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,876.00	<del>((3,031.00))</del> <u>2,876.00</u>
2. Nonoperating aggregate site (fee per site)	118.00	<del>((124.00))</del> <u>118.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	1,198.00	<del>((1,263.00))</del> <u>1,198.00</u>
2. 50,000 - < 300,000 tons/yr.	2,877.00	<del>((3,032.00))</del> <u>2,877.00</u>
3. 300,000 tons/yr. and greater	3,598.00	<del>((3,792.00))</del> <u>3,598.00</u>
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	1,198.00	<del>((1,263.00))</del> <u>1,198.00</u>
2. 25,000 - < 200,000 cu. yds/yr.	2,877.00	<del>((3,032.00))</del> <u>2,877.00</u>
3. 200,000 cu. yds/yr. and greater	3,598.00	<del>((3,792.00))</del> <u>3,598.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	2,876.00	((3,031.00)) <u>2,876.00</u>
2. Asphalt	2,876.00	((3,031.00)) <u>2,876.00</u>
3. Concrete	2,876.00	((3,031.00)) <u>2,876.00</u>
Aggregate Production - General Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,012.00	((2,120.00)) <u>2,012.00</u>
2. Nonoperating aggregate site (fee per site)	83.00	((87.00)) <u>83.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	840.00	((885.00)) <u>840.00</u>
2. 50,000 - < 300,000 tons/yr.	2,013.00	((2,122.00)) <u>2,013.00</u>
3. 300,000 tons/yr. and greater	2,517.00	((2,653.00)) <u>2,517.00</u>
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	840.00	((885.00)) <u>840.00</u>
2. 25,000 - < 200,000 cu. yds/yr.	2,013.00	((2,122.00)) <u>2,013.00</u>
3. 200,000 cu. yds/yr. and greater	2,517.00	((2,653.00)) <u>2,517.00</u>
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	2,013.00	((2,122.00)) <u>2,013.00</u>
2. Asphalt	2,013.00	((2,122.00)) <u>2,013.00</u>
3. Concrete	2,013.00	((2,122.00)) <u>2,013.00</u>
Aquaculture		
a. Finfish hatching and rearing - Individual Permit	5,012.00	((5,282.00)) <u>5,012.00</u>
b. Finfish hatching and rearing - General Permit Coverage	3,511.00	((3,700.00)) <u>3,511.00</u>
c. Shellfish hatching	((173.00)) <u>182.00</u>	((182.00)) <u>190.00</u>
Aquatic Pest Control		

INDUSTRIAL FACILITY CATEGORIES	FY ((2009)) 2010	FY ((2010)) 2011
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((*))
a. Irrigation Districts	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
b. Mosquito Control Districts	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
c. Invasive Moth Control	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
d. Aquatic Species Control & Eradication	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
e. Oyster Growers	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
f. Rotenone Control	<del>((377.00))</del> <u>397.00</u>	<del>((397.00))</del> <u>415.00</u>
Boat Yards - Individual Permit Coverage		
a. With storm water only discharge	428.00	<del>((451.00))</del> <u>428.00</u>
b. All others	856.00	<del>((902.00))</del> <u>856.00</u>
Boat Yards - General Permit Coverage		
a. With storm water only discharge	<del>((298.00))</del> <u>313.00</u>	<del>((314.00))</del> <u>327.00</u>
b. All others	<del>((602.00))</del> <u>633.00</u>	<del>((634.00))</del> <u>662.00</u>
Coal Mining and Preparation		
a. < 200,000 tons per year	6,680.00	<del>((7,040.00))</del> <u>6,680.00</u>
b. 200,000 - < 500,000 tons per year	15,042.00	<del>((15,853.00))</del> <u>15,042.00</u>
c. 500,000 - < 1,000,000 tons per year	26,739.00	<del>((28,180.00))</del> <u>26,739.00</u>
d. 1,000,000 tons per year and greater	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Combined Industrial Waste Treatment		
a. < 10,000 gpd	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
b. 10,000 - < 50,000 gpd	8,354.00	<del>((8,804.00))</del> <u>8,354.00</u>
c. 50,000 - < 100,000 gpd	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
d. 100,000 - < 500,000 gpd	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
e. 500,000 gpd and greater	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Combined Food Processing Waste Treatment Facilities	16,000.00	<del>((16,862.00))</del> <u>16,000.00</u>
Combined Sewer Overflow System		
a. < 50 acres	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
b.	50 - < 100 acres	8,354.00	<del>((8,804.00))</del> <u>8,354.00</u>
c.	100 - < 500 acres	10,030.00	<del>((10,571.00))</del> <u>10,030.00</u>
d.	500 acres and greater	13,368.00	<del>((14,089.00))</del> <u>13,368.00</u>
Commercial Laundry		428.00	<del>((451.00))</del> <u>428.00</u>
Concentrated Animal Feeding Operation			
a.	< 200 Animal Units	<del>((171.00))</del> <u>180.00</u>	<del>((180.00))</del> <u>188.00</u>
b.	200 - < 400 Animal Units	<del>((428.00))</del> <u>450.00</u>	<del>((451.00))</del> <u>471.00</u>
c.	400 - < 600 Animal Units	<del>((856.00))</del> <u>901.00</u>	<del>((902.00))</del> <u>943.00</u>
d.	600 - < 800 Animal Units	<del>((1,284.00))</del> <u>1,351.00</u>	<del>((1,353.00))</del> <u>1,413.00</u>
e.	800 Animal Units and greater	<del>((1,714.00))</del> <u>1,803.00</u>	<del>((1,806.00))</del> <u>1,886.00</u>
Crop Preparing - Individual Permit Coverage			
a.	0 - < 1,000 bins/yr.	333.00	<del>((351.00))</del> <u>333.00</u>
b.	1,000 - < 5,000 bins/yr.	669.00	<del>((705.00))</del> <u>669.00</u>
c.	5,000 - < 10,000 bins/yr.	1,337.00	<del>((1,409.00))</del> <u>1,337.00</u>
d.	10,000 - < 15,000 bins/yr.	2,676.00	<del>((2,820.00))</del> <u>2,676.00</u>
e.	15,000 - < 20,000 bins/yr.	4,425.00	<del>((4,664.00))</del> <u>4,425.00</u>
f.	20,000 - < 25,000 bins/yr.	6,183.00	<del>((6,516.00))</del> <u>6,183.00</u>
g.	25,000 - < 50,000 bins/yr.	8,271.00	<del>((8,717.00))</del> <u>8,271.00</u>
h.	50,000 - < 75,000 bins/yr.	9,192.00	<del>((9,687.00))</del> <u>9,192.00</u>
i.	75,000 - < 100,000 bins/yr.	10,694.00	<del>((11,270.00))</del> <u>10,694.00</u>
j.	100,000 - < 125,000 bins/yr.	13,368.00	<del>((14,089.00))</del> <u>13,368.00</u>
k.	125,000 - < 150,000 bins/yr.	16,712.00	<del>((17,613.00))</del> <u>16,712.00</u>
l.	150,000 bins/yr. and greater	20,055.00	<del>((21,136.00))</del> <u>20,055.00</u>
Crop Preparing - General Permit Coverage			
a.	0 - < 1,000 bins/yr.	232.00	<del>((245.00))</del> <u>232.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
b.	1,000 - < 5,000 bins/yr.	468.00	<del>((493.00))</del> <u>468.00</u>
c.	5,000 - < 10,000 bins/yr.	937.00	<del>((988.00))</del> <u>937.00</u>
d.	10,000 - < 15,000 bins/yr.	1,873.00	<del>((1,974.00))</del> <u>1,873.00</u>
e.	15,000 - < 20,000 bins/yr.	3,100.00	<del>((3,267.00))</del> <u>3,100.00</u>
f.	20,000 - < 25,000 bins/yr.	4,328.00	<del>((4,561.00))</del> <u>4,328.00</u>
g.	25,000 - < 50,000 bins/yr.	5,788.00	<del>((6,100.00))</del> <u>5,788.00</u>
h.	50,000 - < 75,000 bins/yr.	6,433.00	<del>((6,780.00))</del> <u>6,433.00</u>
i.	75,000 - < 100,000 bins/yr.	7,481.00	<del>((7,884.00))</del> <u>7,481.00</u>
j.	100,000 - < 125,000 bins/yr.	9,360.00	<del>((9,865.00))</del> <u>9,360.00</u>
k.	125,000 - < 150,000 bins/yr.	11,698.00	<del>((12,329.00))</del> <u>11,698.00</u>
l.	150,000 bins/yr. and greater	14,037.00	<del>((14,794.00))</del> <u>14,037.00</u>
Dairies \$.50 per Animal Unit not to exceed <del>((1,199.00 for FY 2009 and \$1,264.00))</del> <u>\$1,261.00 for FY 2010 and \$1,319.00 for FY 2011</u>			
Facilities Not Otherwise Classified - Individual Permit Coverage			
a.	< 1,000 gpd	1,671.00	<del>((1,761.00))</del> <u>1,671.00</u>
b.	1,000 - < 10,000 gpd	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
c.	10,000 - < 50,000 gpd	8,355.00	<del>((8,805.00))</del> <u>8,355.00</u>
d.	50,000 - < 100,000 gpd	13,368.00	<del>((14,089.00))</del> <u>13,368.00</u>
e.	100,000 - < 500,000 gpd	26,606.00	<del>((28,040.00))</del> <u>26,606.00</u>
f.	500,000 - < 1,000,000 gpd	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
g.	1,000,000 gpd and greater	50,135.00	<del>((52,837.00))</del> <u>50,135.00</u>
Facilities Not Otherwise Classified - General Permit Coverage			
a.	< 1,000 gpd	1,172.00	<del>((1,235.00))</del> <u>1,172.00</u>
b.	1,000 - < 10,000 gpd	2,425.00	<del>((2,556.00))</del> <u>2,425.00</u>
c.	10,000 - < 50,000 gpd	5,851.00	<del>((6,166.00))</del> <u>5,581.00</u>
d.	50,000 - < 100,000 gpd	9,360.00	<del>((9,865.00))</del> <u>9,360.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
e.	100,000 - < 500,000 gpd	18,715.00	<del>((19,724.00))</del> <u>18,715.00</u>
f.	500,000 - < 1,000,000 gpd	23,394.00	<del>((24,655.00))</del> <u>23,394.00</u>
g.	1,000,000 gpd and greater	35,095.00	<del>((36,987.00))</del> <u>35,095.00</u>
Flavor Extraction			
a.	Steam Distillation	171.00	<del>((180.00))</del> <u>171.00</u>
Food Processing			
a.	< 1,000 gpd	1,670.00	<del>((1,760.00))</del> <u>1,670.00</u>
b.	1,000 - < 10,000 gpd	4,259.00	<del>((4,489.00))</del> <u>4,259.00</u>
c.	10,000 - < 50,000 gpd	7,604.00	<del>((8,014.00))</del> <u>7,604.00</u>
d.	50,000 - < 100,000 gpd	11,948.00	<del>((12,592.00))</del> <u>11,948.00</u>
e.	100,000 - < 250,000 gpd	16,712.00	<del>((17,613.00))</del> <u>16,712.00</u>
f.	250,000 - < 500,000 gpd	21,977.00	<del>((23,162.00))</del> <u>21,977.00</u>
g.	500,000 - < 750,000 gpd	27,572.00	<del>((29,058.00))</del> <u>27,572.00</u>
h.	750,000 - < 1,000,000 gpd	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
i.	1,000,000 - < 2,500,000 gpd	41,175.00	<del>((43,394.00))</del> <u>41,175.00</u>
j.	2,500,000 - < 5,000,000 gpd	45,957.00	<del>((48,434.00))</del> <u>45,957.00</u>
k.	5,000,000 gpd and greater	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Fuel and Chemical Storage			
a.	< 50,000 bbls	1,671.00	<del>((1,761.00))</del> <u>1,671.00</u>
b.	50,000 - < 100,000 bbls	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
c.	100,000 - < 500,000 bbls	8,354.00	<del>((8,804.00))</del> <u>8,354.00</u>
d.	500,000 bbls and greater	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
Hazardous Waste Clean Up Sites			
a.	Leaking Underground Storage Tanks (LUST)		
1.	State Permit	4,383.00	<del>((4,619.00))</del> <u>4,383.00</u>
2.	NPDES Permit Issued pre 7/1/94	4,383.00	<del>((4,619.00))</del> <u>4,383.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
3.	NPDES Permit Issued post 7/1/94	8,765.00	<del>((9,237.00))</del> <u>8,765.00</u>
b.	Non-LUST Sites		
1.	1 or 2 Contaminants of concern	8,570.00	<del>((9,032.00))</del> <u>8,570.00</u>
2.	> 2 Contaminants of concern	17,140.00	<del>((18,064.00))</del> <u>17,140.00</u>
Ink Formulation and Printing			
a.	Commercial Print Shops	2,571.00	<del>((2,710.00))</del> <u>2,571.00</u>
b.	Newspapers	4,286.00	<del>((4,517.00))</del> <u>4,286.00</u>
c.	Box Plants	6,856.00	<del>((7,226.00))</del> <u>6,856.00</u>
d.	Ink Formulation	8,571.00	<del>((9,033.00))</del> <u>8,571.00</u>
Inorganic Chemicals Manufacturing			
a.	Lime Products	8,354.00	<del>((8,804.00))</del> <u>8,354.00</u>
b.	Fertilizer	10,058.00	<del>((10,600.00))</del> <u>10,058.00</u>
c.	Peroxide	13,368.00	<del>((14,089.00))</del> <u>13,368.00</u>
d.	Alkaline Earth Salts	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
e.	Metal Salts	23,393.00	<del>((24,654.00))</del> <u>23,393.00</u>
f.	Acid Manufacturing	33,416.00	<del>((35,217.00))</del> <u>33,416.00</u>
g.	Chlor-alkali	66,846.00	<del>((70,449.00))</del> <u>66,846.00</u>
Iron and Steel			
a.	Foundries	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
b.	Mills	33,453.00	<del>((35,256.00))</del> <u>33,453.00</u>
Metal Finishing			
a.	< 1,000 gpd	2,004.00	<del>((2,112.00))</del> <u>2,004.00</u>
b.	1,000 - < 10,000 gpd	3,341.00	<del>((3,521.00))</del> <u>3,341.00</u>
c.	10,000 - < 50,000 gpd	8,353.00	<del>((8,803.00))</del> <u>8,353.00</u>
d.	50,000 - < 100,000 gpd	16,712.00	<del>((17,613.00))</del> <u>16,712.00</u>
e.	100,000 - < 500,000 gpd	33,420.00	<del>((35,221.00))</del> <u>33,420.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
f.	500,000 gpd and greater	50,133.00	<del>((52,835.00))</del> <u>50,133.00</u>
Noncontact Cooling Water With Additives - Individual Permit Coverage			
a.	< 1,000 gpd	1,046.00	<del>((1,102.00))</del> <u>1,046.00</u>
b.	1,000 - < 10,000 gpd	1,459.00	<del>((1,538.00))</del> <u>1,459.00</u>
c.	10,000 - < 50,000 gpd	3,136.00	<del>((3,305.00))</del> <u>3,136.00</u>
d.	50,000 - < 100,000 gpd	7,314.00	<del>((7,708.00))</del> <u>7,314.00</u>
e.	100,000 - < 500,000 gpd	12,531.00	<del>((13,206.00))</del> <u>12,531.00</u>
f.	500,000 - < 1,000,000 gpd	17,758.00	<del>((18,715.00))</del> <u>17,758.00</u>
g.	1,000,000 - < 2,500,000 gpd	22,982.00	<del>((24,221.00))</del> <u>22,982.00</u>
h.	2,500,000 - < 5,000,000 gpd	28,082.00	<del>((29,596.00))</del> <u>28,082.00</u>
i.	5,000,000 gpd and greater	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
Noncontact Cooling Water With Additives - General Permit Coverage			
a.	< 1,000 gpd	733.00	<del>((773.00))</del> <u>733.00</u>
b.	1,000 - < 10,000 gpd	1,461.00	<del>((1,540.00))</del> <u>1,461.00</u>
c.	10,000 - < 50,000 gpd	2,195.00	<del>((2,313.00))</del> <u>2,195.00</u>
d.	50,000 - < 100,000 gpd	5,120.00	<del>((5,396.00))</del> <u>5,120.00</u>
e.	100,000 - < 500,000 gpd	8,773.00	<del>((9,246.00))</del> <u>8,773.00</u>
f.	500,000 - < 1,000,000 gpd	12,432.00	<del>((13,102.00))</del> <u>12,432.00</u>
g.	1,000,000 - < 2,500,000 gpd	16,086.00	<del>((16,953.00))</del> <u>16,086.00</u>
h.	2,500,000 - < 5,000,000 gpd	19,739.00	<del>((20,803.00))</del> <u>19,739.00</u>
i.	5,000,000 gpd and greater	23,394.00	<del>((24,655.00))</del> <u>23,394.00</u>
Noncontact Cooling Water Without Additives - Individual Permit Coverage			
a.	< 1,000 gpd	838.00	<del>((883.00))</del> <u>838.00</u>
b.	1,000 - < 10,000 gpd	1,671.00	<del>((1,761.00))</del> <u>1,671.00</u>
c.	10,000 - < 50,000 gpd	2,509.00	<del>((2,644.00))</del> <u>2,509.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
d.	50,000 - < 100,000 gpd	5,851.00	<del>((6,166.00))</del> <u>5,851.00</u>
e.	100,000 - < 500,000 gpd	10,030.00	<del>((10,571.00))</del> <u>10,030.00</u>
f.	500,000 - < 1,000,000 gpd	14,203.00	<del>((14,969.00))</del> <u>14,203.00</u>
g.	1,000,000 - < 2,500,000 gpd	18,310.00	<del>((19,297.00))</del> <u>18,310.00</u>
h.	2,500,000 - < 5,000,000 gpd	22,559.00	<del>((23,775.00))</del> <u>22,559.00</u>
i.	5,000,000 gpd and greater	26,739.00	<del>((28,180.00))</del> <u>26,739.00</u>
Noncontact Cooling Water Without Additives - General Permit Coverage			
a.	< 1,000 gpd	586.00	<del>((618.00))</del> <u>586.00</u>
b.	1,000 - < 10,000 gpd	1,172.00	<del>((1,235.00))</del> <u>1,172.00</u>
c.	10,000 - < 50,000 gpd	1,757.00	<del>((1,852.00))</del> <u>1,757.00</u>
d.	50,000 - < 100,000 gpd	4,095.00	<del>((4,316.00))</del> <u>4,095.00</u>
e.	100,000 - < 500,000 gpd	7,019.00	<del>((7,397.00))</del> <u>7,019.00</u>
f.	500,000 - < 1,000,000 gpd	9,944.00	<del>((10,480.00))</del> <u>9,944.00</u>
g.	1,000,000 - < 2,500,000 gpd	12,868.00	<del>((13,562.00))</del> <u>12,868.00</u>
h.	2,500,000 - < 5,000,000 gpd	15,793.00	<del>((16,644.00))</del> <u>15,793.00</u>
i.	5,000,000 gpd and greater	18,715.00	<del>((19,724.00))</del> <u>18,715.00</u>
Nonferrous Metals Forming		16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
Ore Mining			
a.	Ore Mining	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
b.	Ore mining with physical concentration processes	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
c.	Ore mining with physical and chemical concentration processes	26,739.00	<del>((28,180.00))</del> <u>26,739.00</u>
Organic Chemicals Manufacturing			
a.	Fertilizer	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
b.	Aliphatic	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
c.	Aromatic	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Petroleum Refining			

INDUSTRIAL FACILITY CATEGORIES	FY ((2009)) 2010	FY ((2010)) 2011
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((*))
a. < 10,000 bbls/d	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
b. 10,000 - < 50,000 bbls/d	66,266.00	<del>((69,838.00))</del> <u>66,266.00</u>
c. 50,000 bbls/d and greater	133,699.00	<del>((140,905.00))</del> <u>133,699.00</u>
Photofinishers		
a. < 1,000 gpd	1,337.00	<del>((1,409.00))</del> <u>1,337.00</u>
b. 1,000 gpd and greater	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
Power and/or Steam Plants		
a. Steam Generation - Nonelectric	6,680.00	<del>((7,040.00))</del> <u>6,680.00</u>
b. Hydroelectric	6,680.00	<del>((7,040.00))</del> <u>6,680.00</u>
c. Nonfossil Fuel	10,028.00	<del>((10,569.00))</del> <u>10,028.00</u>
d. Fossil Fuel	26,739.00	<del>((28,180.00))</del> <u>26,739.00</u>
Pulp, Paper and Paper Board		
a. Fiber Recyclers	16,711.00	<del>((17,612.00))</del> <u>16,711.00</u>
b. Paper Mills	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
c. Groundwood Pulp Mills		
1. < 300 tons per day	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
2. > 300 tons per day	100,270.00	<del>((105,675.00))</del> <u>100,270.00</u>
d. Chemical Pulp Mills w/o Chlorine Bleaching	133,692.00	<del>((140,898.00))</del> <u>133,692.00</u>
e. Chemical Pulp Mills w/Chlorine Bleaching	150,400.00	<del>((158,507.00))</del> <u>150,400.00</u>
Radioactive Effluents and Discharges (RED)		
a. < 3 waste streams	32,332.00	<del>((34,075.00))</del> <u>32,332.00</u>
b. 3 - < 8 waste streams	56,147.00	<del>((59,173.00))</del> <u>56,147.00</u>
c. 8 waste streams and greater	92,478.00	<del>((97,463.00))</del> <u>92,478.00</u>
RCRA Corrective Action Sites	23,490.00	<del>((24,756.00))</del> <u>23,490.00</u>
Seafood Processing		
a. < 1,000 gpd	1,671.00	<del>((1,761.00))</del> <u>1,671.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY <del>((2009))</del> 2010 ANNUAL PERMIT FEE	FY <del>((2010))</del> 2011 ANNUAL PERMIT FEE <del>((*)</del> )
b.	1,000 - < 10,000 gpd	4,259.00	<del>((4,489.00))</del> <u>4,259.00</u>
c.	10,000 - < 50,000 gpd	7,604.00	<del>((8,014.00))</del> <u>7,604.00</u>
d.	50,000 - < 100,000 gpd	11,948.00	<del>((12,592.00))</del> <u>11,948.00</u>
e.	100,000 gpd and greater	16,713.00	<del>((17,614.00))</del> <u>16,713.00</u>
Shipyards			
a.	Per crane, travel lift, small boat lift	3,342.00	<del>((3,552.00))</del> <u>3,342.00</u>
b.	Per drydock under 250 ft in length	3,342.00	<del>((3,552.00))</del> <u>3,342.00</u>
c.	Per graving dock	3,342.00	<del>((3,552.00))</del> <u>3,342.00</u>
d.	Per marine way	5,012.00	<del>((5,282.00))</del> <u>5,012.00</u>
e.	Per sycrolift	5,012.00	<del>((5,282.00))</del> <u>5,012.00</u>
f.	Per drydock over 250 ft in length	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
g.	In-water vessel maintenance	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.			
Solid Waste Sites (nonstorm water)			
a.	Nonputrescible	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
b.	< 50 acres	13,367.00	<del>((14,087.00))</del> <u>13,367.00</u>
c.	50 - < 100 acres	26,739.00	<del>((28,180.00))</del> <u>26,739.00</u>
d.	100 - < 250 acres	33,422.00	<del>((35,223.00))</del> <u>33,422.00</u>
e.	250 acres and greater	50,136.00	<del>((52,838.00))</del> <u>50,136.00</u>
Textile Mills		66,846.00	<del>((70,449.00))</del> <u>66,846.00</u>
Timber Products			
a.	Log Storage	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
b.	Veneer	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
c.	Sawmills	13,368.00	<del>((14,089.00))</del> <u>13,368.00</u>
d.	Hardwood, Plywood	23,393.00	<del>((24,654.00))</del> <u>23,393.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2009)) 2010 ANNUAL PERMIT FEE	FY ((2010)) 2011 ANNUAL PERMIT FEE ((*))
e.	Wood Preserving	32,094.00	<del>((33,824.00))</del> <u>32,094.00</u>
Vegetable/Bulb Washing Facilities			
a.	< 1,000 gpd	110.00	<del>((116.00))</del> <u>110.00</u>
b.	1,000 - < 5,000 gpd	224.00	<del>((236.00))</del> <u>224.00</u>
c.	5,000 - < 10,000 gpd	440.00	<del>((464.00))</del> <u>440.00</u>
d.	10,000 - < 20,000 gpd	887.00	<del>((935.00))</del> <u>887.00</u>
e.	20,000 and greater	1,464.00	<del>((1,543.00))</del> <u>1,464.00</u>
Vehicle Maintenance and Freight Transfer			
a.	< 0.5 acre	3,342.00	<del>((3,522.00))</del> <u>3,342.00</u>
b.	0.5 - < 1.0 acre	6,682.00	<del>((7,042.00))</del> <u>6,682.00</u>
c.	1.0 acre and greater	10,028.00	<del>((10,569.00))</del> <u>10,028.00</u>
Water Plants - Individual Permit Coverage		4,180.00	<del>((4,405.00))</del> <u>4,180.00</u>
Water Plants - General Permit Coverage		2,925.00	<del>((3,083.00))</del> <u>2,925.00</u>
Wineries			
a.	< 500 gpd	341.00	<del>((359.00))</del> <u>341.00</u>
b.	500 - < 750 gpd	684.00	<del>((721.00))</del> <u>684.00</u>
c.	750 - < 1,000 gpd	1,367.00	<del>((1,441.00))</del> <u>1,367.00</u>
d.	1,000 - < 2,500 gpd	2,734.00	<del>((2,881.00))</del> <u>2,734.00</u>
e.	2,500 - < 5,000 gpd	4,362.00	<del>((4,597.00))</del> <u>4,362.00</u>
f.	5,000 gpd and greater	5,987.00	<del>((6,310.00))</del> <u>5,987.00</u>

(( \*FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect. ))

(a) Facilities other than those in the aggregate production, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for

a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day

(gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

	FY <del>((2009))</del> 2010	FY <del>((2010))</del> 2011
Residential Equivalents (RE)	Annual Permit Fee	Annual Permit Fee <del>(*)</del>
< 250,000	\$ <del>((1.80))</del> 1.89	\$ <del>((1.80))</del> 1.98
> 250,000	<del>((1.25))</del> 1.32	<del>((1.32))</del> 1.38

(\*FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the state fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect.)

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

- (i) Holds more than one permit for domestic wastewater facilities; and
- (ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

- (i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and
- (ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

	FY ( <del>2009</del> ) 2010 Annual Permit Fee	FY ( <del>2010</del> ) 2011 Annual Permit Fee(=)
Permitted Flows		
.1 MGD and Greater	\$((8,354.00)) <u>8,788.00</u>	\$((8,804.00)) <u>9,193.00</u>
.05 MGD to < .1 MGD	((3,342.00)) <u>3,516.00</u>	((3,522.00)) <u>3,678.00</u>
.0008 MGD to < .05 MGD	((1,671.00)) <u>1,758.00</u>	((1,761.00)) <u>1,839.00</u>
< .0008 MGD	((504.00)) <u>530.00</u>	((531.00)) <u>554.00</u>

(\*FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect.)

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of

residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by

the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORM WATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

	<b>FY ((2009)) 2010 Annual Permit Fee</b>	<b>FY ((2010)) 2011 Annual Permit Fee (±)</b>
a. Individual Construction or Industrial Storm Water Permits		
1. < 50 acres	<del>\$(3,342.00)</del> <u>3,516.00</u>	<del>\$(3,522.00)</del> <u>3,678.00</u>
2. 50 -< 100 acres	<del>\$(6,680.00)</del> <u>7,027.00</u>	<del>\$(7,040.00)</del> <u>7,351.00</u>
3. 100 -< 500 acres	<del>\$(10,028.00)</del> <u>10,549.00</u>	<del>\$(10,569.00)</del> <u>11,035.00</u>
4. 500 acres and greater	<del>\$(13,368.00)</del> <u>14,063.00</u>	<del>\$(14,089.00)</del> <u>14,711.00</u>
b. Facilities Covered Under the Industrial Storm Water General Permit		
1. Municipalities and state agencies	<del>\$(1,094.00)</del> <u>1,151.00</u>	<del>\$(1,153.00)</del> <u>1,204.00</u>

2. New permit holders without historical gross revenue information	<del>\$(575.00)</del> <u>605.00</u>	<del>\$(606.00)</del> <u>633.00</u>
3. The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year		
Gross Revenue		
Less than \$100,000	<del>\$(106.00)</del> <u>112.00</u>	<del>\$(112.00)</del> <u>117.00</u>
\$100,000 -< \$1,000,000	<del>\$(461.00)</del> <u>485.00</u>	<del>\$(486.00)</del> <u>507.00</u>
\$1,000,000 -< \$2,500,000	<del>\$(552.00)</del> <u>581.00</u>	<del>\$(582.00)</del> <u>608.00</u>
\$2,500,000 -< \$5,000,000	<del>\$(921.00)</del> <u>969.00</u>	<del>\$(971.00)</del> <u>1,014.00</u>
\$5,000,000 -< \$10,000,000	<del>\$(1,382.00)</del> <u>1,454.00</u>	<del>\$(1,456.00)</del> <u>1,521.00</u>
\$10,000,000 and greater	<del>\$(1,669.00)</del> <u>1,756.00</u>	<del>\$(1,759.00)</del> <u>1,837.00</u>

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the department. The documentation shall bear a certification of correctness and be signed:

- (a) In the case of a corporation, by an authorized corporate officer;
- (b) In the case of a limited partnership, by an authorized general partner;
- (c) In the case of a general partnership, by an authorized partner; or
- (d) In the case of a sole proprietorship, by the proprietor.

The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

c. Construction Activities Covered Under the Construction Storm Water General Permit(s)

1. Less than 5 acres disturbed area	<del>\$(432.00)</del> <u>454.00</u>	<del>\$(455.00)</del> <u>475.00</u>
2. 5 -< 7 acres of disturbed area	<del>\$(703.00)</del> <u>740.00</u>	<del>\$(741.00)</del> <u>774.00</u>
3. 7 -< 10 acres of disturbed area	<del>\$(950.00)</del> <u>999.00</u>	<del>\$(1,001.00)</del> <u>1,045.00</u>
4. 10 -< 20 acres of disturbed area	<del>\$(1,295.00)</del> <u>1,362.00</u>	<del>\$(1,365.00)</del> <u>1,425.00</u>
5. 20 acres and greater of disturbed area	<del>\$(1,611.00)</del> <u>1,695.00</u>	<del>\$(1,698.00)</del> <u>1,773.00</u>

(\*FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect.)

(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

(a) Except as provided for in (d) of this subsection, the municipal storm water permit annual fee for the entities listed below will be:

Name of Entity	FY ((2009)) 2010	FY ((2010)) 2011
	Annual Permit Fee	Annual Permit Fee(±)
King County	\$((38,067.00)) <u>40,046.00</u>	\$((40,119.00)) <u>41,892.00</u>
Snohomish County	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>
Pierce County	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>
Tacoma, City of	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>
Seattle, City of	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>
Washington Department of Transportation	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>
Clark County	((38,067.00)) <u>40,046.00</u>	((40,119.00)) <u>41,892.00</u>

(\*FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect.))

(b) Municipal storm water general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: For fiscal year ((2009)) 2010, ecology will charge ((~~\$1.11~~)) \$1.17 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to ((~~\$.53~~)) \$.56 per housing unit inside the geographic area covered by the permit. ((~~If, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor~~)) For fiscal year 2011, ecology will charge ((~~\$1.17~~)) \$1.22 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to ((~~\$.56~~)) \$.59 per housing unit inside the geographic area covered by the permit. Fees will not exceed ((~~\$38,067.00~~)) \$40,046.00 for fiscal year ((2009)) 2010 and ((~~\$40,119.00~~)) \$41,892.00 for fiscal year ((2010)) 2011. ((~~If ecology's request for the FY 2010 fee increase is not approved, the FY 2009 fee amount will remain in effect until this section is next amended.~~)) The minimum annual fee will not be lower than ((~~\$1,584.00~~)) \$1,666.00 for fiscal year 2010 and \$1,742.00 for fiscal year 2011 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling ((~~\$.53~~)) \$.56 per housing unit for fiscal year ((2009)) 2010. The fee amount for ((FY 2010)) FY 2011 will be ((~~\$.56~~)) \$.59 per housing unit ((~~if, and only if, the state legislature approves ecology's request to increase fees by the fiscal growth factor. If ecology's request for a FY 2010 fee increase is not approved, the FY 2009 fee amount will remain in effect until this section is next amended~~)).

(c) Other entities required to have permit coverage under a

municipal storm water general permit will pay an annual fee based on the entities' previous year's annual operating budget as follows:

Annual Operating Budget	FY ((2009)) 2010 Annual Permit Fee	FY ((2010)) 2011 Annual Permit Fee (±)
Less than \$100,000	\$((111.00)) <u>117.00</u>	\$((117.00)) <u>122.00</u>
\$100,000 -< \$1,000,000	\$((446.00)) <u>469.00</u>	\$((470.00)) <u>491.00</u>
\$1,000,000 -< \$5,000,000	\$((1,114.00)) <u>1,172.00</u>	\$((1,174.00)) <u>1,226.00</u>
\$5,000,000 -< \$10,000,000	\$((1,670.00)) <u>1,757.00</u>	\$((1,760.00)) <u>1,838.00</u>
\$10,000,000 and greater	\$((2,784.00)) <u>2,929.00</u>	\$((2,934.00)) <u>3,064.00</u>

(\*(FY 2010 fee amounts are applicable if, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor. If the fee increase is not approved, the FY 2009 fees will remain in effect.))

For the purposes of determining the annual permit fee category, the annual operating budget shall be the entities' annual operating budget for the entities' previous fiscal year and shall be determined as follows:

(i) For diking, drainage, irrigation, and flood control districts, the district's annual operating budget.

(ii) For ports, the annual operating budget for the port district.

(iii) For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.

(iv) For state agencies, the annual operating budget for the site or sites subject to the permit.

(v) For other entities not listed, ecology will consider annual revenue, and the noncapital operating budget for the site subject to the permit.

(d) Municipal storm water permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties whose median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit fee or \$30,000. For municipalities whose median household income is less than the state average, the fee shall be the higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal storm water general permit as determined in (c) of this subsection, the fiscal year ((2009)) 2010 annual fee for a permit written for a specific entity shall be ((~~\$7,918.00~~)) \$8,330.00. ((If, and only if, the state legislature approves ecology's request to increase fees in)) For FY ((2010)) 2011, the annual fee will be

~~(( \$8,345.00. However, if a fee increase is not approved, the FY 2009 fee amount will remain in effect until this section is next amended)) \$8,714.00.~~

(e) Ecology will assess a single permit fee for entities which apply only as co-permittees or co-applicants. The permit fee shall be equal to the highest single permit fee which would have been assessed if the co-permittees had applied separately.

AMENDATORY SECTION (Amending Order 08-05, filed 8/5/08, effective 9/5/08)

**WAC 173-224-050 Permit fee computation and payments.** (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year. In the case of facilities or activities not previously covered by permits, fee computation begins on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will ~~((have their fees prorated as follows unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less:~~

~~(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;~~

~~(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;~~

~~(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and~~

~~(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.~~

~~(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit begins on the permit coverage date. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year excluding permits issued for aquatic pest control will have their fees prorated as described in subsection (2) (a), (b), (c), (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less)) pay the annual fee assessment regardless of the permit termination date.~~

~~((+4))~~ (3) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees

as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

~~((+5))~~ (4) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

~~((+6))~~ (5) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

~~((+7))~~ (6) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

~~((+8))~~ (7) Computation of fees shall end on June 30th, the last day of the state's fiscal year (~~(, or in the case of a terminated permit, during the quarter the termination took place)~~) regardless of the permit termination date.

~~((+9))~~ (8) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 47611, Olympia, Washington 98504-7611.

~~((+10))~~ (9) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

~~((+11))~~ (10) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days may receive a permit revocation letter for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days will be turned over for collection. In addition, a surcharge totaling twenty percent

of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the permit holder may receive a permit revocation letter for nonpayment of fees.

AMENDATORY SECTION (Amending Order 08-05, filed 8/5/08, effective 9/5/08)

**WAC 173-224-090 ((Small-business)) Permit fee reductions.**

~~((Except as noted in subsection (6) of this section, a small))~~ With the exception of facilities covered under the industrial storm water general permit who are not eligible to apply for a fee reduction, any business required to pay a ((permit)) fee under an industrial ((facility)) or construction fee category may receive a reduction of its permit fee.

Small business fee reduction.

(1) To qualify for the fee reduction, a business must:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge or storm water discharge permit; and

(d) ~~((Pay an annual wastewater discharge permit fee greater than))~~ Have an original annual fee assessment totaling five hundred dollars or greater.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to fifty percent of the assessed annual permit fee.

~~((5) If the))~~ Extreme hardship fee reduction. Any industrial

or construction small business with annual gross revenue totaling one hundred thousand dollars or less of the goods and services produced using the processes regulated by the waste discharge or storm water discharge permit (~~(is one hundred thousand dollars or less, and the annual permit fee assessed imposes an extreme hardship to the business, the small business)~~) may (~~(request)~~) apply for an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below (~~(\$106.00 for fiscal year 2009 and)~~) \$112.00 for fiscal year 2010 and \$117.00 for fiscal year 2011.

~~((6) Facilities covered under the industrial storm water general permit are not eligible for a small business fee reduction under this section.))~~



**APPENDIX E**

**RCW 90.48.465 – Water Pollution Control**



## **RCW 90.48.465**

### **Water Discharge Fees.**

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the department shall take appropriate action to rescind or modify these permits.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

(8) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

[2002 c 361 § 2; 1998 c 262 § 16; 1997 c 398 § 2; 1996 c 37 § 3; 1992 c 174 § 17; 1991 c 307 § 1; 1989 c 2 § 13 (Initiative Measure No. 97, approved November 8, 1988).]

**APPENDIX F**

**Substitute House Bill 1413**



CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1413**

Chapter 249, Laws of 2009

61st Legislature  
2009 Regular Session

DOMESTIC WASTEWATER FACILITY PERMIT FEES

EFFECTIVE DATE: 07/26/09

Passed by the House March 9, 2009  
Yeas 59 Nays 38

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 14, 2009  
Yeas 28 Nays 19

BRAD OWEN

**President of the Senate**

Approved April 28, 2009, 4:01 p.m.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1413** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

April 29, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1413**

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Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Nelson, Quall, and Blake)

READ FIRST TIME 02/20/09.

1            AN ACT Relating to water discharge fees; amending RCW 90.48.465;  
2 and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 90.48.465 and 2002 c 361 s 2 are each amended to read  
5 as follows:

6            (1) The department shall establish (~~annual~~) fees to collect  
7 expenses for issuing and administering each class of permits under RCW  
8 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be  
9 established by rule and be adjusted no more often than once every two  
10 years. This fee schedule shall apply to all permits, regardless of  
11 date of issuance, and fees shall be assessed prospectively. All fees  
12 charged shall be based on factors relating to the complexity of permit  
13 issuance and compliance and may be based on pollutant loading and  
14 toxicity and be designed to encourage recycling and the reduction of  
15 the quantity of pollutants. Fees shall be established in amounts to  
16 fully recover and not to exceed expenses incurred by the department in  
17 processing permit applications and modifications, monitoring and  
18 evaluating compliance with permits, conducting inspections, securing  
19 laboratory analysis of samples taken during inspections, reviewing

1 plans and documents directly related to operations of permittees,  
2 overseeing performance of delegated pretreatment programs, and  
3 supporting the overhead expenses that are directly related to these  
4 activities.

5 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.  
6 Sec. 1362, for all domestic wastewater facility permits issued under  
7 RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of  
8 ((fifteen)) eighteen cents per month per residence or residential  
9 equivalent contributing to the municipality's wastewater system.

10 (3) The department shall ensure that indirect dischargers do not  
11 pay twice for the administrative expense of a permit. Accordingly,  
12 administrative expenses for permits issued by a municipality under RCW  
13 90.48.165 are not recoverable by the department.

14 (4) In establishing fees, the department shall consider the  
15 economic impact of fees on small dischargers and the economic impact of  
16 fees on public entities required to obtain permits for storm water  
17 runoff and shall provide appropriate adjustments.

18 (5) The fee for an individual permit issued for a dairy farm as  
19 defined under chapter 90.64 RCW shall be fifty cents per animal unit up  
20 to one thousand two hundred fourteen dollars for fiscal year 1999. The  
21 fee for a general permit issued for a dairy farm as defined under  
22 chapter 90.64 RCW shall be fifty cents per animal unit up to eight  
23 hundred fifty dollars for fiscal year 1999. Thereafter, these fees may  
24 rise in accordance with the fiscal growth factor as provided in chapter  
25 43.135 RCW.

26 (6) The fee for a general permit or an individual permit developed  
27 solely as a result of the federal court of appeals decision in  
28 *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir.  
29 2001) is limited, until June 30, 2003, to a maximum of three hundred  
30 dollars. Such a permit is required only, and as long as, the  
31 interpretation of this court decision is not overturned or modified by  
32 future court rulings, administrative rule making, or clarification of  
33 scope by the United States environmental protection agency or  
34 legislative action. In such a case the department shall take  
35 appropriate action to rescind or modify these permits.

36 (7) All fees collected under this section shall be deposited in the  
37 water quality permit account hereby created in the state treasury.

1 Moneys in the account may be appropriated only for purposes of  
2 administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

3 (8) The department shall present a biennial progress report on the  
4 use of moneys from the account to the legislature. The report will be  
5 due December 31st of odd-numbered years. The report shall consist of  
6 information on fees collected, actual expenses incurred, and  
7 anticipated expenses for the current and following fiscal years.

8 NEW SECTION. **Sec. 2.** INCREASING FEES BY THE FISCAL GROWTH FACTOR.

9 The department of ecology is authorized to increase fees up to the  
10 fiscal growth factor for fiscal years 2010 and 2011, except that there  
11 may be no increase in fees for fiscal years 2010 or 2011 for categories  
12 of dischargers whose fees exceed the costs of managing their permits.  
13 The department of ecology, with the advice of an advisory committee,  
14 shall evaluate the existing fee structure, including the current  
15 inequity of fees relative to permit workload, and report its findings  
16 and recommendations to the 2010 legislature.

17 NEW SECTION. **Sec. 3.** ANNUAL RULE REVISION. The department of  
18 ecology is authorized to adjust the fee schedule annually through  
19 December 31, 2011.

20 NEW SECTION. **Sec. 4.** CAPTIONS NOT LAW. Captions used in this act  
21 are not any part of the law.

Passed by the House March 9, 2009.

Passed by the Senate April 14, 2009.

Approved by the Governor April 28, 2009.

Filed in Office of Secretary of State April 29, 2009.