
SUBSTITUTE HOUSE BILL 2874

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representative Chandler)

Read first time 02/02/96.

1 AN ACT Relating to the wastewater discharge permit program;
2 amending RCW 90.48.465; adding new sections to chapter 90.48 RCW;
3 creating a new section; and making an appropriation.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds the state's water
6 policy as enunciated in RCW 90.48.010 calls for high levels of water
7 quality in a manner that is consistent with public health, fish and
8 wildlife, and the industrial development of the state. The legislature
9 also finds that the department has not equitably allocated the costs of
10 water pollution control between point and nonpoint dischargers, nor has
11 it equitably allocated the costs of administering the wastewater
12 discharge permit program among permittees.

13 The legislature finds that the department's wastewater discharge
14 permit program is administered such that water quality is pursued
15 without adequate consideration of the state's industrial development.
16 The legislature therefore declares that the department shall meet the
17 full requirements of RCW 90.48.010 by expeditiously implementing the
18 requirements under section 2 of this act.

1 (2) The legislature finds that the department has created a
2 wastewater permit program partnership advisory group to assist the
3 department in addressing issues relating to the state's wastewater
4 discharge permit program. The legislature finds that this group has
5 provided valuable recommendations to the department and that it is
6 appropriate for the advisory group to select a consultant to make
7 recommendations regarding a wastewater discharge permit fee schedule.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW
9 to read as follows:

10 In administering the wastewater discharge permit program, the
11 department shall:

12 (1) Identify industry-wide or basin-wide problems and needs;

13 (2) Establish permit requirements that fairly allocate the costs of
14 water quality pollution control among point and nonpoint dischargers;

15 (3) Develop permit fees using a work load model that allocates the
16 department's cost of administering a wastewater discharge permit based
17 on the amount of time that the department spends on the permit;

18 (4) Streamline permit requirements for currently permitted small
19 volume dischargers by expeditiously establishing a de minimis
20 discharger category. The department shall seek to minimize the
21 economic costs borne by dischargers within this category. The
22 department may use the provisions under RCW 34.05.313 to expedite the
23 creation and regulation of this discharger category;

24 (5) Reduce the overall number and scope of special studies required
25 of a permitted discharger. In meeting this requirement, the department
26 shall distinguish between site-specific water quality problems and
27 area-wide or industry-wide water quality problems. In instances where
28 the department has identified an area-wide or industry-wide water
29 quality problem, the department shall, to the maximum extent possible,
30 establish permit requirements for special studies in a manner that
31 avoids duplication of data; and

32 (6) Summarize for each permit that establishes a numeric effluent
33 limit:

34 (a) The permittee's pollution loading into a basin as a percentage
35 of all other point and nonpoint dischargers; and

36 (b) The need for any significant new permit conditions.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW
2 to read as follows:

3 Beginning with the 1997 fiscal year, except as provided in section
4 6(2), chapter . . . , Laws of 1996 (section 6(2) of this act), the
5 department may not spend any funds from the water quality permit
6 account on:

7 (1) The development of a sediments program;

8 (2) Appeals;

9 (3) Rule development; and

10 (4) Training of staff who are not included in the department's work
11 load model created pursuant to section 2 of this act.

12 **Sec. 4.** RCW 90.48.465 and 1992 c 174 s 17 are each amended to read
13 as follows:

14 (1) The department shall establish annual fees to collect expenses
15 for issuing and administering each class of permits under RCW
16 90.48.160, 90.48.162, 90.48.260, and 70.95J.020 through 70.95J.090. An
17 initial fee schedule shall be established by rule within one year of
18 March 1, 1989, and thereafter the fee schedule shall be adjusted no
19 more often than once every two years. This fee schedule shall apply to
20 all permits, regardless of date of issuance, and fees shall be assessed
21 prospectively. All fees charged shall be based on factors relating to
22 the complexity of permit issuance and compliance and may be based on
23 pollutant loading and toxicity and be designed to encourage recycling
24 and the reduction of the quantity of pollutants. Fees shall be
25 established in amounts to fully recover and not to exceed expenses
26 incurred by the department in processing permit applications and
27 modifications, monitoring and evaluating compliance with permits,
28 conducting inspections, securing laboratory analysis of samples taken
29 during inspections, reviewing plans and documents directly related to
30 operations of permittees, overseeing performance of delegated
31 pretreatment programs, and supporting the overhead expenses that are
32 directly related to these activities. The following overhead expenses
33 shall not be supported through permit fees: Appeals, rule development,
34 training of staff who are not included in the work load model; and
35 development of a sediments program.

36 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.
37 Sec. 1362, for all domestic wastewater facility permits issued under
38 RCW 90.48.162, 90.48.260, and 70.95J.020 through 70.95J.090 shall not

1 exceed the total of a maximum of fifteen cents per month per residence
2 or residential equivalent contributing to the municipality's wastewater
3 system. The department shall adopt by rule a schedule of credits for
4 any municipality engaging in a comprehensive monitoring program beyond
5 the requirements imposed by the department, with the credits available
6 for five years from March 1, 1989, and with the total amount of all
7 credits not to exceed fifty thousand dollars in the five-year period.

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

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

16 (5) All fees collected under this section shall be deposited in the
17 water quality permit account hereby created in the state treasury.
18 Moneys in the account may be appropriated only for purposes of
19 administering permits under RCW 90.48.160, 90.48.162, 90.48.260, and
20 70.95J.020 through 70.95J.090.

21 (6) The department shall submit an annual report to the legislature
22 showing detailed information on fees collected, actual expenses
23 incurred, and anticipated expenses for the current and following fiscal
24 years.

25 (7) The legislative budget committee in 1993 shall review the fees
26 established under this section and report its findings to the
27 legislature in January 1994.

28 NEW SECTION. **Sec. 5.** The sum of one hundred ten thousand dollars
29 is appropriated for the biennium ending June 30, 1997, from the water
30 quality permit account for the department of ecology and the wastewater
31 permit program partnership advisory group to hire a consultant. In
32 conjunction with the department and the advisory group, the consultant
33 shall develop a fee schedule for the 1997-99 biennium, based on a work
34 load model, that meets the state's water quality goals and implements
35 section 2 of this act.

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