

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  
Chapter 173-224 WAC, *Wastewater Discharge Permit Fees*

07/31/08  
*Amended 08/21/2008*  
Publication: 08-10-065

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

Prepared by:  
Bev Poston  
Washington State Department of Ecology  
Water Quality Program

07/31/08  
*Amended 08/20/2008*  
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***Amended Document:***

The Concise Explanatory Statement and Responsive Summary for the adoption of Chapter 173-224 WAC, *Wastewater Discharge Permit Fees* was amended on August 20, 2008. Written comments from Ken Johnson, Weyerhaeuser Company, were not incorporated into the original document.

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# CONCISE EXPLANATORY STATEMENT

## ***I. Introduction***

The Washington Department of Ecology is authorized by state statutory law to adopt rules to fund the operation of the Water Quality Wastewater Discharge Permit Fee Program.

RCW 90.48.465 (Water Pollution Control) gives Ecology the authority to establish annual fees to fund the issuance and administration of wastewater discharge permits. The law states that all fee charges shall 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.

Ecology is adopting the fee rule amendments for the following reasons:

- Adoption of the fee increases is necessary in order for Ecology to continue funding the wastewater permit program. If the fee increases are not adopted, fee amounts already established will not recover a portion of Ecology's expenses in operating and managing the permit program. Significant cuts to the program will have to be made.
- The definition for seafood processing clearly states what types of activities fall into this fee category. Adding this definition to the fee rule will clear up confusion expressed by some permit holders.
- Allowing the prorating of fees for aquatic pest control permit holders is consistent with how other permit holders are managed. Failure to make this change will result in aquatic pest control permit holders being treated differently from other permit holders.
- Increasing the extreme hardship fee reduction by the fiscal growth factor will help defray administrative costs incurred by Ecology in processing these requests.

The rule adoption date is scheduled for August 5, 2009, making the amendments effective on September 6, 2008.

## ***II. Describe Differences Between Proposed and Final Rule***

There are no differences between the proposed and final fee rule. Ecology held three public hearings in Lacey, Ellensburg, and Spokane. No public testimony was presented. Only five comment letters were received. After review of the comments, Ecology has decided to move forward with the fee proposals as described above.

## ***III. Response to Comments***

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

**A. Overall Proposed Fee Increases to Chapter 173-224 – Wastewater Discharge Permit Fees**

**Written Comment #1a:**

I must protest the proposed fee increase. We are in the trucking business and have very little opportunity to increase our rates due to the fuel and economy situation. It seems as though our government should take in to account the health of the people they serve and hold the line.

**Ecology Response:**

Ecology is required by state law (RCW 90.48.465 – Water Pollution Control) to fund the permit program through permit fees. Currently, Ecology is only funding 45-50% of the permit program through fees assessed to the more than 6,500 permit holders. The proposed fee increases will only enable Ecology to maintain the current level of funding. If permit holders were to pay for all the fee-eligible activities as required by state law, permit fees would need to increase dramatically. Full cost recovery is not what is being proposed at this time.

**Written Comment #2a:**

In response to the notice we recently received which proposes an increase in discharge permit fees, we oppose this increase. Not only do we feel the current fees for these permits are outrageously high, but the proposed 10.96% increase over two years is excessive. The thousands of dollars we pay in fees each year provide us with very little other than paperwork. What will we see from this 10.96% increase except for more paperwork?

**Ecology Response:**

Washington voters passed Initiative 97 in 1993 requiring the permit program to be funded from fees paid by permit holders and not out of the state general fund. The Washington State Legislature authorizes how much money Ecology can spend from permit fee monies collected. Although state law requires the permit program to be fully funded from permit fees, only 45-50% of the program is actually funded from permit holders. The fee increases being proposed will allow Ecology to maintain the current level of operation. These proposed increases will not result in any dramatic growth to the permit program.

**Written Comment #3a:**

The June 2008 notice mentions that the Department of Ecology is looking to increase fees for permit holders to continue covering costs. What are the costs and how have they increased? Fees should not increase unless justified or a direct benefit is given to those paying the fees.

**Ecology Response:**

Increased costs have hit Ecology's ability to operate the permit program the same as it has for all businesses and cities. The fee increases will allow continued funding of the core services of the permit program. Although state law requires Ecology to fully fund the permit program through annual fees from permit holders, they currently are only funding between 45-50% of the permit program operations. If fees are not increased, a cut to the program would occur which would jeopardize Ecology's ability to manage the permit program and protect surface and ground waters of the state.

**Written Comment #4a:**

As a business owner we must look at ways to remain competitive in our pricing to obtain work while also making a profit to remain in business. The government including the Department of Ecology should also have the same goal in mind. If you raise prices what is the reason? Can Ecology find ways to be more efficient to keep fees at a minimum? The burden of fees directly affects businesses such as ours because in order to pay for Ecology fees and other fees like it we must create work. Keep in mind that our business and businesses like us work with other agencies that also have fees and these fees add up. Most of the fees are associated with a permit such as water quality or air quality.

**Ecology Response:**

State law requires the permit program to be completely funded by fees assessed to holders of wastewater and stormwater discharge permits. Currently, these permit holders only pay between 45-50% of the program costs. Ecology is very conscious of the impact of any fee increase to permit holders. However, to maintain even this partial level of funding for the permit program, a fee increase needs to occur. The permit program has already reduced the funding level by 35 full time employees for Fiscal Year 2008 (July 1, 2007, through June 30, 2008). The fee increase proposals do not replace these staffing cuts.

**Written Comment #5a:**

Ecology must give consideration to how the agency is operating and if it is appropriate for our current economic state. I believe government should not be exempt from analyzing efficiency and overhead costs before raising prices.

**Ecology Response:**

Ecology agrees with this comment and constantly looks for efficiencies in managing the permit program. Ecology has already cut the permit program by 35 full time employees for fiscal year 2008 (July 1, 2007, through June 30, 2008). This resulted from a decrease in revenues being recovered while costs to operate the program were increasing. The fee increases being proposed will not reinstate the program cuts recently experienced.

**Written Comment #7a:**

DOE cites the need to add staff thereby justifying the request for more money. DOE currently collects about \$15 million per year from about 5,100 permit holders. DOE needs to consider streamlining staff and permit procedures and become more efficient. Simply adding more people isn't the only solution to getting more work done.

**Ecology Response:**

Ecology just reduced the permit program for fiscal year 2008 (July 1, 2007, through June 30, 2008) by 35 full time employees. Ecology collected \$17.2 million from approximately 6,500 permit holders during the fiscal year. Monies received from permit holders currently pay between 45-50% of the permit program in its entirety. Ecology had originally projected to collect considerably more in fee revenue than the \$17.2 million. However, while the number of permits has increased, permit fee monies have not matched the costs for

managing the program. Because of this, Ecology has reduced the program size to meet the revenues received.

**Written Comment #11a:**

Upon review of the above referenced (WA State Doe; Pub Number 08-10-049; WAC 173-224 – Permit Fee Rule – Wastewater Discharge; and 2003-2005 Biennium Report to the Legislature) and information provided on your website, your department received approx \$29.3 M dollars in revenue in fees from 5,120 fee payers for six (6) processes that the department allocate the funds for under “issuing and administering” discharge permits. Some questions and concerns come to mind. (1) With a \$3.2M carry over from the 01-03, (w/higher revenues than projected and less expenditures), where were those funds dispersed to? (2) What has given cause to the doubled costs of the Management and Support? (3) In review of ref 3, Page 5-8 it appears that Program Management/Administrative Support and Administrative Services are defined in a similar fashion. What criterion determines budgeting for these categories and what makes them different?

**Ecology Response:**

The \$3.2 million carryover from the 2001-03 biennium resulted from an unexpected increase in the number of permits (stormwater) that were issued at the end of the biennium. The Governor’s Office of Financial Management also requested that Ecology keep three months operating capital in the fee account as an emergency fund. Ecology used most of the \$3.2 million carryover during the next biennium to hire staff to manage the stormwater permit program. There is no longer any of this carry over money available.

Program management and administrative support refer to activities that are directly related to the operation and management of the permit program. Administrative services are agency overhead activities such as building costs, support of the fiscal office used by all agency programs, the agency personnel office, director’s office and staff, motor pool, etc., that are not part of the direct operation and management of the permit program. All agency programs pay a flat percentage of their employee totals toward agency overhead activities.

**Written Comment #13a:**

NWPPA objects in the strongest terms possible to the extension of these fee increases to pulp and paper mills. NWPPA will also likely oppose the legislative action needed for the FY2010 fees in equally strong terms. The basis of NWPPA’s objection is that the fees no longer accord with the statutory criteria. In other words, NWPPA is of the position that it is not sufficient for Ecology to simply point to the fiscal growth factors, it must also satisfy the underlying statutory criteria.

RCW 90.48.465 reads in part: *“All fees 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.”* Ecology is failing to demonstrate that all fees meet this criteria. Specifically:

1. Continued disproportionate impact to large NPDES permit holders resulting in a subsidy to others.

2. The fee increase bears no reasonable relationship to complexity of administration of pulp and paper permits or compliance.
3. Recommendations:
  - a. Ecology demonstrate that it meets the statutory criteria, not just that it is applying a general fiscal growth factor;
  - b. Ecology should defer any further fee increases for pulp and paper mills (and any other large NPDES permit holders that currently are subsidizing others) until it can bring the fee structure into equity; or
  - c. Ecology should create an economic exemption for pulp and paper mills.

**Ecology Response:**

Ecology does not dispute that the fees paid for by members of the NWPPA are among the highest. Ecology is working with the Permit Fee Task Force (NWPPA is a member of the task force) to look at how fees are distributed among the current fee payers. The department is hoping the task force members will assist in the development of a new fee schedule that will more equitably spread fees amongst the permit fee payers.

The 2008 Washington State Legislature only gave Ecology permission to increase fees up to the fiscal growth factor. Ecology cannot exempt fee increases for any of the permit holders at this time without jeopardizing the permit program. Any decrease in funding will result in further cuts to the program which will endanger surface and ground water protection. If Ecology were to cut fees for the NWPPA and other large NPDES permit holders, fees would need to be increased above the fiscal growth factor for the other permit holders to make up for the lost revenue. The Legislature has not given approval for this action. Because of this, Ecology is moving forward with the fee increases being proposed for all permit holders for both state fiscal year 2009 and 2010. .

**Written Comment #15a:**

The proposed WAC 173-224 takes no account of RCW 90.48.465 statutory criteria. The statute reads in part:

“All fees 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.”

The rule amendment package offers no detail on how these criteria are being addressed and thus how the fee increases are being supported. Specifically for the “Chemical Pulp Mills w/Chlorine Bleaching” category, and how the proposed \$23,000 fee increase relate to:

- Permit complexity,
- Compliance rates or trends,
- Pollutant loading and toxicity, and/or
- Recycling/reduction of pollutant discharge quantity.

Ecology’s Responsiveness Summary should identify and discuss the criteria-relevant information the agency relied on to support this fee increase.

**Ecology Response:**

Ecology is meeting the mandates of RCW 90.48.465 – Water Pollution Control. Fees recovered from permit holders pay for permit processing, monitoring and evaluating compliance, conducting various inspections, reviewing plans and documents directly related to the operation of the permit holders, overseeing delegated pretreatment programs operated by municipalities and other overhead expenses directly related to the activities listed above. Ecology does not time account to each individual permit holder so is unable to provide the level of detail needed to address how the fee increases directly relate to permit management of Chemical Pulp Mills with Chlorine Bleaching.

Ecology realizes there is an inequity in how fees are distributed among fee payers. Ecology is working with the Permit Fee Task Force (Weyerhaeuser Company is a member of the task force) to look at how fees are assessed and distributed among the current fee payers. The department is hoping task force members will assist in providing advice and guidance in the development of a new fee schedule that will more equitably spread fees among the permit fee payers. However, neither Ecology nor the Permit Fee Task Force have come up with a recommendation for a fee structure that can be presented to the Washington State Legislature for approval. Ecology is hoping to have a proposal together for consideration during the 2010 Legislative session. If approved, rule making would begin and the new fee structure could take effect in Fiscal Year 2011.

Ecology encourages all permit holders to visit the Permit Fee Task Force website to be kept apprised of developments and to contact task force members regarding ideas and concerns they have over the current fee structure. The website address is:

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

**B. Comments Concerning the Existing Fee Category Structure**

**Written Comment #6b:**

Looking at permit fees paid by other Washington industries, we pay rates that are comparable to the petro-chemical and pulp companies in the State. Our rates are some of the highest on the fee schedule which seems unreasonable.

**Ecology Response:**

The current fee schedule was developed over the last nineteen years using various methods. Because of the constraints of Initiative 960, adopted by voters in the November 2007 general election, Ecology does not have the authority at this time to make any structural changes to the permit fee categories. The 2008 Washington State Legislature only gave Ecology the authorization to increase fees to the state fiscal growth factor for Fiscal Year 2009. Ecology is currently working with a Permit Fee Task Force to restructure the permit fee regulation and establish a new fee schedule. A representative of the food processing industry is included on this task force. Ecology encourages all permit holders to visit the Permit Fee Task Force website to be kept apprised of developments and to contact task force members regarding ideas and concerns they have over the current fee structure. The website address is:

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

**Written Comment #8b:**

Our vegetable processing plant in Moses Lake discharges less than 1 MGD for 6 months each year (we average about .8 MGD each processing season). We are being charged for the amount of process water we actually irrigate each day. This is not fair or accurate way of assessing water application since it's not what is actually being applied to the fields. It's only because we occasionally (barely) use over 1 MGD, we are forced into a fee bracket that is nearly \$8,000 /year higher.

**Ecology Response:**

Ecology worked with an advisory committee which included a representative of the food processing industry when the fee category was originally established nineteen years ago. While it would have been easier to set a flat rate per permit for the industry that would recover the fee-eligible activities, the flat rate did not recognize small versus large food processors. State law requires Ecology to mitigate the impact of fees on small business. It was decided by the advisory committee to set the fee structure using maximum discharge flow and develop flow subcategories. This would allow small operations to pay lower fees while larger operations would pay higher fees.

**Written Comment #9b:**

Another cost that concerns us is the cumulative environmental fees we pay. Our two plants combined, discharge less than 2 MGD yet we pay \$65,000 per year for permit fees. On the other hand, a processor discharging more than 5+ MGD will only pay \$47,500 for their permit. That's 2 ½ times more water than we discharge with a permit fee that's 25% cheaper. That doesn't seem reasonable either.

**Ecology Response:**

When the fee structure was created for this industry, it was decided each permit would be assessed a permit fee. The rationale for this was because Ecology manages each permitted site separately. The response to Written Comment #8 explains how the fee structure was created.

**Written Comment #12b:**

The current General Stormwater Permit Fees are structured as a flat rate based on revenue. Currently, different tiers exist with the top tier being over \$10 million in annual sales. I believe this is grossly unfair to small businesses, as they are paying a higher percentage of sales than the larger companies in this particular permit. A company with \$100 million in sales will pay the same as a company with \$15 million in sales. I believe a more equitable system would be to charge a flat rate, so that everyone pays the same percentage of sales. It can be done very easily, on one form, as is currently done. We would report our annual sales, multiply by the rate and pay the permit fee. Everyone shares in the responsibility of addressing stormwater, and we should all be equal. This system would not favor any size business over another.

**Ecology Response:**

Ecology was only given the authority by the 2008 State Legislature to increase fees for Fiscal Year 2009. Any change in how fees are determined for industrial

stormwater permit holders are subject to the restrictions of Initiative 960 and would require prior legislative approval. Ecology has implemented a Permit Fee Task Force to begin discussions on restructuring the fee schedule. This task force consists of permit holders, environmental interest groups, and government agencies. This comment letter will be provided to the task force for consideration as it reviews the industrial stormwater permit category. For more information on the restructuring effort, please visit the following webpage:  
<http://www.ecy.wa.gov/programs/wq/wdpftaskforce/index.html>.

**Written Comment #14b:**

The current fee structure (municipal stormwater permit fees) is perhaps expedient in terms of generating revenue. On the other hand, basing the permit fee charged a municipality on the number of housing units in that jurisdiction and granting jurisdictions having residents of lower income a fifty percent rate break seems somewhat arbitrary and neither fair nor equitable. The fee calculation method could well result in areas with lesser water quality controls having their contributions to the permit program subsidize by those doing more to protect our waters. A fee structure that makes more sense would be one based on service received.

**Ecology Response:**

Permit fees are not a fee for service. State law (RCW 90.48.465 – Water Pollution Control) requires the permit program to be funded by fees from permit holders. A fee for service model is not consistent with the directive to consider and mitigate the economic impact of stormwater permit fees on public entities. A fee for service would disproportionately impact the smaller and financially disadvantaged local governments. Using housing units to determine municipal stormwater permit fees was a deliberate action by Ecology. It enables funding of the municipal stormwater permit program and mitigates the economic impact of stormwater fees on small public entities.

**C. Comments Proposing Changes to the Fee Category Structure**

**Written Comment #10c:**

We are requesting the DOE seriously consider implementing the following fee allowances for permit holders.

1. Combination Fee Schedule – Companies that have multiple facilities in the State of Washington would qualify for a combined volume discount. For example, the current total fees we pay for our two facilities (2008) are \$65,000 for 2 MGD. The 'actual combined fee schedule' for 1 – 2.5 MGD would be  $\$39K + 65K = \$104K$  divided by 2 = \$52K would be a combined or prorated fee of \$52,000. This would be a reasonable rate for 2 facilities and still adequately cover the DOE's costs.
2. Discharge Averaging – Processors are currently being assessed for the amount of water they USE rather than what they IRRIGATE each day. Because we have retention ponds to accommodate the hourly/daily discharge fluctuations from our plants, our actual irrigation rates differ from our daily usage rates. For example, we might use 1.1 = 1.2 MGD for 2 or 3 days and .7 = .8 MGD for another 3 or 4 days. The actual application to the field may be .9 MGD for that week because we are irrigating from the surge

ponds, not directly from the plant. Our suggestion is that the fee schedule be based on the average amount of water actually irrigated over a one month period (monthly DMR). This method of water auditing also depicts more accurately what is actually being applied to the fields each day.

3. Incentivize Complaint Permit Holders - The current fee schedule treats permit holders the same regardless of their level of compliance. Permit holders that are good stewards and require less DOE staff time should receive a fee discount. On the other hand, permit holders that are out of compliance and require extensive management should be charged a higher permit cost. For example, National Frozen Foods was awarded an "Environmental Excellence Award" several years ago for their efforts to enhance environmental quality in the State of Washington. Since the DOE is aware of their "good customers", it should be easy to reward those that are doing a good job and charge more to those that aren't.

**Ecology Response:**

Any of the changes proposed by this commenter would require legislative approval prior to being proposed and adopted into the fee rule. The 2008 Legislature only authorized Ecology to increase fees up to the fiscal growth factor limit. However, Ecology has established a Permit Fee Task Force to look at the current fee structure which has been in place for nineteen years. This group consists of permit holders, environmental interests, and government agencies. Ecology hopes to have a fee restructuring package to submit for legislative approval within the next two years. Information on the fee restructuring initiative can be found at the following website:

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

**IV. Summary of public involvement opportunities**

**Draft Rule**

Ecology filed the CR102 Proposed Rule Making and Draft Rule on June 3, 2008, with the State Code Reviser's Office. This public document was printed in the Washington State Register, Issue Number 08-12-066 on June 18, 2006. Anyone interested in viewing the proposed rule changes could download the CR102 filing packet from 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 workshop/hearing announcements either directly or through e-mail to approximately 6,500 permit holders, environmental groups, state and federal agencies, and other interested parties.

*The workshops/hearings were held as follows:*

Lacey	July 8, 2008	Timberland Regional Library 500 College Street
Ellensburg	July 9, 2008	Hal Holmes Community Center 209 N Ruby Street

Spokane July 10, 2008

Spokane Regional Library  
South Hill Branch  
3324 South Perry

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

No oral testimony was presented from anyone attending the public hearings. Written comments were received from eight people.

**V. Appendices (attached)**

## APPENDIX A

### Individuals and Organizations Providing Written Comments

<b>Name and Affiliation</b>	<b>Written Comment Number(s)</b>
Lloyd Ludtke Ludtke-Pacific Trucking Inc.	1a
Mrs. Wm G. Evans Top Red/Evans Fruit Company	2a
Cathleen I Lovell Lovell Cat Service	3a, 4a, 5a
Gary Ash National Frozen Foods	6b, 7a, 8b, 9b, 10c
Mark Berkenbile Douglas Fruit	11a
Gerry Millman Great Western Lumber	12b
Llewellyn Matthews Northwest Pulp & Paper (NWPPA)	13a
Phyllis Varner Bellevue Utilities	14b
Ken Johnson Weyerhaeuser Co.	15a

## **APPENDIX B**

### **Written Comments Received During the Public Comment Period**

Poston, Bev (ECY)

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**From:** Lloyd Ludtke [lloyd@ludtke.com]  
**Sent:** Monday, June 16, 2008 12:31 PM  
**To:** Poston, Bev (ECY)  
**Subject:** fee increases

*I must protest the proposed fee increase. We are in the trucking business and have very little opportunity to increase our rates due to the fuel and economy situation. It seems as though our government should take in to account the health of the people they serve and hold the line. Respectfully,*

**Lloyd A. Ludtke**  
**President**  
**Ludtke-Pacific Trucking, Inc**  
**360-733-6670 Ext**  
**360-815-5060**  
**WWW:Ludtke.com**

*Written Comment  
# 1a*

**KEEP ON TRUCKIN'**



DEPARTMENT OF ECOLOGY

JUN 18 2008

WATER QUALITY PROGRAM

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200 Cowiche City Road

P.O. Box 70

Cowiche, WA 98923

(509) 678-4127

June 16, 2008

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

Re: Wastewater/Stormwater Discharge Permit Fees

In response to the notice we recently received which proposes an increase in discharge permit fees, we oppose this increase. Not only do we feel the current fees for these permits are outrageously high, but the proposed 10.96% increase over two years is excessive. The thousands of dollars we pay in fees each year provide us with very little other than paperwork. What will we see from this 10.96% increase except for more paperwork?

Please put Evans Fruit Company, Inc. on record as being strongly opposed to this increase.

Sincerely,

*Mrs. Wm. G. Evans*

Mrs. Wm. G. Evans

*Written  
Comment  
#2a*

C. I. LOVELL, INC.  
(formerly Lovell Cat Service)  
12585 Progressive Road  
Harrah, WA 98933  
509-848-2850

June 17, 2008

DEPARTMENT OF ECOLOGY

JUN 19 2008

WATER QUALITY PROGRAM

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

RE: Public Comment on Wastewater/ Stormwater Discharge Permit Fees.

The June 2008 notice mentions that the Department of Ecology is looking to increase fees for permit holders to continue covering costs. What are the costs and how have they increased? Fees should not increase unless justified or a direct benefit is given to those paying the fees.

Written  
Comment  
# 3a

In a time when our economy is in a slumber it is increasingly more difficult for business to secure profitable jobs, an increase in fees would only put more stress on an already inflated industry. Our industry happens to be portable rock crushing and recycle crushing of concrete and asphalt.

As a business owner we must look at ways to remain competitive in our pricing to obtain work while also making a profit to remain in business. The government including the Department of Ecology should also have the same goal in mind. If you raise prices what is the reason? Can Ecology find ways to be more efficient to keep fees at a minimum? The burden of fees directly affects businesses such as ours because in order to pay for Ecology fees and other fees like it we must create work. Keep in mind that our business and businesses like us work with other agencies that also have fees and these fees add up. Most of the fees are associated with a permit such as water quality or air quality.

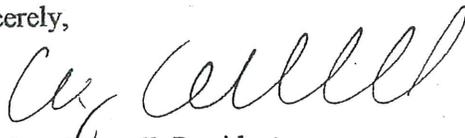
Written  
Comment  
# 4a

In general the process to obtain permits in Washington does not promote business. There are many agencies to deal with, with different rules, process, price, and time frame. Increased regulation and cost deter business from doing business and government takes over. This is when you see taxes and increases in fees because the basis of fee payers is decreasing. Government needs to encourage business and make it easier to get out and work otherwise the economy we are experiencing now will continue.

I do give praise to The Department of Ecology for making efforts to be more business friendly. However, Ecology is not the only regulatory agency. Ecology must give consideration to how the agency is operating and if it is appropriate for our current economic state. I believe government should not be exempt from analyzing efficiency and overhead costs before raising prices.

Written  
Comment  
# 5a

Sincerely,



Cathleen I Lovell, President



**NATIONAL**  
FROZEN FOODS CORPORATION

DEPARTMENT OF ECOLOGY

JUN 30 2008

WATER QUALITY PROGRAM

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

June 23, 2008

RE: Public Comment on Proposed DOE Permit Fee Increases for 2009 – 2010.

Dear Bev,

National Frozen Foods Corporation operates two frozen vegetable processing plants in the State of Washington. We have a plant in Moses Lake (Permit # ST8032) and the other in Chehalis (Permit # ST6122). The combined permit costs for Moses Lake and Chehalis currently exceeds \$65,000 per year (2008). The proposed rate increases for these two facilities will amount to over \$7,000 over the next two years (2009 – 2010)

Looking at permit fees paid by other Washington industries, we pay rates that are comparable to the petro-chemical and pulp companies in the State. Our rates are some of the highest on the fee schedule which seems unreasonable.

*Written Comment #6*

DOE cites the need to add staff thereby justifying the request for more money. DOE currently collects about \$15 million per year from about 5,100 permit holders. DOE needs to consider streamlining staff and permit procedures and become more efficient. Simply adding more people isn't the only solution to getting more work done.

*Written Comment #7a*

Another issue is the fee schedule itself. Our vegetable processing plant in Moses Lake discharges less than 1 MGD for 6 months each year (we average about .8 MGD each processing season). We are being charged for the amount of water we use in the processing plant each day rather than the amount of process water we actually irrigate each day. This is not a fair or accurate way of assessing water application since it's not what is actually being applied to the fields. It's only because we occasionally (barely) use over 1 MGD, we are forced into a fee bracket that is nearly \$8,000 /year higher.

*Written Comment #8b*

Another cost that concerns us is the cumulative environmental fees we pay. Our two plants combined, discharge less than 2 MGD yet we pay \$65,000 per year for permit fees. On the other hand, a processor discharging more than 5+ MGD will only pay \$47,500 for their permit. That's 2 1/2 times more water than we discharge with a permit fee that's 25% cheaper. That doesn't seem reasonable either.

*Written Comment #9b*

JUN 30 2008

We are requesting the DOE seriously consider implementing the following fee allowances for permit holders.

- 1) Combination Fee Schedule - Companies that have multiple facilities in the State of Washington would qualify for a combined volume discount. For example, the current total fees we pay for our two facilities (2008) are \$65,000 for 2 MGD. The 'actual combined fee schedule' for 1 - 2.5 MGD would be \$39,000. If you 'split-the-difference' between the two rates ( $\$39K + \$65K = \$104$  divided by 2 = \$52K) would be a combined or prorated fee of \$52,000. This would be a reasonable rate for 2 facilities and still adequately cover the DOE's costs.
- 2) Discharge Averaging - Processors are currently being assessed for the amount of water they USE rather than what they IRRIGATE each day. Because we have retention ponds to accommodate the hourly/daily discharge fluctuations from our plants, our actual irrigation rates differ from our daily usage rates. For example, we might use 1.1 -1.2 MGD for 2 or 3 days and .7 - .8 MGD for another 3 - 4 days. The actual application to the field may be .9 MGD for that week because we are irrigating from the surge ponds, not directly from the plant. Our suggestion is that the fee schedule be based on the average amount of water actually irrigated over a one month period (monthly DMR). This method of water auditing also depicts more accurately what is actually being applied to the fields each day.
- 3) Incentivize Compliant Permit Holders - The current fee schedule treats permit holders the same regardless of their level of compliance. Permit holders that are good stewards and require less DOE staff time should receive a fee discount. On the other hand, permit holders that are out of compliance and require extensive management should be charged a higher permit cost. For example, National Frozen Foods was awarded an "Environmental Excellence Award" several years ago for their efforts to "enhance environmental quality in the State of Washington". Since the DOE is aware of their 'good customers', it should be easy to reward those that are doing a good job and charge more to those that aren't.

Written  
Comment  
#10e

The 'food industry' is under crushing fuel, energy, transportation, and fertilizer price increases. While these costs have doubled over the past 1 ½ years, our prices certainly haven't. We are seeking relief anywhere we can. The Spokane DOE has been unyielding when asked to consider the "averaging" of weekly or monthly discharge flows. We believe that DOE should be trying to help us minimize our costs rather than seeking ways to increase them. Please help us reduce our permit fee costs!

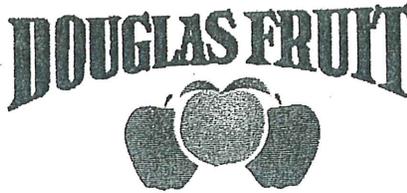
Sincerely,



Gary Ash  
General Manager  
National Frozen Foods Corporation  
Moses Lake, WA 98837

JUL 03 2008

WATER QUALITY PROGRAM



PEACHES • NECTARINES • APRICOTS • APPLES

Douglas Fruit Co.  
110 Taylor Flats Road  
Pasco, WA 993301

Department of Ecology  
PO Box 47600  
Olympia WA 98504-7600

Ref: (1) WA State DOE; Publication Number 08-10-049  
(2) WAC-Chapter 173-224-Permit Fee Rule-Wastewater Discharge  
(3) 2003-2005 Biennium Report to Legislature

**SUBJ: WRITTEN COMMENT IN OPPOSITION**

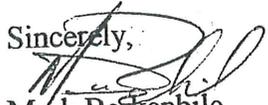
Dear Ms. Poston,

We received the hearing notice of the proposed changes to the fee regulation for Wastewater Discharge Permit Fees. We are opposed to the fee increase as determined.

Upon review of the above referenced and information provided on your website, your department received approx \$29.3M dollars in revenue in fees from 5,120 fee payers for six (6) processes that the department allocate the funds for under "issuing and administrating" discharge permits. Some questions and concerns come to mind.

(1) With a \$3.2M carry over from 01-03, (w/ higher revenues than projected and less expenditures), where were those funds dispersed to? (2) What has given cause to the doubled costs of the Management and Support? (3) In review of ref. 3, Page 5-8 it appears that Program Management/Administrative Support and Administrative Services are defined in a similar fashion. What criterion determines budgeting for these categories and what makes them different?

Sincerely,

  
Mark Berkenbile  
Operations Manager

Written  
Comment  
#11a

**Poston, Bev (ECY)**

---

**From:** Gerry Millman [gmillman@greatwesternlumber.net]  
**Sent:** Thursday, July 10, 2008 4:24 PM  
**To:** Poston, Bev (ECY)  
**Subject:** stormwater permit fees

Dear Bev:

Thank you for taking the time to consider my comments. The current General Stormwater Permit Fees are structured as a flat fee based on revenue. Currently, different tiers exist with the top tier being over \$10 million in annual sales. I believe this is grossly unfair to small businesses, as they are paying a higher percentage of sales than the larger companies in this particular permit. A company with \$100 million in sales will pay the same as a company with \$15 million in sales. I believe a more equitable system would be to charge a flat rate, so that everyone pays the same percentage of sales. It can be done very easily, on one form, as is currently done. We would report our annual sales, multiply by the rate and pay the permit fee. Everyone shares in the responsibility of addressing stormwater, and we should all be equally. This system would not favor any size business over another.

*Written  
Comment  
# 126*

Gerry Millman  
President  
Great Western Lumber Company  
360/966-3061  
360/966-7601 (fax)  
[gmillman@greatwesternlumber.net](mailto:gmillman@greatwesternlumber.net)

**Poston, Bev (ECY)**

---

**From:** Meg Dunwiddie [meg@nwpulpaper.org]  
**Sent:** Tuesday, July 15, 2008 11:32 AM  
**To:** Poston, Bev (ECY)  
**Subject:** NWPPA fee comments  
**Attachments:** NWPPA fee comments 7-15-08.pdf



NORTHWEST PULP & PAPER ASSOCIATION  
1000 114TH AVENUE SOUTHEAST, SUITE 200  
BELLEVUE, WASHINGTON 98004  
(425) 433-1323 FAX (425) 431-1349

July 15, 2008

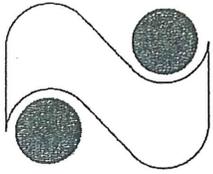
TO: MS. BEV POSTON  
FROM: MEG DUNWIDDIE- OFFICE ADMINISTRATOR  
SUBJECT: NWPPA FEE COMMENTS

Please see the attached letter from Ms. Llewellyn Matthews, Executive Director of Northwest Pulp and Paper Association. Her comments are pertaining to Ecology's proposal to increase fees for all wastewater and storm permit holders for FY 2009 and FY 2010 fiscal growth factor projections.

This document can be opened through word or adobe. Please let me know if you have any difficulties opening this.

I have also sent you a hard copy in the mail, dated today, July 15, 2008.

Thank you very much.



**NORTHWEST  
PULP&PAPER**

NORTHWEST PULP & PAPER ASSOCIATION  
1300 114TH AVENUE SOUTHEAST, SUITE 200  
BELLEVUE, WASHINGTON 98004  
(425) 455-1323 FAX (425) 451-1349

July 15, 2008

Bev Poston  
Department of Ecology  
P.O. Box 47600  
Lacey, Washington 98605-7600

**RE: WSR 08-09-147 – Ecology’s proposal to increase fees for all wastewater and stormwater permit holders for FY 2009 and FY 2010 for fiscal growth factor projections**

Dear Ms Poston;

Please accept this letter as the comments of Northwest Pulp and Paper Association (NWPPA) regarding the above referenced rule-making to increase NPDES permit fees. The proposal in short, is that Ecology plans to increase fees for all wastewater and stormwater permit holders for FY 2009 by 5.57% (the fiscal growth projection) as authorized by the State Legislature. Ecology also is including a fee increase proposal for FY 2010 totaling 5.39%, the fiscal growth factor projection, if the State Legislature authorizes a fee increase. If the increase is not authorized, the FY 2009 fees will remain.

NWPPA appreciates that Ecology’s regulatory activities and responsibilities under the wastewater/stormwater program have increased in recent years to the point that the fees no longer support the program. The major causes of the shortfall include: original statutory and regulatory exemptions or discounts (fees caps) for some sources; expansion of regulations to include stormwater sources without provision for adequate fees; and other decisions of this nature.

NWPPA objects in the strongest terms possible to the extension of these fee increases to pulp and paper mills. NWPPA will also likely oppose the legislative action needed for the FY 2010 fees in equally strong terms. The basis of NWPPA’s objection is that the fees no longer accord with the statutory criteria. In other words, NWPPA is of the position that it is not sufficient for Ecology to simply point to the fiscal growth factors, it must also satisfy the underlying statutory criteria. RCW 90.48.465 reads in part:

*"All fees 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."*

Ecology is failing to demonstrate that *all* fees meet this criteria. Specifically:

1. Continued Disproportionate Impact to Large NPDES Permit Holders Resulting in A Subsidy to Others

For at least the past ten years, and likely much longer, Ecology has used the fiscal growth factor increase as an across-the-board increase that disproportionately affects large NPDES permit holders with the well recognized result that fees from large permit holders are subsidizing the smaller sources that enjoy some type of exemption from paying their fair share of the costs.

During the advisory committee process to examine fees in the late 1990's, Ecology recognized that fees charged to pulp and paper mills were more than 3 times the cost of administering the permits. At that time, Ecology recognized that it's costs (including overhead and administration) averaged about \$27,000 per year for a pulp and paper permit as compare to fees then ranging approximately \$90,000 to slightly over \$100,000. This proposed fee increase only exacerbates this discrepancy. NWPPA estimates that should these fee increases go into effect, pulp and paper mills will be paying more than 4 to 5 times the cost of administration of their permits.

Based on the materials provided in to the current NPDES permit fee work group, NWPPA estimates that pulp and paper mills alone are currently subsidizing Ecology's program by over \$1 million per year, prior to the latest round of proposed increase.

2. The Fee Increase Bears No Reasonable Relationship to Complexity of Administration of Pulp and Paper Permits or Compliance

Expressed another way, the proposed increase bears no relationship to Ecology's actual activity on an individual mill basis.

The proposed fee increase for chemical pulp and paper mills with chlorine bleaching will be \$23,000 per year, raising the annual fee for this category to over \$157,000 per year. This compares to the median fee of approximately \$5,000 per year.

During the past ten years, pulp and paper mills have been in compliance with EPA's 1997 effluent guidelines for our category. EPA reviews these guidelines for adequacy periodically, and concluded in its most recent review that no new technology improvements were needed. Furthermore, the mills also have long demonstrated compliance with additional state specific requirements.

In short there is are no changes in complexity or compliance that warrant the size of increase to our mills proposed by Ecology. Ecology is simply continuing its long-standing practice of requiring pulp and paper mills to subsidize others.

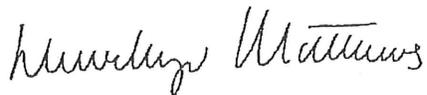
### 3. Recommendations

NWPPA recommends the following:

- Ecology demonstrate that it meets the statutory criteria, not just that it is applying a general fiscal growth factor;
- Ecology should defer any further fee increases for pulp and paper mills (and any other large NPDES permit holders that currently are subsidizing others) until it can bring the fee structure into equity; or
- Ecology should create an economic exemption for pulp and paper mills.

Thank-you for consideration of these comments.

Sincerely,



Llewellyn Matthews  
Executive Director

cc. Kelly Susewind  
Bill Hashim

Written Comment  
#13a

**Poston, Bev (ECY)**

---

**From:** PVarner@bellevuewa.gov  
**Sent:** Tuesday, July 15, 2008 3:46 PM  
**To:** Poston, Bev (ECY)  
**Cc:** PVarner@bellevuewa.gov; DVidmar@bellevuewa.gov; NOtal@bellevuewa.gov;  
JNichols@bellevuewa.gov; ABennett@bellevuewa.gov  
**Subject:** Wastewater Discharge Permit Fee Rule Comments  
**Attachments:** 080715 Bellevue NPDES Permit Fee Rule Comment Ltr.doc

Bev, please find attached Bellevue's comments on the proposed rule changes governing Municipal Stormwater Permit Fees. Thanks for the opportunity to comment. Phyllis

***Phyllis Varner***  
***Municipal Stormwater Permit Manager***  
***Bellevue Utilities***  
***pvarner@bellevuewa.gov***  
***425-452-7683***

July 14, 2008

Department of Ecology  
Attn: Bev Poston  
PO Box 47600, Olympia WA 98504-7600  
[Bpos461@ecy.wa.gov](mailto:Bpos461@ecy.wa.gov)

**Subject: Proposed Changes to Chapter 173-224 WAC – Wastewater Discharge Permit Fees**

Dear Ms. Poston,

Thank you for the opportunity to comment on the proposed rule changes governing Municipal Stormwater Permit Fees.

We appreciate Ecology's need to fund permit program efforts and understand the required consideration of economic impacts of permit fees on smaller jurisdictions. At the same time, any links between the permit program's current fee structure and service received seem tenuous at best.

The current fee structure is perhaps expedient in terms of generating revenue. On the other hand, basing the permit fee charged a municipality on the number of housing units in that jurisdiction and granting jurisdictions having residents of lower income a fifty percent rate break seems somewhat arbitrary and neither fair nor equitable.

*Written  
Comment  
#14 b*

This fee calculation method could well result in areas with lesser water quality controls having their contributions to the permit program subsidized by those doing more to protect our waters. A fee structure that makes more sense would be one based on service received.

We recognize the practical difficulties of collecting and managing the data needed to operate a more fair and equitable permit fee structure. While perhaps not possible immediately, we recommend that Ecology look for ways to effectively implement fees based on service received from the permit program.

We stand ready to help in the pursuit of a solution, including legislative remedies, to the problem of developing a more fair and equitable municipal stormwater fee structure than currently proposed.

Sincerely,

Phyllis Varner  
Municipal Stormwater Permit Manager  
Bellevue Utilities  
[pvarner@bellevuewa.gov](mailto:pvarner@bellevuewa.gov)



CH 3E28  
PO Box 9777  
Federal Way, WA 98063-9777  
Telephone: (253) 924-3426  
Fax: (253) 924-2013  
E-Mail: ken.johnson@weyerhaeuser.com

July 14, 2008

Bev Posten  
Water Quality Program  
Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Subject: Proposed Amendments to Chapter 173-224 WAC

Dear Ms. Posten:

Weyerhaeuser appreciates that the Water Quality Program is engaged in an activity to ultimately revamp the Permit Fee regulation to more closely conform the rule to statutory principles in RCW 90.48.465. Ecology is apparently considering both statutory and then regulation changes, to be complete by mid-to-late 2009.

While recognizing this process, Weyerhaeuser still objects to proposed amendment of WAC 173-224-040 which would increase fees for "Chemical Pulp Mills w/Chlorine Bleaching" by some \$23,000 in the 2009-2010 biennium. The blanket 5.57% and 5.39% fee increases simply exacerbates a fundamentally unequal fee program. While there may have been justification for imposition of heavy fees on pulp and paper industry categories in the original 1989-90 rule-making, the repeated flat percent increases every two years have yielded a grossly skewed program. Against a median permit fee of something less than \$5,000, it is almost inconceivable that the "Chemical Pulp Mills w/Chlorine Bleaching" category will be expected to pay \$157,507 annually.

The proposed WAC 173-224 takes no account of RCW 90.48.465 statutory criteria. The statute reads in part

"All fees 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."

The rule amendment package offers no detail on how these criteria are being addressed and thus how the fee increases are being supported. Specifically for the "Chemical Pulp Mills w/Chlorine Bleaching" category, how does the proposed \$23,000 fee increase relate to:

*Written  
Comment  
# 15a*

- permit complexity,
- compliance rates or trends,
- pollutant loading and toxicity, and/or
- recycling/reduction of pollutant discharge quantity

Written  
Comment  
#15a

Ecology's Responsiveness Summary should identify and discuss the criteria-relevant information the agency relied on to support this fee increase.

Our perspective is that the industry is stable, there has been no federal effluent guideline changes since 1997, the NPDES permit compliance rates are over 99%, discharge data evidence important pollutant discharge reductions since 1990, and compliance with WAC 173-205 *Whole Effluent Toxicity Testing and Limits* has long ago been demonstrated.

Sincerely,

Ken Johnson  
Regulatory Affairs Manager

## **APPENDIX C**

### **Public Notices**

## **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**

Every two years, Ecology amends the fee regulation, as needed, to continue funding the program. Accordingly, Ecology proposes to make the following changes to the permit fee rule, Chapter 173-224 WAC - Wastewater Discharge Permit Fees:

- Increase the annual permit fee for permit holders by the fiscal growth factor of 5.57% for fiscal year 2009 (July 1, 2008, through June 30, 2009) as authorized by the state Legislature.
- Add language that will allow a fee increase by the fiscal growth factor of 5.39% for fiscal year 2010 (July 1, 2009, through June 30, 2010) if authorized by the state Legislature.
- Define seafood processing and what permitted activities fit into that fee category.
- Increase the maximum extreme hardship fee reduction from \$100 to \$106 for fiscal year 2009 and \$112 for fiscal year 2010.
- Change current language to allow for proration of fees for aquatic pest control permits so they are treated the same as other permit holders.

### **Public Comment**

Ecology will accept written comments on the proposed changes until 5 p.m., July 15, 2008. 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)

### **Public Hearing Schedule**

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

#### **July 8, 2008 - Lacey**

1 p.m.

Lacey Timberland Library  
500 College Way S.E.

#### **July 9, 2008 - Ellensburg**

1 p.m.

Hal Holmes Community  
Center  
201 N. Ruby St.

#### **July 10, 2008 - Spokane**

1 p.m.

Spokane Regional Library  
South Hill Branch  
3324 S. Perry

### **Special accommodations:**

If you need this publication in an alternate format, 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 August 5, 2008. The rule would become effective September 6, 2008.

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 send an email to [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov).

**APPENDIX D**

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

AMENDATORY SECTION (Amending WSR 04-15-046, filed 7/13/04, effective 8/13/04)

**WAC 173-224-030 Definitions.** "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means the following:

Animal Type	Number of Animals per Animal Unit
Dairy Cows	
Jersey Breed	
Milking Cow	0.900
Dry Cow	0.900
Heifer	0.220
Calf	0.220
Other Breeds	
Milking Cow	1.400
Dry Cow	1.000
Heifer	0.800
Calf	0.500
Feedlot Beef	0.877
Horses	0.500
Sheep	0.100
Swine for breeding	0.375
Swine for slaughter	0.110
Laying hens & pullets > 3 months	0.004
Broilers & pullets < 3 months	0.002

For those concentrated animal feeding operations not listed on the above table, the department will use 1,000 pounds of live animal weight and the weight of the type of animal in

determining the number of animal units.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Disturbed acres" means the total area which will be

disturbed during all phases of the construction project or common plan of development or sale. This includes all clearing, grading, and excavating, and any other activity which disturbs the surface of the land.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any ground water infiltration or surface waters that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Gross revenue for business" means the gross income from Washington business activities as reported to the Washington state department of revenue.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Median household income" means the most recent available census data, updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the Consumer Price Index.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State

government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that does not come into direct contact with any raw materials, intermediate product, waste product or finished product, but which may contain chemicals or additives added by the permittee to control corrosion or fouling of the cooling system.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation offsite for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *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.*

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or

under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Seafood processing" means:

(a) Preparing fresh, cooked, canned, smoked, preserved, or frozen seafoods, including marine and freshwater animals (fish, shellfish, crustaceans, etc.) and plants, for human or animal consumption; or

(b) Washing, shucking, and/or packaging of mollusks or crustaceans.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

[Statutory Authority: RCW 90.48.465. 04-15-046, § 173-224-030, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. 02-12-059, § 173-224-030, filed 5/30/02, effective 6/30/02; 00-02-031 (Order 99-03), § 173-224-030, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-030, filed 1/15/98, effective 2/15/98; 94-10-027 (Order 93-08), § 173-224-030, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-030, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-030, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending Order 05-17, filed 5/30/06, effective 6/30/06)

**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>((2007))</del> <u>2009</u> ANNUAL PERMIT FEE	FY <del>((2008))</del> <u>2010</u> ANNUAL PERMIT FEE <del>((AND</del> <del>BEYOND))</del> * <u></u>
Aluminum Alloys	\$ <del>((15,007.00))</del> <u>16,713.00</u>	\$ <del>((15,831.00))</del> <u>17,614.00</u>
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	<del>((88,496.00))</del> <u>98,554.00</u>	<del>((93,354.00))</del> <u>103,866.00</u>
b. State Permit	<del>((44,250.00))</del> <u>49,279.00</u>	<del>((46,679.00))</del> <u>51,935.00</u>
Aluminum Forming	<del>((45,019.00))</del> <u>50,136.00</u>	<del>((47,491.00))</del> <u>52,838.00</u>
Aggregate Production - Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	<del>((2,582.00))</del> <u>2,876.00</u>	<del>((2,724.00))</del> <u>3,031.00</u>
2. Nonoperating aggregate site (fee per site)	<del>((106.00))</del> <u>118.00</u>	<del>((112.00))</del> <u>124.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	<del>((1,076.00))</del> <u>1,198.00</u>	<del>((1,135.00))</del> <u>1,263.00</u>
2. 50,000 - < 300,000 tons/yr.	<del>((2,583.00))</del> <u>2,877.00</u>	<del>((2,725.00))</del> <u>3,032.00</u>
3. 300,000 tons/yr. and greater	<del>((3,231.00))</del> <u>3,598.00</u>	<del>((3,408.00))</del> <u>3,792.00</u>
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	<del>((1,076.00))</del> <u>1,198.00</u>	<del>((1,135.00))</del> <u>1,263.00</u>
2. 25,000 - < 200,000 cu. yds/yr.	<del>((2,583.00))</del> <u>2,877.00</u>	<del>((2,725.00))</del> <u>3,032.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2007)) 2009	FY ((2008)) 2010
		ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
3.	200,000 cu. yds/yr. and greater	((3,231.00))	((3,408.00))
		<u>3,598.00</u>	<u>3,792.00</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	((2,582.00))	((2,724.00))
		<u>2,876.00</u>	<u>3,031.00</u>
2.	Asphalt	((2,582.00))	((2,724.00))
		<u>2,876.00</u>	<u>3,031.00</u>
3.	Concrete	((2,582.00))	((2,724.00))
		<u>2,876.00</u>	<u>3,031.00</u>

#### Aggregate Production - General Permit Coverage

a.	Mining Activities		
1.	Mining, screening, washing and/or crushing	((1,807.00))	((1,906.00))
		<u>2,012.00</u>	<u>2,120.00</u>
2.	Nonoperating aggregate site (fee per site)	((75.00)) <u>83.00</u>	((79.00)) <u>87.00</u>
b.	Asphalt Production		
1.	0 - < 50,000 tons/yr.	((755.00))	((796.00))
		<u>840.00</u>	<u>885.00</u>
2.	50,000 - < 300,000 tons/yr.	((1,808.00))	((1,907.00))
		<u>2,013.00</u>	<u>2,122.00</u>
3.	300,000 tons/yr. and greater	((2,260.00))	((2,384.00))
		<u>2,517.00</u>	<u>2,653.00</u>
c.	Concrete Production		
1.	0 - < 25,000 cu. yds/yr.	((755.00))	((796.00))
		<u>840.00</u>	<u>885.00</u>
2.	25,000 - < 200,000 cu. yds/yr.	((1,808.00))	((1,907.00))
		<u>2,013.00</u>	<u>2,122.00</u>
3.	200,000 cu. yds/yr. and greater	((2,260.00))	((2,384.00))
		<u>2,517.00</u>	<u>2,653.00</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	((1,808.00))	((1,907.00))
		<u>2,013.00</u>	<u>2,122.00</u>
2.	Asphalt	((1,808.00))	((1,907.00))
		<u>2,013.00</u>	<u>2,122.00</u>
3.	Concrete	((1,808.00))	((1,907.00))
		<u>2,013.00</u>	<u>2,122.00</u>

#### Aquaculture

a.	Finfish hatching and rearing - Individual Permit	((4,501.00))	((4,748.00))
		<u>5,012.00</u>	<u>5,282.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
b. Finfish hatching and rearing - General Permit Coverage	((3,153.00)) <u>3,511.00</u>	((3,326.00)) <u>3,700.00</u>
c. Shellfish hatching	((155.00)) <u>173.00</u>	((164.00)) <u>182.00</u>
Aquatic Pest Control		
a. Irrigation Districts	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
b. Mosquito Control Districts	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
c. Invasive Moth Control	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
d. Aquatic Species Control & Eradication	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
e. Oyster Growers	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
f. Rotenone Control	((338.00)) <u>377.00</u>	((357.00)) <u>397.00</u>
Boat Yards - Individual Permit Coverage		
a. With storm water only discharge	((384.00)) <u>428.00</u>	((405.00)) <u>451.00</u>
b. All others	((769.00)) <u>856.00</u>	((811.00)) <u>902.00</u>
Boat Yards - General Permit Coverage		
a. With storm water only discharge	((268.00)) <u>298.00</u>	((282.00)) <u>314.00</u>
b. All others	((540.00)) <u>602.00</u>	((570.00)) <u>634.00</u>
Coal Mining and Preparation		
a. < 200,000 tons per year	((5,999.00)) <u>6,680.00</u>	((6,328.00)) <u>7,040.00</u>
b. 200,000 - < 500,000 tons per year	((13,507.00)) <u>15,042.00</u>	((14,248.00)) <u>15,853.00</u>
c. 500,000 - < 1,000,000 tons per year	((24,010.00)) <u>26,739.00</u>	((25,328.00)) <u>28,180.00</u>
d. 1,000,000 tons per year and greater	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
Combined Industrial Waste Treatment		
a. < 10,000 gpd	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
b. 10,000 - < 50,000 gpd	((7,501.00)) <u>8,354.00</u>	((7,913.00)) <u>8,804.00</u>
c. 50,000 - < 100,000 gpd	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
d. 100,000 - < 500,000 gpd	((30,012.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009	FY ((2008)) 2010
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
e. 500,000 gpd and greater	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
Combined Food Processing Waste Treatment Facilities	((14,367.00)) <u>16,000.00</u>	((15,156.00)) <u>16,862.00</u>
Combined Sewer Overflow System		
a. < 50 acres	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
b. 50 - < 100 acres	((7,501.00)) <u>8,354.00</u>	((7,913.00)) <u>8,804.00</u>
c. 100 - < 500 acres	((9,007.00)) <u>10,030.00</u>	((9,501.00)) <u>10,571.00</u>
d. 500 acres and greater	((12,004.00)) <u>13,368.00</u>	((12,663.00)) <u>14,089.00</u>
Commercial Laundry	((384.00)) <u>428.00</u>	((405.00)) <u>451.00</u>
Concentrated Animal Feeding Operation		
a. < 200 Animal Units	((154.00)) <u>171.00</u>	((162.00)) <u>180.00</u>
b. 200 - < 400 Animal Units	((384.00)) <u>428.00</u>	((405.00)) <u>451.00</u>
c. 400 - < 600 Animal Units	((769.00)) <u>856.00</u>	((811.00)) <u>902.00</u>
d. 600 - < 800 Animal Units	((1,153.00)) <u>1,284.00</u>	((1,216.00)) <u>1,353.00</u>
e. 800 Animal Units and greater	((1,539.00)) <u>1,714.00</u>	((1,624.00)) <u>1,806.00</u>
Crop Preparing - Individual Permit Coverage		
a. 0 - < 1,000 bins/yr.	((299.00)) <u>333.00</u>	((315.00)) <u>351.00</u>
b. 1,000 - < 5,000 bins/yr.	((601.00)) <u>669.00</u>	((634.00)) <u>705.00</u>
c. 5,000 - < 10,000 bins/yr.	((1,200.00)) <u>1,337.00</u>	((1,266.00)) <u>1,409.00</u>
d. 10,000 - < 15,000 bins/yr.	((2,403.00)) <u>2,676.00</u>	((2,535.00)) <u>2,820.00</u>
e. 15,000 - < 20,000 bins/yr.	((3,974.00)) <u>4,425.00</u>	((4,192.00)) <u>4,664.00</u>
f. 20,000 - < 25,000 bins/yr.	((5,552.00)) <u>6,183.00</u>	((5,857.00)) <u>6,516.00</u>
g. 25,000 - < 50,000 bins/yr.	((7,427.00)) <u>8,271.00</u>	((7,835.00)) <u>8,717.00</u>
h. 50,000 - < 75,000 bins/yr.	((8,254.00)) <u>9,192.00</u>	((8,707.00)) <u>9,687.00</u>
i. 75,000 - < 100,000 bins/yr.	((9,603.00)) <u>10,694.00</u>	((10,130.00)) <u>11,270.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
j.	100,000 - < 125,000 bins/yr.	((12,004.00)) <u>13,368.00</u>	((12,663.00)) <u>14,089.00</u>
k.	125,000 - < 150,000 bins/yr.	((15,006.00)) <u>16,712.00</u>	((15,830.00)) <u>17,613.00</u>
l.	150,000 bins/yr. and greater	((18,008.00)) <u>20,055.00</u>	((18,997.00)) <u>21,136.00</u>
Crop Preparing - General Permit Coverage			
a.	0 - < 1,000 bins/yr.	((209.00)) <u>232.00</u>	((220.00)) <u>245.00</u>
b.	1,000 - < 5,000 bins/yr.	((420.00)) <u>468.00</u>	((443.00)) <u>493.00</u>
c.	5,000 - < 10,000 bins/yr.	((842.00)) <u>937.00</u>	((888.00)) <u>988.00</u>
d.	10,000 - < 15,000 bins/yr.	((1,682.00)) <u>1,873.00</u>	((1,774.00)) <u>1,974.00</u>
e.	15,000 - < 20,000 bins/yr.	((2,783.00)) <u>3,100.00</u>	((2,936.00)) <u>3,267.00</u>
f.	20,000 - < 25,000 bins/yr.	((3,887.00)) <u>4,328.00</u>	((4,100.00)) <u>4,561.00</u>
g.	25,000 - < 50,000 bins/yr.	((5,198.00)) <u>5,788.00</u>	((5,483.00)) <u>6,100.00</u>
h.	50,000 - < 75,000 bins/yr.	((5,777.00)) <u>6,433.00</u>	((6,094.00)) <u>6,780.00</u>
i.	75,000 - < 100,000 bins/yr.	((6,717.00)) <u>7,481.00</u>	((7,086.00)) <u>7,884.00</u>
j.	100,000 - < 125,000 bins/yr.	((8,405.00)) <u>9,360.00</u>	((8,866.00)) <u>9,865.00</u>
k.	125,000 - < 150,000 bins/yr.	((10,504.00)) <u>11,698.00</u>	((11,081.00)) <u>12,329.00</u>
l.	150,000 bins/yr. and greater	((12,604.00)) <u>14,037.00</u>	((13,296.00)) <u>14,794.00</u>
Dairies \$.50 per Animal Unit not to exceed \$((1,077.00)) <u>1,199.00</u> for FY ((2007)) 2009 and \$((1,136.00)) <u>1,264.00</u> for FY ((2008 and beyond)) 2010			
Facilities Not Otherwise Classified - Individual Permit Coverage			
a.	< 1,000 gpd	((1,501.00)) <u>1,671.00</u>	((1,583.00)) <u>1,761.00</u>
b.	1,000 - < 10,000 gpd	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
c.	10,000 - < 50,000 gpd	((7,502.00)) <u>8,355.00</u>	((7,914.00)) <u>8,805.00</u>
d.	50,000 - < 100,000 gpd	((12,004.00)) <u>13,368.00</u>	((12,663.00)) <u>14,089.00</u>
e.	100,000 - < 500,000 gpd	((23,890.00)) <u>26,606.00</u>	((25,202.00)) <u>28,040.00</u>
f.	500,000 - < 1,000,000 gpd	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
g.	1,000,000 gpd and greater	((45,019.00)) <u>50,135.00</u>	((47,490.00)) <u>52,837.00</u>
Facilities Not Otherwise Classified - General Permit Coverage			
a.	< 1,000 gpd	((1,052.00)) <u>1,172.00</u>	((1,110.00)) <u>1,235.00</u>
b.	1,000 - < 10,000 gpd	((2,177.00)) <u>2,425.00</u>	((2,297.00)) <u>2,556.00</u>
c.	10,000 - < 50,000 gpd	((5,254.00)) <u>5,851.00</u>	((5,542.00)) <u>6,166.00</u>
d.	50,000 - < 100,000 gpd	((8,405.00)) <u>9,360.00</u>	((8,866.00)) <u>9,865.00</u>
e.	100,000 - < 500,000 gpd	((16,805.00)) <u>18,715.00</u>	((17,728.00)) <u>19,724.00</u>
f.	500,000 - < 1,000,000 gpd	((21,007.00)) <u>23,394.00</u>	((22,160.00)) <u>24,655.00</u>
g.	1,000,000 gpd and greater	((31,513.00)) <u>35,095.00</u>	((33,243.00)) <u>36,987.00</u>
Flavor Extraction			
a.	Steam Distillation	((154.00)) <u>171.00</u>	((162.00)) <u>180.00</u>
Food Processing			
a.	< 1,000 gpd	((1,500.00)) <u>1,670.00</u>	((1,582.00)) <u>1,760.00</u>
b.	1,000 - < 10,000 gpd	((3,824.00)) <u>4,259.00</u>	((4,034.00)) <u>4,489.00</u>
c.	10,000 - < 50,000 gpd	((6,828.00)) <u>7,604.00</u>	((7,203.00)) <u>8,014.00</u>
d.	50,000 - < 100,000 gpd	((10,729.00)) <u>11,948.00</u>	((11,318.00)) <u>12,592.00</u>
e.	100,000 - < 250,000 gpd	((15,007.00)) <u>16,712.00</u>	((15,830.00)) <u>17,613.00</u>
f.	250,000 - < 500,000 gpd	((19,734.00)) <u>21,977.00</u>	((20,817.00)) <u>23,162.00</u>
g.	500,000 - < 750,000 gpd	((24,758.00)) <u>27,572.00</u>	((26,117.00)) <u>29,058.00</u>
h.	750,000 - < 1,000,000 gpd	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
i.	1,000,000 - < 2,500,000 gpd	((36,974.00)) <u>41,175.00</u>	((39,003.00)) <u>43,394.00</u>
j.	2,500,000 - < 5,000,000 gpd	((41,266.00)) <u>45,957.00</u>	((43,532.00)) <u>48,434.00</u>
k.	5,000,000 gpd and greater	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
Fuel and Chemical Storage			

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009	FY ((2008)) 2010
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
a. < 50,000 bbls	((1,501.00)) <u>1,671.00</u>	((1,583.00)) <u>1,761.00</u>
b. 50,000 - < 100,000 bbls	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
c. 100,000 - < 500,000 bbls	((7,501.00)) <u>8,354.00</u>	((7,913.00)) <u>8,804.00</u>
d. 500,000 bbls and greater	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
<b>Hazardous Waste Clean Up Sites</b>		
a. Leaking Underground Storage Tanks (LUST)		
1. State Permit	((3,936.00)) <u>4,383.00</u>	((4,152.00)) <u>4,619.00</u>
2. NPDES Permit Issued pre 7/1/94	((3,936.00)) <u>4,383.00</u>	((4,152.00)) <u>4,619.00</u>
3. NPDES Permit Issued post 7/1/94	((7,871.00)) <u>8,765.00</u>	((8,303.00)) <u>9,237.00</u>
b. Non-LUST Sites		
1. 1 or 2 Contaminants of concern	((7,696.00)) <u>8,570.00</u>	((8,118.00)) <u>9,032.00</u>
2. > 2 Contaminants of concern	((15,391.00)) <u>17,140.00</u>	((16,236.00)) <u>18,064.00</u>
<b>Ink Formulation and Printing</b>		
a. Commercial Print Shops	((2,308.00)) <u>2,571.00</u>	((2,435.00)) <u>2,710.00</u>
b. Newspapers	((3,849.00)) <u>4,286.00</u>	((4,060.00)) <u>4,517.00</u>
c. Box Plants	((6,156.00)) <u>6,856.00</u>	((6,494.00)) <u>7,226.00</u>
d. Ink Formulation	((7,696.00)) <u>8,571.00</u>	((8,119.00)) <u>9,033.00</u>
<b>Inorganic Chemicals Manufacturing</b>		
a. Lime Products	((7,501.00)) <u>8,354.00</u>	((7,913.00)) <u>8,804.00</u>
b. Fertilizer	((9,031.00)) <u>10,058.00</u>	((9,527.00)) <u>10,600.00</u>
c. Peroxide	((12,004.00)) <u>13,368.00</u>	((12,663.00)) <u>14,089.00</u>
d. Alkaline Earth Salts	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
e. Metal Salts	((21,006.00)) <u>23,393.00</u>	((22,159.00)) <u>24,654.00</u>
f. Acid Manufacturing	((30,006.00)) <u>33,416.00</u>	((31,653.00)) <u>35,217.00</u>
g. Chlor-alkali	((60,024.00)) <u>66,846.00</u>	((63,319.00)) <u>70,449.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
<b>Iron and Steel</b>		
a. Foundries	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
b. Mills	((30,039.00)) <u>33,453.00</u>	((31,688.00)) <u>35,256.00</u>
<b>Metal Finishing</b>		
a. < 1,000 gpd	((1,799.00)) <u>2,004.00</u>	((1,898.00)) <u>2,112.00</u>
b. 1,000 - < 10,000 gpd	((3,000.00)) <u>3,341.00</u>	((3,165.00)) <u>3,521.00</u>
c. 10,000 - < 50,000 gpd	((7,500.00)) <u>8,353.00</u>	((7,912.00)) <u>8,803.00</u>
d. 50,000 - < 100,000 gpd	((15,006.00)) <u>16,712.00</u>	((15,830.00)) <u>17,613.00</u>
e. 100,000 - < 500,000 gpd	((30,010.00)) <u>33,420.00</u>	((31,657.00)) <u>35,221.00</u>
f. 500,000 gpd and greater	((45,017.00)) <u>50,133.00</u>	((47,488.00)) <u>52,835.00</u>
<b>Noncontact Cooling Water With Additives - Individual Permit Coverage</b>		
a. < 1,000 gpd	((939.00)) <u>1,046.00</u>	((991.00)) <u>1,102.00</u>
b. 1,000 - < 10,000 gpd	((1,310.00)) <u>1,459.00</u>	((1,382.00)) <u>1,538.00</u>
c. 10,000 - < 50,000 gpd	((2,816.00)) <u>3,136.00</u>	((2,971.00)) <u>3,305.00</u>
d. 50,000 - < 100,000 gpd	((6,567.00)) <u>7,314.00</u>	((6,928.00)) <u>7,708.00</u>
e. 100,000 - < 500,000 gpd	((11,252.00)) <u>12,531.00</u>	((11,870.00)) <u>13,206.00</u>
f. 500,000 - < 1,000,000 gpd	((15,946.00)) <u>17,758.00</u>	((16,821.00)) <u>18,715.00</u>
g. 1,000,000 - < 2,500,000 gpd	((20,636.00)) <u>22,982.00</u>	((21,769.00)) <u>24,221.00</u>
h. 2,500,000 - < 5,000,000 gpd	((25,216.00)) <u>28,082.00</u>	((26,600.00)) <u>29,596.00</u>
i. 5,000,000 gpd and greater	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
<b>Noncontact Cooling Water With Additives - General Permit Coverage</b>		
a. < 1,000 gpd	((657.00)) <u>733.00</u>	((694.00)) <u>773.00</u>
b. 1,000 - < 10,000 gpd	((1,312.00)) <u>1,461.00</u>	((1,384.00)) <u>1,540.00</u>
c. 10,000 - < 50,000 gpd	((1,971.00)) <u>2,195.00</u>	((2,079.00)) <u>2,313.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
d.	50,000 - < 100,000 gpd	((4,598.00)) <u>5,120.00</u>	((4,850.00)) <u>5,396.00</u>
e.	100,000 - < 500,000 gpd	((7,878.00)) <u>8,773.00</u>	((8,310.00)) <u>9,246.00</u>
f.	500,000 - < 1,000,000 gpd	((11,163.00)) <u>12,432.00</u>	((11,776.00)) <u>13,102.00</u>
g.	1,000,000 - < 2,500,000 gpd	((14,444.00)) <u>16,086.00</u>	((15,237.00)) <u>16,953.00</u>
h.	2,500,000 - < 5,000,000 gpd	((17,725.00)) <u>19,739.00</u>	((18,698.00)) <u>20,803.00</u>
i.	5,000,000 gpd and greater	((21,007.00)) <u>23,394.00</u>	((22,160.00)) <u>24,655.00</u>
<b>Noncontact Cooling Water Without Additives - Individual Permit Coverage</b>			
a.	< 1,000 gpd	((753.00)) <u>838.00</u>	((794.00)) <u>883.00</u>
b.	1,000 - < 10,000 gpd	((1,501.00)) <u>1,671.00</u>	((1,583.00)) <u>1,761.00</u>
c.	10,000 - < 50,000 gpd	((2,253.00)) <u>2,509.00</u>	((2,377.00)) <u>2,644.00</u>
d.	50,000 - < 100,000 gpd	((5,254.00)) <u>5,851.00</u>	((5,542.00)) <u>6,166.00</u>
e.	100,000 - < 500,000 gpd	((9,006.00)) <u>10,030.00</u>	((9,501.00)) <u>10,571.00</u>
f.	500,000 - < 1,000,000 gpd	((12,754.00)) <u>14,203.00</u>	((13,454.00)) <u>14,969.00</u>
g.	1,000,000 - < 2,500,000 gpd	((16,442.00)) <u>18,310.00</u>	((17,344.00)) <u>19,297.00</u>
h.	2,500,000 - < 5,000,000 gpd	((20,257.00)) <u>22,559.00</u>	((21,369.00)) <u>23,775.00</u>
i.	5,000,000 gpd and greater	((24,010.00)) <u>26,739.00</u>	((25,328.00)) <u>28,180.00</u>
<b>Noncontact Cooling Water Without Additives - General Permit Coverage</b>			
a.	< 1,000 gpd	((526.00)) <u>586.00</u>	((555.00)) <u>618.00</u>
b.	1,000 - < 10,000 gpd	((1,052.00)) <u>1,172.00</u>	((1,110.00)) <u>1,235.00</u>
c.	10,000 - < 50,000 gpd	((1,577.00)) <u>1,757.00</u>	((1,664.00)) <u>1,852.00</u>
d.	50,000 - < 100,000 gpd	((3,677.00)) <u>4,095.00</u>	((3,879.00)) <u>4,316.00</u>
e.	100,000 - < 500,000 gpd	((6,303.00)) <u>7,019.00</u>	((6,649.00)) <u>7,397.00</u>
f.	500,000 - < 1,000,000 gpd	((8,929.00)) <u>9,944.00</u>	((9,419.00)) <u>10,480.00</u>
g.	1,000,000 - < 2,500,000 gpd	((11,555.00)) <u>12,868.00</u>	((12,189.00)) <u>13,562.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2007)) 2009 ANNUAL PERMIT FEE	FY ((2008)) 2010 ANNUAL PERMIT FEE ((AND BEYOND))*
h.	2,500,000 - < 5,000,000 gpd	((14,181.00)) <u>15,793.00</u>	((14,960.00)) <u>16,644.00</u>
i.	5,000,000 gpd and greater	((16,805.00)) <u>18,715.00</u>	((17,728.00)) <u>19,724.00</u>
Nonferrous Metals Forming		((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
Ore Mining			
a.	Ore Mining	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
b.	Ore mining with physical concentration processes	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</u>
c.	Ore mining with physical and chemical concentration processes	((24,010.00)) <u>26,739.00</u>	((25,328.00)) <u>28,180.00</u>
Organic Chemicals Manufacturing			
a.	Fertilizer	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
b.	Aliphatic	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
c.	Aromatic	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
Petroleum Refining			
a.	< 10,000 bbls/d	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
b.	10,000 - < 50,000 bbls/d	((59,503.00)) <u>66,266.00</u>	((62,770.00)) <u>69,838.00</u>
c.	50,000 bbls/d and greater	((120,054.00)) <u>133,699.00</u>	((126,645.00)) <u>140,905.00</u>
Photofinishers			
a.	< 1,000 gpd	((1,200.00)) <u>1,337.00</u>	((1,266.00)) <u>1,409.00</u>
b.	1,000 gpd and greater	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
Power and/or Steam Plants			
a.	Steam Generation - Nonelectric	((5,999.00)) <u>6,680.00</u>	((6,328.00)) <u>7,040.00</u>
b.	Hydroelectric	((5,999.00)) <u>6,680.00</u>	((6,328.00)) <u>7,040.00</u>
c.	Nonfossil Fuel	((9,005.00)) <u>10,028.00</u>	((9,499.00)) <u>10,569.00</u>
d.	Fossil Fuel	((24,010.00)) <u>26,739.00</u>	((25,328.00)) <u>28,180.00</u>
Pulp, Paper and Paper Board			
a.	Fiber Recyclers	((15,005.00)) <u>16,711.00</u>	((15,829.00)) <u>17,612.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009	FY ((2008)) 2010
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
b. Paper Mills	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
c. Groundwood Pulp Mills		
1. < 300 tons per day	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
2. > 300 tons per day	((90,037.00)) <u>100,270.00</u>	((94,980.00)) <u>105,675.00</u>
d. Chemical Pulp Mills w/o Chlorine Bleaching	((120,047.00)) <u>133,692.00</u>	((126,638.00)) <u>140,898.00</u>
e. Chemical Pulp Mills w/Chlorine Bleaching	((135,051.00)) <u>150,400.00</u>	((142,465.00)) <u>158,507.00</u>
Radioactive Effluents and Discharges (RED)		
a. < 3 waste streams	((29,028.00)) <u>32,332.00</u>	((30,626.00)) <u>34,075.00</u>
b. 3 - < 8 waste streams	((50,417.00)) <u>56,147.00</u>	((53,185.00)) <u>59,173.00</u>
c. 8 waste streams and greater	((83,040.00)) <u>92,478.00</u>	((87,599.00)) <u>97,463.00</u>
RCRA Corrective Action Sites	((21,093.00)) <u>23,490.00</u>	((22,251.00)) <u>24,756.00</u>
Seafood Processing		
a. < 1,000 gpd	((1,501.00)) <u>1,671.00</u>	((1,583.00)) <u>1,761.00</u>
b. 1,000 - < 10,000 gpd	((3,824.00)) <u>4,259.00</u>	((4,034.00)) <u>4,489.00</u>
c. 10,000 - < 50,000 gpd	((6,828.00)) <u>7,604.00</u>	((7,203.00)) <u>8,014.00</u>
d. 50,000 - < 100,000 gpd	((10,729.00)) <u>11,948.00</u>	((11,318.00)) <u>12,592.00</u>
e. 100,000 gpd and greater	((15,007.00)) <u>16,713.00</u>	((15,831.00)) <u>17,614.00</u>
Shipyards		
a. Per crane, travel lift, small boat lift	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,552.00</u>
b. Per drydock under 250 ft in length	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,552.00</u>
c. Per graving dock	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,552.00</u>
d. Per marine way	((4,501.00)) <u>5,012.00</u>	((4,748.00)) <u>5,282.00</u>
e. Per sycrolift	((4,501.00)) <u>5,012.00</u>	((4,748.00)) <u>5,282.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009	FY ((2008)) 2010
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
f. Per drydock over 250 ft in length	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</u>
g. In-water vessel maintenance	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</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	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</u>
b. < 50 acres	((12,003.00)) <u>13,367.00</u>	((12,662.00)) <u>14,087.00</u>
c. 50 - < 100 acres	((24,010.00)) <u>26,739.00</u>	((25,328.00)) <u>28,180.00</u>
d. 100 - < 250 acres	((30,011.00)) <u>33,422.00</u>	((31,659.00)) <u>35,223.00</u>
e. 250 acres and greater	((45,019.00)) <u>50,136.00</u>	((47,491.00)) <u>52,838.00</u>
Textile Mills	((60,024.00)) <u>66,846.00</u>	((63,319.00)) <u>70,449.00</u>
Timber Products		
a. Log Storage	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>
b. Veneer	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</u>
c. Sawmills	((12,004.00)) <u>13,368.00</u>	((12,663.00)) <u>14,089.00</u>
d. Hardwood, Plywood	((21,006.00)) <u>23,393.00</u>	((22,159.00)) <u>24,654.00</u>
e. Wood Preserving	((28,819.00)) <u>32,094.00</u>	((30,401.00)) <u>33,824.00</u>
Vegetable/Bulb Washing Facilities		
a. < 1,000 gpd	((98.00)) <u>110.00</u>	((104.00)) <u>116.00</u>
b. 1,000 - < 5,000 gpd	((201.00)) <u>224.00</u>	((212.00)) <u>236.00</u>
c. 5,000 - < 10,000 gpd	((395.00)) <u>440.00</u>	((417.00)) <u>464.00</u>
d. 10,000 - < 20,000 gpd	((796.00)) <u>887.00</u>	((840.00)) <u>935.00</u>
e. 20,000 and greater	((1,315.00)) <u>1,464.00</u>	((1,387.00)) <u>1,543.00</u>
Vehicle Maintenance and Freight Transfer		
a. < 0.5 acre	((3,001.00)) <u>3,342.00</u>	((3,166.00)) <u>3,522.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2007)) 2009	FY ((2008)) 2010
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE ((AND BEYOND))*
b. 0.5 - < 1.0 acre	((6,000.00)) <u>6,682.00</u>	((6,329.00)) <u>7,042.00</u>
c. 1.0 acre and greater	((9,005.00)) <u>10,028.00</u>	((9,499.00)) <u>10,569.00</u>
Water Plants - Individual Permit Coverage	((3,753.00)) <u>4,180.00</u>	((3,959.00)) <u>4,405.00</u>
Water Plants - General Permit Coverage	((2,627.00)) <u>2,925.00</u>	((2,771.00)) <u>3,083.00</u>
Wineries		
a. < 500 gpd	((306.00)) <u>341.00</u>	((323.00)) <u>359.00</u>
b. 500 - < 750 gpd	((614.00)) <u>684.00</u>	((648.00)) <u>721.00</u>
c. 750 - < 1,000 gpd	((1,228.00)) <u>1,367.00</u>	((1,295.00)) <u>1,441.00</u>
d. 1,000 - < 2,500 gpd	((2,455.00)) <u>2,734.00</u>	((2,590.00)) <u>2,881.00</u>
e. 2,500 - < 5,000 gpd	((3,917.00)) <u>4,362.00</u>	((4,132.00)) <u>4,597.00</u>
f. 5,000 gpd and greater	((5,376.00)) <u>5,987.00</u>	((5,671.00)) <u>6,310.00</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>((2007))</del> <u>2009</u>	FY <del>((2008))</del> <u>2010</u>
Residential Equivalents (RE)	Annual Permit Fee	Annual Permit Fee <del>((and Beyond))</del> *
< 250,000	\$1.80	\$1.80
> 250,000	<del>((1.12))</del> <u>1.25</u>	<del>((1.18))</del> <u>1.32</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 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>((2007))</del> <u>2009</u>	FY <del>((2008))</del> <u>2010</u>
Permitted Flows	Annual Permit Fee	Annual Permit Fee <del>((and Beyond))</del> *

.1 MGD and Greater	\$ <del>((7,501.00))</del> <u>8,354.00</u>	\$ <del>((7,913.00))</del> <u>8,804.00</u>
.05 MGD to < .1 MGD	<del>((3,001.00))</del> <u>3,342.00</u>	<del>((3,166.00))</del> <u>3,522.00</u>
.0008 MGD to < .05 MGD	<del>((1,501.00))</del> <u>1,671.00</u>	<del>((1,583.00))</del> <u>1,761.00</u>
< .0008 MGD	<del>((452.00))</del> <u>504.00</u>	<del>((477.00))</del> <u>531.00</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 ((2007)) 2009 Annual Permit Fee</b>	<b>FY ((2008)) 2010 Annual Permit Fee (( &amp; Beyond ))*</b>
a. Individual Construction or Industrial Storm Water Permits		
1. < 50 acres	\$((3,001.00)) <u>3,342.00</u>	\$((3,166.00)) <u>3,522.00</u>
2. 50 -< 100 acres	\$((5,999.00)) <u>6,680.00</u>	\$((6,328.00)) <u>7,040.00</u>

3.	100 -< 500 acres	<del>\$(9,005.00)</del> <u>10,028.00</u>	<del>\$(9,499.00)</del> <u>10,569.00</u>
4.	500 acres and greater	<del>\$(12,004.00)</del> <u>13,368.00</u>	<del>\$(12,663.00)</del> <u>14,089.00</u>
b.	Facilities Covered Under the Industrial Storm Water General Permit		
1.	Municipalities and state agencies	<del>\$(982.00)</del> <u>1,094.00</u>	<del>\$(1,036.00)</del> <u>1,153.00</u>
2.	New permit holders without historical gross revenue information	<del>\$(517.00)</del> <u>575.00</u>	<del>\$(545.00)</del> <u>606.00</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>\$(100.00)</del> <u>106.00</u>	<del>\$(100.00)</del> <u>112.00</u>
	\$100,000 -< \$1,000,000	<del>\$(414.00)</del> <u>461.00</u>	<del>\$(437.00)</del> <u>486.00</u>
	\$1,000,000 -< \$2,500,000	<del>\$(496.00)</del> <u>552.00</u>	<del>\$(523.00)</del> <u>582.00</u>
	\$2,500,000 -< \$5,000,000	<del>\$(827.00)</del> <u>921.00</u>	<del>\$(872.00)</del> <u>971.00</u>
	\$5,000,000 -< \$10,000,000	<del>\$(1,241.00)</del> <u>1,382.00</u>	<del>\$(1,309.00)</del> <u>1,456.00</u>
	\$10,000,000 and greater	<del>\$(1,499.00)</del> <u>1,669.00</u>	<del>\$(1,581.00)</del> <u>1,759.00</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>\$(388.00)</del> <u>432.00</u>	<del>\$(409.00)</del> <u>455.00</u>
2.	5 -< 7 acres of disturbed area	<del>\$(631.00)</del> <u>703.00</u>	<del>\$(666.00)</del> <u>741.00</u>
3.	7 -< 10 acres of disturbed area	<del>\$(853.00)</del> <u>950.00</u>	<del>\$(900.00)</del> <u>1,001.00</u>

4.	10 -< 20 acres of disturbed area	\$(( <del>1,163.00</del> ))	\$(( <del>1,227.00</del> ))
		<u>1,295.00</u>	<u>1,365.00</u>
5.	20 acres and greater of disturbed area	\$(( <del>1,447.00</del> ))	\$(( <del>1,526.00</del> ))
		<u>1,611.00</u>	<u>1,698.00</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:

<b>Name of Entity</b>	<b>FY ((<del>2007</del>)) 2009 Annual Permit Fee</b>	<b>FY ((<del>2008</del>)) 2010 Annual Permit Fee ((<del>and</del> Beyond))*</b>
King County	\$(( <del>34,182.00</del> )) <u>38,067.00</u>	\$(( <del>36,059.00</del> )) <u>40,119.00</u>
Snohomish County	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</u>
Pierce County	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</u>
Tacoma, City of	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</u>
Seattle, City of	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</u>
Washington Department of Transportation	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</u>
Clark County	(( <del>34,182.00</del> )) <u>38,067.00</u>	(( <del>36,059.00</del> )) <u>40,119.00</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 ((~~2007~~)) 2009, ecology will charge \$((~~1.00~~)) 1.11 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 \$((~~.50~~)) .53 per housing unit inside the geographic area covered by the permit. ((~~For fiscal year 2008~~)) If, and only if, the 2009 state legislature approves ecology's request to increase fees in FY 2010 by the fiscal growth factor, ecology will charge \$((~~1.05~~)) 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. Fees will not

exceed ~~\$(34,182.00)~~ 38,067.00 for fiscal year ~~((2007))~~ 2009 and ~~\$(36,059.00)~~ 40,119.00 for fiscal year ~~((2008 and beyond))~~ 2010. 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 ~~\$(1,500.00)~~ 1,584.00 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 ~~\$(.50)~~ .53 per housing unit for fiscal year 2009. The fee amount for FY 2010 will be \$.56 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 ~~((beginning in fiscal year 2007. The annual fee shall be))~~ based on the entities' previous year's annual operating budget as follows:

<b>Annual Operating Budget</b>	<b>FY <del>((2007))</del> 2009 Annual Permit Fee</b>	<b>FY <del>((2008))</del> 2010 Annual Permit Fee <del>((and Beyond))*</del></b>
Less than \$100,000	<del>\$(100.00)</del> <u>111.00</u>	<del>\$(105.00)</del> <u>117.00</u>
\$100,000 -< \$1,000,000	<del>\$(400.00)</del> <u>446.00</u>	<del>\$(422.00)</del> <u>470.00</u>
\$1,000,000 -< \$5,000,000	<del>\$(1,000.00)</del> <u>1,114.00</u>	<del>\$(1,055.00)</del> <u>1,174.00</u>
\$5,000,000 -< \$10,000,000	<del>\$(1,500.00)</del> <u>1,670.00</u>	<del>\$(1,582.00)</del> <u>1,760.00</u>
\$10,000,000 and greater	<del>\$(2,500.00)</del> <u>2,784.00</u>	<del>\$(2,637.00)</del> <u>2,934.00</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 (~~(2007)~~) 2009 annual fee for a permit written for a specific entity shall be ~~\$((7,500))~~ 7,918.00. ~~((For fiscal year 2008 and beyond))~~ If, and only if, the state legislature approves ecology's request to increase fees in FY 2010, the annual fee will be \$((7,912)) 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.

(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.

[Statutory Authority: RCW 90.48.465. 06-12-028 (Order 05-17), § 173-224-040, filed 5/30/06, effective 6/30/06; 04-15-046, § 173-224-040, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. 02-12-059, § 173-224-040, filed 5/30/02, effective 6/30/02; 00-13-010 (Order 00-06), § 173-224-040, filed 6/9/00, effective 7/10/00; 00-02-031 (Order 99-03), § 173-224-040, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-040, filed 1/15/98, effective 2/15/98; 96-03-041 (Order 94-21), § 173-224-040, filed 1/10/96, effective 2/10/96; 94-10-027 (Order 93-08), § 173-224-040, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-040, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-040, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending WSR 04-15-046, filed 7/13/04, effective 8/13/04)

**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 (~~(excluding permits issued for aquatic pest control. Permits issued for aquatic pest control fee category shall pay the full annual fee assessment regardless of when permit coverage is granted)~~). 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(~~(, excluding permits issued for aquatic pest control,)~~) as follows unless it results in an annual fee assessment of less than one hundred dollars. (~~(Aquatic pest control permits issued during the fiscal year shall pay the full annual fee assessment regardless of when the permit termination is granted.)~~) 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(~~(excluding those general permits issued for aquatic pest control,)~~) begins on the permit coverage date. (~~(Permits issued for aquatic pest control will pay the full annual fee assessment regardless of when the permit coverage begins.)~~) 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. (~~(Aquatic pest control permits issued during the fiscal year shall pay the annual fee assessment for that fiscal year regardless of when the permit termination is granted.)~~) Ecology will not process refunds of one hundred dollars or less.

(4) 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) 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) 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) 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) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) 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 ((5128)) 47611, ((Lacey)) Olympia, Washington ((98509-5128)) 98504-7611.

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

(11) 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.

[Statutory Authority: RCW 90.48.465. 04-15-046, § 173-224-050, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. 02-12-059, § 173-224-050, filed 5/30/02, effective 6/30/02; 00-02-031 (Order 99-03), § 173-224-050, filed 12/28/99, effective 1/28/00; 98-03-046 (Order 97-27), § 173-224-050, filed 1/15/98, effective 2/15/98; 96-03-041 (Order 94-21), § 173-224-050, filed 1/10/96, effective 2/10/96; 94-10-027 (Order 93-08), § 173-224-050, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-050, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-050, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending WSR 04-15-046, filed 7/13/04, effective 8/13/04)

**WAC 173-224-090 Small business fee reduction.** 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.

(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 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 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 (~~one hundred dollars~~) \$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.

[Statutory Authority: RCW 90.48.465. 04-15-046, § 173-224-090, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. 96-03-041 (Order 94-21), § 173-224-090, filed 1/10/96, effective 2/10/96; 94-10-027 (Order 93-08), § 173-224-090, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-090, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-090, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending Order 93-08, filed 4/28/94, effective 5/29/94)

**WAC 173-224-100 Administrative appeals to the department.**  
Any person aggrieved by a determination made under this chapter by the department may file a written appeal to the department no later than each fiscal year's first billing due date for payment of fees. Such appeal shall state the reasons that the aggrieved person believes that the department's determination is contrary to the requirements of RCW 90.48.465, and specific actions that he/she is requesting that are consistent with those requirements. The department shall either issue a revised determination or a statement upholding the original determination. A revised determination shall be consistent with the requirements of RCW 90.48.465. Any person feeling aggrieved by the administrative appeals decision made by the department regarding their permit fee may obtain review thereof by filing an appeal with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903, within thirty days of receipt of the department's decision. In addition, a copy of the appeal must be served on the Department of Ecology, Attention: Water Quality Program Permit Fee Unit, P.O. Box ((47696)) 47600, Olympia, Washington 98504-7696, within thirty days of receipt. These procedures are consistent with the provisions of chapter 43.21B RCW and the rules and regulations adopted thereunder.

[Statutory Authority: Chapter 90.48 RCW. 94-10-027 (Order 93-08), § 173-224-100, filed 4/28/94, effective 5/29/94; 92-03-131 (Order 91-45), § 173-224-100, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-100, filed 5/31/89 and 3/13/90, effective 4/13/90.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-224-120                      Past due payments.

**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).]