

**WAC 16-240-043 Minimum operating fund balance fee adjustment.**

The department shall establish the minimum operating fund balance amount on the first business day of July each year.

(1) At the time the minimum operating fund balance amount is established, if the fund balance is above the new minimum operating fund balance amount by at least 10 percent, the metric ton vessel rate and the approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next lower tier rate beginning August 1st of that year, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next lower tier rate beginning August 1st of that year.

(2) At the time the minimum operating fund balance amount is established, if the fund balance is below the new minimum operating fund balance by at least 10 percent, the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the next higher tier rate beginning August 1st of that year, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the next higher tier rate beginning August 1st of that year.

(3) If after three months at the Tier 2 rate the fund balance is not reduced to or projected by the department to achieve reduction to the minimum operating fund balance within the following six months, the metric ton vessel rate and approved automated weighing system rate per metric ton under WAC 16-240-070 (2)(b) at USGSA Table 1 shall be the Tier 3 rate beginning the first day of the following month, and the metric ton vessel rate and the approved automated weighing systems rate per metric ton under WAC 16-240-080 (2)(b) at AMA Table 1 shall be the Tier 3 rate beginning the first day of the following month.

(4) In the event that the fund balance drops below one-half of the determined six-month operating fund balance any time during the fiscal year, the Emergency Tier (EM) and Automated Emergency Tier (AEM) will be implemented the 1st of the following month. When the fund balance returns to the determined six-month operating fund balance, Tier 2 will be implemented on the first of the following month.

(5) The department may review the status of the minimum operating fund balance any month during each fiscal year. On the first business day of the month following such review, if the fund balance is above the minimum operating balance by at least 10 percent, the next lower tier rate under this section shall apply. If the fund balance is below the minimum operating fund balance by at least 10 percent, the next higher tier rate under this section shall apply. Any change in the rates required under this subsection shall take effect beginning the first day of the following month. The department shall give notice of any rate change as provided under subsection (6) of this section.

(6) The department shall post notice of each year's current minimum operating fund balance amount on the department's website within three business days of the date in July when that amount is established under this section.

(7) The department shall post notice of the rates established under subsections (1) through (5) of this section on the department's website within three business days of the date the department determines the rates. The posted notice shall identify the rate for each affected category of service and the date each rate takes effect. Notice is not required to be posted when an established rate does not change following review under this section.

(8) By email or other means, the department may provide optional additional notice to current customers and to any other interested persons of the minimum operating fund balance established under this section and notice of any rates established or changed under subsections (1) through (5) of this section. Such optional additional notice should be given within the same times as the required notices under subsections (6) and (7) of this section. This subsection (8) shall not affect the validity of any rates established or changed under this section.

[Statutory Authority: RCW 22.90.020 [22.09.020] and 22.09.790. WSR 24-15-065, § 16-240-043, filed 7/17/24, effective 8/17/24. Statutory Authority: RCW 22.09.020 and chapter 34.05 RCW. WSR 17-19-051, § 16-240-043, filed 9/13/17, effective 10/14/17; WSR 16-12-076, § 16-240-043, filed 5/27/16, effective 7/1/16. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-21-064, § 16-240-043, filed 10/17/12, effective 11/17/12.]