

WSR 23-07-137

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 22-03—Filed March 22, 2023, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-13-046.

Title of Rule and Other Identifying Information: Chapter 173-224 WAC, Water quality permit fees. The purpose of this chapter is to establish a fee system for state waste discharge and National Pollutant Discharge Elimination System (NPDES) permits issued by the department of ecology (ecology) pursuant to RCW 90.48.160, 90.48.162, or 90.48.260.

For more information on this rule making, visit <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-224>.

Hearing Location(s): On May 2, 2023, at 10:00 a.m. PST, online <https://waecy-wa-gov.zoom.us/j/91234567890>; and on May 4, 2023, at 6:00 p.m. PST, online <https://waecy-wa-gov.zoom.us/j/91234567890>. Ecology is hosting this event and will provide a presentation about the proposed rule, a question-and-answer session, and the formal hearing. You can attend from any computer using internet access.

Date of Intended Adoption: June 5, 2023.

Submit Written Comments to: Ligeia Heagy, Send US mail at Department of Ecology, Water Quality Permit Fee Unit, P.O. Box 47600, Olympia, WA 98504-7600; or send parcel delivery services to Department of Ecology, Water Quality Permit Fee Unit, 300 Desmond Drive S.E., Lacey, WA 98503, email wqfeeunit@ecy.wa.gov, online <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-224>, by May 12, 2023.

Assistance for Persons with Disabilities: Contact Leslie Connelly, phone 360-628-4381, speech disability call TTY at 877-833-6341, impaired hearing call Washington relay service at 711, email leslie.connelly@ecy.wa.gov, <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility/Request-for-reasonable-accommodation>, by April 26, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 173-224 WAC implements RCW 90.48.465 which requires ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. The rule amendment considers the economic impact on small dischargers and public entities, and provides appropriate adjustments where applicable.

Following is a brief explanation of the specific sections in chapter 173-224 WAC that will be updated for this rule making:

WAC 173-224-030 Definitions, definitions are updated to align with current water quality permit terminology and to reflect changes in the permit fee schedule.

WAC 173-224-040 Permit fee schedule, adjusts fees to reflect an increase in fees for underpayer fee categories, rounding of fee amounts, and expanding tiers to certain fee categories. Aligns fees for concentrated animal feeding operation (CAFO) permits with new CAFO general permit and creates fees for CAFO individual permits. Creates minimum permit fees. The fees for municipal wastewater treatment plants that are based on residential equivalents are increased based

on the recommendation of the municipal wastewater permit advisory committee, technical corrections.

WAC 173-224-050 Permit fee computation and payments, removes the waiver of lesser permit fees when a facility has a discharge permit and stormwater general permit. Makes other technical corrections.

WAC 173-224-060 Permits issued by other governmental agencies, technical corrections.

WAC 173-224-080 Transfer of permit coverage, technical corrections.

WAC 173-224-090 Permit fee reductions, clarifies requirements for an extreme hardship fee reduction. Adds a new fee reduction category for hazardous waste cleanup. Makes other technical corrections.

WAC 173-224-100 Administrative appeals to the department, technical corrections.

Reasons Supporting Proposal: RCW 90.48.465 requires ecology to establish annual fees that fund our wastewater and stormwater permit programs. Ecology is proposing to amend chapter 173-224 WAC, Water quality permit fees, to recover the program costs and move closer to payment equity between permit fee categories. Ecology uses these fees to recover operating expenses and manage permit programs to protect Washington's waters from pollution.

This rule amendment allows ecology to continue recovering expenses in operating and managing the permit programs. Ecology is proposing to adjust permit fees for fiscal years (FY) 2024 and 2025 to recover the projected program costs next biennium and move closer to payment equity between permit fee categories. Ecology is also proposing technical and rule language changes to improve clarity, reduce redundancy, and streamline information. Finally, we are proposing new permit fee categories, changes to structure of specific permit fee categories, and adjustment of some permit fees to account for increased costs and equity between permit fee categories.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control; RCW 90.48.465 Water discharge fees—Report to the legislature.

Statute Being Implemented: RCW 90.48.465.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ligeia Heagy, 300 Demond [Desmond] Drive S.E., Lacey, WA 98503, 360-280-3697.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ligeia Heagy, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-280-3697, speech disability call TTY at 877-833-6341, impaired hearing call Washington relay service at 711, email wqfeeunit@ecy.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal

statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: Ecology baselines are typically complex, consisting of multiple requirements fully or partially specified by existing rules, statutes, or federal laws. Where the proposed rule differs from this baseline of existing requirements, it is typically subject to (i.e., not exempt from) analysis required under the Regulatory Fairness Act (RFA), chapter 19.85 RCW, based on meeting criteria referenced in RCW 19.85.025(3) as defined by the Administrative Procedure Act in RCW 34.05.310. The small business economic impact statement (SBEIS) below includes a summary of the baseline for this rule making, and whether or how the proposed rule differs from the baseline. We identify relevant RFA exemptions (if any) for each set of requirements.

Baseline for this rule making: The baseline for our analyses generally consists of existing rules and laws, and their requirements. This is how we make a consistent comparison between the state of the world with and without the proposed rule amendments.

For this rule making, the baseline includes:

- The existing chapter 173-224 WAC, Water quality permit fees that sets the current fees and fee structures.
- The authorizing law, chapter 90.48 RCW, Water pollution control. Among other requirements related to permitting, the statute requires ecology to:
 - Establish fees to collect expenses for issuing and administering each class of permits.
 - Adjust the fee schedule at most every two years.
 - Base fees on factors relating to the complexity of permit issuance and compliance.
 - Charge fees that fully recover (and not exceed) costs of:
 - 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.
 - Supporting the overhead expenses that are directly related to these activities.

The proposed rule: 2.3.1 Adding, Clarifying, or Updating Definitions: Baseline: The baseline includes multiple definitions needed to implement the existing rule and authorizing law.

Proposed: The proposed rule amendments would add definitions needed to implement other proposed rule amendments, or to clarify implementation of the existing rule, including:

- Aluminum forming.
- Coal mining and preparation.
- Facilities not otherwise classified.
- Federally recognized tribe.
- Inactive.
- Inactive rate.
- Industrial wastewater.
- Industrial wastewater facility.
- Municipal sewerage system.
- Nonfinfish hatching and rearing.
- Ore mining.

Amendments would also update or clarify definitions of:

- Animal unit.
- Combined sewer overflow system.
- Disturbed acres.
- Finfish hatching and rearing.
- Industrial stormwater.
- Median household income.

Other definitions would be clarified without material change to their meaning (e.g. separating "bbls/d" into separate definitions of "bbls" and "bbls per day"; or adding examples).

Finally, they would delete definitions no longer needed for rule implementation:

- Gross revenue for business.
- Municipal gross revenue.

Expected impact: We don't expect the proposed amendments to definitions, in and of themselves, to result in likely impacts. Instead, likely impacts would be reflected in the rule requirements that use those definitions. Likely costs and benefits of these proposed rule amendments are reflected in the context of other rule language in the sections below.

2.3.2 Amending All Fee Schedules: Baseline: The baseline rule includes FY 2022 and 2023 fees for each baseline fee category. There is no baseline minimum fee, which results in some permittees being charged fees as low as approximately \$10.

In the past, some fees were capped under the authorizing law, including a cap on municipal wastewater facilities permit fees under RCW 90.48.465, but over time, amendments to the law have removed this cap. Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: The proposed rule amendments would make updates throughout the fee schedules for FY 2024 and 2025, including changes based on intent specific to individual category fees reflecting corresponding workload in the permit program (see sections 2.3.3 through 2.3.7). Updates common to all fee schedules would include:

- Rounding fees to whole dollars.
- Restructuring fee schedules to reflect permittee attributes and associated workload.
- Setting a minimum fee of \$150 to cover costs of invoicing and staff time at a minimum.

Expected impact: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with amended fees specific to individual permit categories and tiers.

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). See sections 2.3.3 through 2.3.7 for discussion. Overall, however, the proposed rule amendments would result in the fee program:

- Funding the expected workload related to implementing the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.3 Adding New Industrial Permit Fee Categories or Subcategories: Baseline: The proposed new industrial permit fee categories do not exist under the baseline. Permittees are charged fees based on the most appropriate existing category for their activities and discharges. RCW 90.48.465 also includes language addressing fees for general permits and individual permits for dairies.

Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: The proposed rule amendments would add FY 2024 and 2025 fee categories or subcategories for:

- Aquaculture: Nonfinfish hatching and rearing—Individual permit (no existing permittees).
- Bridge and ferry terminals washing: Multisite permit.
- CAFO—Dairy individual permit (no existing permittees).
- CAFO—Nondairy individual permit.

Expected impact: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). For example:

- The availability of a separate fee for the multisite permit for bridge and ferry terminals washing would reduce costs for the public agencies permitted for this activity if they operate at multiple sites compared to the larger total charge for multiple sites at the single site fee.
- One existing permittee has a CAFO individual nondairy permit, with higher associated workload costs than the CAFO general permit.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.4 Adjusting Existing Industrial Permit Fee Categories or

Tiers: Baseline: The baseline rule includes fee categories - some with tiers based on the amount of flow, acreage, or production - for multiple industrial activities.

Proposed: For FY 2024 and 2025, the proposed rule amendments would:

- Realign subcategories for aquatic and invasive species control fees with categories of upcoming permit renewals.
- Increase fees for aquatic and invasive species control: State agency permits, to reflect permit management for many sites at once that are permitted for state agencies.
- Increase fees for bridge and ferry terminals washing, to reflect the expected workload related to these permits to government agencies.
- Reduce fees for coal mining and preparation. (Note: There is only one inactive permittee currently paying a reduced rate.)
- Increase fees for combined food processing waste treatment facilities, to reflect the expected workload associated with these permits issued to government agencies.
- Increase fees for commercial laundry permits. (Note: There are no current permittees in this category.)
- Align CAFO general permit subcategories with United States Environmental Protection Agency (EPA) definitions of small, medium, and large CAFOs by animal type and number. (Note: Existing CAFOs under this general permit are permitted for dairy, cattle, horse, or laying hen activities.)
- Increase fees for flavor extraction permits to reflect expected workload.
- Increase fees for fuel and chemical storage, to reflect expected workload and adjust for equity across permittees. (Costs of managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for individual permits for noncontact cooling water with additives, for facilities discharging 1,000 to 10,000 gallons per day, to reflect expected workload associated with an individual permit instead of the baseline general permit rate.
- Increase fees for ore mining permits, to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for power and/or steam plants permits, to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for radioactive effluents and discharges permits with fewer than three waste streams to reflect expected workload.
- Increase fees for the sand and gravel general permit to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.) In addition:
 - o The lowest fee in this category would increase to the proposed \$150 minimum fee.
 - o Fees for portable facilities would increase to reflect additional workload related to inspections at multiple locations.

- Increase fees for sand and gravel individual permits to reflect expected workload. (Note: There are no current permittees in this category.)
- Increase fees for shipyards permits to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for vegetable/bulb Washington facilities permits to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for vessel deconstruction permits to reflect expected workload and adjust for equity across permittees. (Costs for managing these permits are subsidized by other fee payers under the baseline fee structure.)
- Increase fees for the wineries general permit for facilities discharging between 300,000 and 699,999 gallons per year, to reflect expected workload.
- Increase fees for wineries individual permits, for facilities discharging less than 24,999 gallons per year or between 700,000 and 999,999 gallons per year, to reflect expected workload.

Expected impact: We expect these proposed rule amendments to result primarily in fee increases, with some fee reductions, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs).

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.5 Adjusting Fees for Municipal and Domestic Wastewater Facilities: Baseline: The baseline rule includes fees charged for:

- Domestic wastewater facilities owned by municipalities or federally recognized tribes. These fees are determined based on the number of residential equivalents (REs) served.
- State-owned domestic wastewater facilities, and domestic wastewater facilities that do not primarily serve residential customers. These fees are determined based on flow levels.

Previously, the authorizing statute capped municipal fees in RCW 90.48.465(2). This cap was removed by the legislature, as these rates were too low to recover costs. This resulted in a backlog of wastewater permitting work.

Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: For facilities owned by municipalities or federally recognized tribes, for FY 2024 and 2025, the proposed rule would:

- Add a minimum fee to capture cost recovery. This \$250 flat fee would be for municipalities serving fewer than 100 REs, and would recover the costs of invoicing and staff time.

- Increase the fee per RE for facilities serving at least 100 REs, to reflect the revenue needed to hire additional staff to manage the current permit backlog.

For facilities that do not primarily serve residential customers, the proposed rule would add tiers for low flow facilities, to distribute fee burden more equitably without impacting total revenues.

Expected impact: We expect the proposed rule amendments to generate costs for municipal wastewater facilities, relative to the baseline. Ecology would use these fees to fund the expected workload related to managing these permits on an ongoing basis and recover costs related to processing the permit backlog. This would result in benefits because our permitting services would be provided in a timelier manner and reduce delays for permittees.

The proposed redistribution of fees using new tiers for facilities that do not primarily serve residential customers would result in fees that better reflect the expected workload related to managing different permits. Smaller facilities would subsidize less of the permit management costs associated with these facilities overall.

2.3.6 Adjusting Fees for the Industrial Stormwater General Permit: Baseline: The baseline rule includes fees charged for the industrial stormwater general permit (ISGP) and a dual coverage provision for facilities who have another water quality permit and do not have to pay the ISGP fee.

Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: The proposed rule would eliminate the dual coverage provision for FY 2024 and 2025, resulting in requiring permittees to pay the ISGP fee even if they have another water quality permit.

The proposed rule would also add new tiers of gross revenue sub-categories, adding incremental steps between existing fee levels, and higher fee tiers. These changes would:

- Reduce burden on small businesses (as defined by the fee rule using revenues).
- Distribute fees across the largest businesses (by revenue) to better reflect expected permit complexity and workload.

Expected impact: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). Significantly, smaller permittees would receive benefits of reduced fees.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.7 Adjusting Fees for the Construction Stormwater General Permit: Baseline: The baseline rule includes fees charged for the construction stormwater general permit (CSGP), based on covered acreage.

Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: For FY 2024 and 2025, the proposed rule amendments would:

- Add a lowest fee tier for projects less than one acre in size.
- Replace the baseline fees for projects affecting more than 20 acres, with multiple tiers to more equitably distribute fees across smaller and larger projects that require different levels of work.
- Eliminate the dual coverage provision for FY 2024 and 2025, resulting in requiring permittees to pay the CSWGP even if they have another water quality permit.

Expected impact: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). Significantly, smaller permittees would receive benefits of reduced fees.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.8 Adjusting Extreme Hardship Reduction Fees: Baseline: Under the baseline rule, small businesses with gross revenues up to \$100,000 can apply for an extreme hardship fee reduction. The rule sets a minimum hardship reduction fee of \$128.

Fees set in the rule remain in place for subsequent years until the rule is amended.

Proposed: For FY 2024 and 2025, the proposed rule would:

- Increase the minimum fee to \$150, to match the overall minimum fee under the rule.
- Reduce the hazardous waste cleanup fee for small businesses who no longer operate a business at their site.

Expected impact: We expect these proposed rule amendments to result in additional costs for permittees currently paying the minimum fee under the extreme hardship fee reduction. We also expect these amendments to result in benefits of cost-reduction options for some small business permittees.

Relevant exemptions: Based on the comparisons of the baseline and proposed rule amendments above, we identified partial exemptions under:

- RCW 34.05.310 (4) (c)
- RCW 34.05.310 (4) (d)
- RCW 34.05.310 (4) (e)

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement (SBEIS)

This SBEIS presents the:

- Compliance requirements of the proposed rule.
- Results of the analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating action taken by ecology, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected net impact on jobs statewide.

A small business is defined by the Regulatory Fairness Act (chapter 19.85 RCW) as having 50 or fewer employees. Estimated costs are determined as compared to the existing regulatory environment—the regulations in the absence of the rule. The SBEIS only considers costs to "businesses in an industry" in Washington state. This means that impacts, for this document, are not evaluated for government agencies.

The existing regulatory environment is called the "baseline" in this document. It includes only existing laws and rules at federal and state levels.

This information is excerpted from ecology's complete set of regulatory analyses for this rule making. For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the associated regulatory analyses document (**Ecology publication no. 23-10-008, February 2023**; we have retained section numbers for easier cross-referencing).

COMPLIANCE REQUIREMENTS OF THE PROPOSED RULE, INCLUDING PROFESSIONAL SERVICES: Baseline for this rule making: The baseline for our analyses generally consists of existing rules and laws, and their requirements. This is how we make a consistent comparison between the state of the world with and without the proposed rule amendments.

For this rule making, the baseline includes:

- The existing rule, chapter 173-224 WAC, Water quality permit fees that sets the current fees and fee structures.
- The authorizing law, chapter 90.48 RCW, Water pollution control. Among other requirements related to permitting, the statute requires ecology to:
 - Establish fees to collect expenses for issuing and administering each class of permits.
 - Adjust the fee schedule at most every two years.
 - Base fees on factors relating to the complexity of permit issuance and compliance.
 - Charge fees that fully recover (and not exceed) costs of:
 - 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.
 - Supporting the overhead expenses that are directly related to these activities.

The proposed rule: The proposed rule amendments would make the following changes:

- Adding, clarifying, or updating definitions.
- Amending all fee schedules.
- Adding new industrial permit fee categories.
- Adjusting existing industrial permit fee categories or tiers.
- Adjusting fees for municipal and domestic wastewater facilities.
- Adjusting fees for the industrial stormwater general permit.
- Adjusting fees for the construction stormwater general permit.
- Adjusting extreme hardship reduction fees.

2.3.1 Adding, Clarifying, or Updating Definitions: We don't expect the proposed amendments to definitions, in and of themselves, to result in likely impacts. Instead, likely impacts would be reflected in the rule requirements that use those definitions. Likely costs and benefits of these proposed rule amendments are reflected in the context of other rule language, in the sections below.

2.3.2 Amending All Fee Schedules: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with amended fees specific to individual permit categories and tiers.

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). See Sections 2.3.3 through 2.3.7 for discussion. Overall, however, the proposed rule amendments would result in the fee program:

- Funding the expected workload related to implementing the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.3 Adding New Industrial Permit Fee Categories or Subcategories: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). For example:

- The availability of a separate fee for the multisite permit for bridge and ferry terminals washing would reduce costs for the public agencies permitted for this activity, if they operate at multiple sites, compared to the larger total charge for multiple sites at the single site fee.
- One existing permittee has a CAFO individual nondairy permit, with higher associated workload costs than the CAFO general permit.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.4 Adjusting Existing Industrial Permit Fee Categories or Tiers: We expect these proposed rule amendments to result primarily in

fee increases, with some fee reductions, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs).

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.5 Adjusting Fees for Municipal and Domestic Wastewater Facilities: We expect the proposed rule amendments to generate costs for municipal wastewater facilities, relative to the baseline. Ecology would use these fees to fund the expected workload related to managing these permits on an ongoing basis and recover costs related to processing the permit backlog. This would result in benefits because our permitting services would be provided in a timelier manner and reduce delays for permittees.

The proposed redistribution of fees using new tiers for facilities that do not primarily serve residential customers would result in fees that better reflect the expected workload related to managing different permits. Smaller facilities would subsidize less of the permit management costs associated with these facilities overall.

2.3.6 Adjusting Fees for the Industrial Stormwater General Permit: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). Significantly, smaller permittees would receive benefits of reduced fees.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.7 Adjusting Fees for the Construction Stormwater General Permit: We expect these proposed rule amendments to result in fee increases or decreases, depending on the net effect of the above amendments in combination with overall fee schedule amendments (see Section 2.3.2).

Permittees for which the net effect increases fees would incur costs, while permittees for which the net effect decreases fees would receive benefits (avoided costs). Significantly, smaller permittees would receive benefits of reduced fees.

Overall, the proposed rule amendments would result in the fee program:

- Funding the corresponding workload necessary to implement the permit program.
- Having more equitable distribution of fees, reflecting individual permittees paying fees in line with the actual amount of work necessary to manage their permit(s).

2.3.8 Adjusting Extreme Hardship Reduction Fees: We expect these proposed rule amendments to result in additional costs for permittees currently paying the minimum fee under the extreme hardship fee reduction. We also expect these amendments to result in benefits of cost-reduction options for some small business permittees.

COSTS OF COMPLIANCE: EQUIPMENT; SUPPLIES; LABOR; PROFESSIONAL SERVICES; ADMINISTRATIVE COSTS: Compliance with the proposed rule, compared to the baseline, is not likely to impose these additional types of costs.

COSTS OF COMPLIANCE: OTHER: 3.2.1 Quantifiable Cost Calculations: As discussed in Chapter 2, the multiple types of fee adjustment or change to fee structures under the proposed rule amendments would interact, resulting in overall proposed fee changes.

To estimate the costs of the proposed rule amendments, we examined nearly 7,000 existing permittee records and identified:

- Baseline fees: Current fees paid by each permittee.
- Proposed fees: Likely fee tiers and associated fees for FY 2024 and 2025 for each permittee.

Based on the baseline rule, the baseline fee would remain constant over time. We made the simplifying assumption that the proposed FY 2025 fees would also remain constant over time, though it is possible, under the proposed fee updating process, for the fees to change over time. Since fees reflect the cost of services (a minimum estimate of the value of services provided by ecology permit managers), assuming a growth rate in total fees would reflect an equivalent increase in the value of services provided, leaving net benefits of the proposed rule amendments unchanged.

We were also unable to make confident assumptions about any future changes to fee distributions, as these would be based on public input as part of the proposed fee updating process.

We calculated the difference between baseline and proposed fees for FY 2024 and 2025 for each permittee. As discussed in Chapter 2, some permittees are likely to have higher fees under the proposed rule amendments, while others would have lower fees. Most fee changes would be costs (increases in fees), reflecting the higher current costs of administering the permit program related to those permits. The distribution of costs (fee increases) per permittee is summarized below.

Table 6: Distribution Summary Statistics of Fee Increases by FY

<i>Statistic</i>	FY 2024	FY 2025
<i>Minimum</i>	\$0.03	\$0.03
<i>Median (central estimate)</i>	\$47	\$47
<i>Mode (most frequent)</i>	\$388	\$388
<i>Average</i>	\$791	\$800
<i>Maximum</i>	\$501,278	\$501,278

While some permittees would see significant increases in fees (large municipal wastewater permittees whose fees were previously cap-

ped under the authorizing law), most permittees would see lower increases in their fees.

- Only four permittees would have fees increase by more than \$100,000.
- Over 3,100 permittees would have fees increase by less than \$100, many of which are small changes (as low as a few cents) due to rounding.
 - o Over 700 would have fees increase by less than \$10.
 - o Over 800 would have fees increase by between \$10 and \$20.
 - o 1,560 would have fees increase by between \$20 and \$50.
- The most common fee increases would be under \$400.

Over 1,300 permittees would not have their fees change at all under the proposed rule amendments.

Total annual costs: The total cost (total increase in fees) would be about \$3.9 million in FY 2024, and nearly \$4.0 million in FY 2025. Under our simplifying assumption (see discussion above in this section), this cost would continue in each subsequent year.

Total present value costs: Ecology calculates costs and benefits of proposed rules using 20-year present values. A present value converts streams of costs or benefits over time, into a single comparable value in current dollars. It accounts for inflation, and the opportunity cost of having funds or value later versus now, using a historic average real discount rate of 0.89 percent.

The 20-year present value of costs of the proposed rule amendments would be \$72 million.

3.2.2 Qualitative Costs: Uncertainty in quantified costs: We note that estimated fees for each permittee are based on current permittee attributes (e.g., flow rates or acreage), and if those attributes change and result in classification under a different fee tier, those permittees may have either higher or lower fees than assumed in this analysis. For example, if a permittee is currently paying a fee in a tier that would be subdivided under the proposed rule, we based our assumption on the new fee tier into which they would fall. If that permittee expands in the meantime, and instead falls into a higher fee tier, this additional cost would not be reflected in the above quantified cost estimate.

Dual coverage and distribution of fee burden: The proposed removal of the dual coverage provision would also result in some permittees now paying fees related to the CSWGP or ISGP (which they do not pay under the baseline if they also pay the fee for another water quality permit). This cost is reflected in the total costs quantified in Section 3.2.1, but we note that it also affects the distribution of fees. These permittees, like other permittees that have not paid fees that reflect the actual costs of services provided by the permit program, would bear a greater share of cost burden (all else equal), though this burden would not exceed the share of expected workload to manage their permits.

COMPARISON OF COMPLIANCE COST FOR SMALL VERSUS LARGE BUSINESSES: 7.2 Analysis of Relative Compliance Cost Burden: We calculated the estimated per-business costs to comply with the proposed rule amendments, based on the costs estimated in Chapter 3 of this document. In this section, we estimate compliance costs per employee. The average affected small business likely to be covered by the proposed rule amendments employs approximately 15 people. The largest 10 percent of affected businesses employ

an average of 10,627 people. Based on cost estimates in Chapter 3, we estimated the following compliance costs per employee.

Table 10: Compliance Costs Per Employee

Type of cost (or total cost)	Low	High
Average small business employment	15	15
Average employment at largest 10 percent of businesses	10,627	10,627
Small business cost per employee	\$35.67	\$36.07
Largest business cost per employee	\$0.05	\$0.05

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses and, therefore, ecology must include elements in the proposed rule amendments to mitigate this disproportion as far as is legal and feasible.

CONSIDERATION OF LOST SALES OR REVENUE: Businesses that would incur costs could experience reduced sales or revenues if the proposed rule amendments significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each business's production and pricing model (whether additional lump-sum costs would significantly affect marginal costs), as well as the specific attributes of the markets in which they sell goods, including the degree of influence each firm has on market prices, as well as the relative responsiveness of market demand to price changes.

We used the REMI E3+ model for Washington state to estimate the impact of the proposed rule amendments on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for: Interindustry impacts; price, wage, and population changes; and dynamic adjustment of all economic variables over time. Our inputs to the model reflected total fees by industry.

The proposed rule amendments affect a wide variety of businesses (see 7.6 below). Across all industries there would be a minimal impact on output, estimating a total cost of \$1,000,000 annually. For context, we note that baseline state output is forecast to be over \$1.2 trillion by 2027. The following industries would have the largest impact on their output:

Table 11: Impacts To Output, Percent

Industry	Initial Output Impact	Output Impact In 20 Years
Hardware Manufacturing	-0.001%	-0.005%
Metal Ore Mining	0.000%	-0.002%
Support Activities for Mining	-0.001%	-0.002%
Clay Product and Refractory Manufacturing	0.000%	-0.001%
Water, Sewage, and Other Systems	0.000%	-0.001%

MITIGATION OF DISPROPORTIONATE IMPACT: The RFA states that: "Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

We considered all the above options, goals, and objectives of the authorizing statutes (see Chapter 6), and the scope of this rule making. We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.
- Are within the scope of this rule making.

Modifying regulatory requirements, changing reporting requirements, reducing the frequency of inspections, or delaying compliance timetables would not meet statutory objectives or are not feasible and within the scope of this rule making.

Finally, we included the following elements in the proposed rule amendments to reduce costs to small businesses.

WAC 173-224-090 allows small businesses to receive a fee reduction of 50 percent, but not less than the minimum permit fee of \$150, if they are determined to be eligible under the following criteria:

1. Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
2. Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);
3. Have annual sales of \$1,000,000 or less of the goods or services produced using the processes regulated by the waste discharge or individual stormwater discharge permit (we identified 605 small business permittees in Washington that meet this definition); and
4. Have an original annual permit fee assessment totaling \$500 or greater.

In addition to the small business fee reduction, any small business with annual gross revenue totaling \$100,000 or less from goods and services produced using the processes regulated by the discharge permit may apply for an extreme hardship fee reduction. If the permit holder is determined eligible, the annual permit fee is reduced to the minimum annual permit fee of \$150.

SMALL BUSINESS AND LOCAL GOVERNMENT CONSULTATION: We involved small businesses and local governments in the development of the proposed rule amendments, using:

- The municipal wastewater permit fees advisory committee had 10 meetings in 2022 that were open to comment and included representatives from several different local government entities.

NAICS CODES OF INDUSTRIES IMPACTED BY THE PROPOSED RULE: The proposed rule amendments likely impact the following industries, with associated NAICS codes. NAICS definitions and industry hierarchies are discussed at <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2017>.

Table 12: Likely Affected NAICS Codes

NAICS Code	Description	NAICS Code	Description	NAICS Code	Description
111x	Agricultural Products	334	Computer and Electronic Products	512	Motion Picture and Sound Recording Industries
112x	Livestock and Livestock Products	335	Electrical Equipment, Appliances and Components	517	Telecommunications

<i>NAICS Code</i>	Description	<i>NAICS Code</i>	Description	<i>NAICS Code</i>	Description
113x	Forestry and Logging	336	Transportation Equipment	522	Credit Intermediation and Related Activities
114x	Fish, Fresh/Chilled/ Frozen and Other Marine Products	337	Furniture and Fixtures	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities
115x	Support Activities for Agriculture and Forestry	339	Miscellaneous Manufactured Commodities	531	Real Estate
211x	Oil and Gas	423	Merchant Wholesalers, Durable Goods	532	Rental and Leasing Services
212x	Minerals and Ores	424	Merchant Wholesalers, Nondurable Goods	533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
213x	Support Activities for Mining	441	Motor Vehicle and Parts Dealers	541	Professional, Scientific, and Technical Services
221x	Utilities	444	Building Material, Garden Equipment, and Supplies Dealers	551	Management of Companies and Enterprises
236x	Construction of Buildings	445	Food and Beverage Retailers	561	Administrative and Support Services
237x	Heavy and Civil Engineering Construction	449	Furniture, Home Furnishings, Electronics, and Appliance Retailers	562	Waste Management and Remediation Services
238x	Specialty Trade Contractors	455	General Merchandise Retailers	611	Educational Services
311x	Food and Kindred Products	456	Health and Personal Care Retailers	621	Ambulatory Health Care Services
312x	Beverages and Tobacco Products	457	Gasoline Stations and Fuel Dealers	622	Hospitals
313x	Textiles and Fabrics	458	Clothing, Clothing Accessories, Shoe, and Jewelry Retailers	623	Nursing and Residential Care Facilities
314x	Textile Mill Products	459	Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers	624	Social Assistance
321	Wood Products	481	Air Transportation	711	Performing Arts, Spectator Sports, and Related Industries
322	Paper Manufacturing	482	Rail Transportation	712	Museums, Historical Sites, and Similar Institutions
324	Petroleum and Coal Products	483	Water Transportation	713	Amusement, Gambling, and Recreation Industries
325	Chemicals	484	Truck Transportation	721	Accommodation
326	Plastics and Rubber Products	485	Transit and Ground Passenger Transportation	722	Food Services and Drinking Places
327	Nonmetallic Mineral Products	486	Pipeline Transportation	811	Repair and Maintenance
331	Primary Metal Manufacturing	488	Support Activities for Transportation	812	Personal and Laundry Services

NAICS Code	Description	NAICS Code	Description	NAICS Code	Description
332	Fabricated Metal Product Manufacturing	492	Couriers and Messengers	813	Religious, Grantmaking, Civic, Professional, and Similar Organizations
333	Machinery, except Electrical	493	Warehousing and Storage		

IMPACT ON JOBS: We used the REMI E3+ model for Washington state to estimate the impact of the proposed rule amendments on jobs in the state, accounting for dynamic adjustments throughout the economy.

The proposed rule amendments would result in transfers of money within and between industries, as compared to the baseline. The modeled impacts on employment are the result of multiple small increases and decreases in employment, prices, and other economic variables across all industries in the state.

The results of the REMI E3+ model show insignificant impact on jobs in the affected industries. The industries with the highest jobs impact are construction and state and local government. Construction is estimated to have one job loss per year from 2024 to 2033 and state and local government is estimated to have one job loss per year from 2031 to 2034.

Table 13: Impacts on Jobs, FTEs

Industry	Initial Jobs Impact	Jobs Impact in 10 Years	Jobs Impact in 20 Years
<i>Whole State</i>	-3	-4	-4
<i>Construction</i>	-1	-1	0
<i>State and Local Government</i>	0	-1	0
<i>Retail Trade</i>	0	0	0

A copy of the statement may be obtained by contacting Ligeia Heagy, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-280-3697, speech disability call TTY at 877-833-6341, impaired hearing call Washington relay service at 711, email wqfeeunit@ecy.wa.gov.

March 22, 2023
 Heather R. Bartlett
 Deputy Director

OTS-4280.3

AMENDATORY SECTION (Amending WSR 92-03-131, filed 1/21/92, effective 2/21/92)

WAC 173-224-015 Purpose. The purpose of this chapter is to establish a fee system for state waste discharge and NPDES permits issued by the department pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. RCW 90.48.465 (~~authorizes~~) directs the department to base fees on factors related to the complexity of permit issuance and compliance and to (~~charge~~) assess fees to fully recover, but not exceed the costs of the permit program based on expenses incurred in the issuance and comprehensive administration of state waste discharge and

NPDES permits. Fee amounts contained in this chapter represent the department's true estimate of fee eligible permit program costs and reflect the department's commitment to fully recover all eligible expenses. Fee amounts in this chapter for fiscal year 2025 remain in effect for subsequent fiscal years until this chapter is amended. The department shall continue to examine the feasibility of adopting (~~, when applicable,~~) alternative permit fee systems. Any alternative fee system, such as variable permit fees, shall ensure continued full recovery of eligible program costs and may be based on pollutant loading and toxicity and may be designed to encourage recycling and reduction of the quantity of pollutants.

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

AMENDATORY SECTION (Amending WSR 19-14-040, filed 6/26/19, effective 7/27/19)

WAC 173-224-020 Applicability. This chapter applies to all persons holding or applying for a state waste discharge or NPDES permit issued by the department pursuant to RCW 90.48.160, 90.48.162, 90.48.200 or 90.48.260, including persons holding permits that remain in effect under WAC 173-216-040, 173-220-180 (~~(+5)~~), or 173-226-050. This chapter does not apply when a wastewater discharge permit is written for a state conducted remedial action under the Model Toxics Control Act. That is, ecology may not charge itself for wastewater discharge permits written for sites where the agency is conducting a cleanup.

[Statutory Authority: RCW 90.48.465. WSR 19-14-040 (Order 18-01), § 173-224-020, filed 6/26/19, effective 7/27/19. Statutory Authority: Chapter 90.48 RCW. WSR 94-10-027 (Order 93-08), § 173-224-020, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-020, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-020, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending WSR 21-13-150, filed 6/22/21, effective 7/23/21)

WAC 173-224-030 Definitions. (1) "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, 90.48.200, and 90.48.260.

(2) "Aluminum forming" means the deformation of aluminum or aluminum alloys into specific shapes by hot or cold rolling, drawing, extruding, or forging.

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

(4) "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.)

DAIRY ANIMAL TYPE	ANIMAL UNIT MULTIPLIER
<i>The number of animal units equals the number of animals multiplied by the animal unit multiplier.</i>	
<i>Example: 10 milk cows multiplied by 1.4 = 14 animal units</i>	
<u>Dairy Cows</u>	
<u>Milk cow</u>	<u>1.40</u>
<u>Dry cow</u>	<u>1.00</u>
<u>Heifer</u>	<u>0.80</u>

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

((bbls/d)) (6) "bbls" means barrels of product in storage for fuel and chemical storage facilities.

(7) "bbls per day" means barrels per day of ((feedstock)) oil for petroleum refineries.

((bins/yr)) (8) "bins per year" means total standard bins used during the last complete calendar year by a facility in the fruit packing industry. The bins measure approximately 47.5 inches × 47.4 inches × 29.5 inches and hold approximately 870 pounds of fruit.

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

(10) "Coal mining and preparation" means extracting coal from underground or surface mines using machinery or explosives. Coal preparation plants may use chemical and physical processes such as leaching, distillation, retorting, slurry mining, solution mining, borehole mining, fluid recovery mining, washing and concentrating. Coal handling may include sorting, screening, crushing, storing, or transporting.

(11) "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.

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

(13) "Combined sewer overflow (CSO) system" 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))~~ a system that conveys combined wastewater and stormwater to a domestic wastewater facility for treatment, but may also discharge wastewater prior to the treatment facility.

(14) "Concentrated animal feeding operation (CAFO)" means an ((")) animal feeding operation ((")) that meets the criteria in Appendix ((B)) C of 40 C.F.R. 122 as presently enacted and any subsequent modifications thereto.

(15) "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 are considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and benzene, toluene, ethylbenzene, and xylene (BTEX)).

(16) "Crane" means a machine used for hoisting and lifting ship hulls.

(("cu. yds/yr")) (17) "Cubic yards per year" means the cubic yards per year for total production from a sand and gravel facility during the most recent completed calendar year.

(18) "Department" means the department of ecology.

(19) "Director" means the director of the department of ecology.

(20) "Disturbed acres" means the total area ~~((which will be disturbed during all phases of the construction project or common plan of development or sale))~~ of disturbance for a construction site over the life of a construction project. This includes all clearing, grading, and excavating, and any other activity which disturbs the surface of the land.

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

(22) "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)) that may be present.

(23) "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.))~~

(24) "Facilities not otherwise classified" means an industrial wastewater facility that does not meet the definition of other permit fee categories and the discharge in gallons per day is the best method to assess a permit fee. This fee category may include a variety of industrial facility types.

(25) "Finfish hatching and rearing" means raising (i.e., hatching, culturing, rearing, and growing) finfish. An operation to raise finfish uses confined spaces such as hatcheries, net pens, or other enclosed fish facilities or structures. The purpose for the activity can include sales or fisheries enhancement.

(26) "Federally recognized tribe" means any Indian tribe, band, nation, or other organized group or community of Indians in the Federal List Act, that is recognized as having a government-to-government relationship with the United States of America, with the responsibilities, powers, limitations, and obligations to that designation, and is eligible for funding and services from the Bureau of Indian Affairs or successor agency.

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

(28) "Food processing" means the preparation of food for human or animal consumption or the preparation of animal by-products, excluding fruit packing. 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.

(29) "Fruit packing" means preparing 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.

(30) "gpd" means gallons per day.

(31) "gpy" means gallons per year ((and is used to calculate winery production levels)) of wine produced as reported annually for the most recent completed calendar year.

~~(("Gross revenue for business" means the gross income from Washington business activities.))~~

(32) "Hazardous waste ((clean-up)) cleanup 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.))~~

(33) "Inactive" means that a facility is not currently discharging wastewater but maintains their permit coverage.

(34) "Inactive rate" means a fee assessment that is reduced to 25 percent of the regular assessed fee, when a site is inactive for a minimum of 18 months.

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

(36) "Industrial stormwater" means ((a stormwater discharge from an operation required to be covered under ecology's NPDES and state waste discharge general permit for)) stormwater discharges associated

with industrial activities that are regulated under either a general permit or ((modifications to that permit or having)) an individual ((wastewater)) permit for stormwater ((only)).

(37) "Industrial wastewater" means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

(38) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater. In this rule, it also means any facility not included in the definition of municipal or domestic wastewater facility.

(39) "Manufacturing" means making goods and articles by hand or machine into a manufactured product.

(40) "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)) U.S. Census Bureau.

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

(42) "MGD" means million gallons per day.

((("Municipal/domestic")) (43) "Municipal or domestic wastewater facility" means a publicly owned facility treating domestic wastewater together with any industrial ((wastes)) wastewaters 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.)

(44) "Municipal sewerage system" or "publicly owned treatment works (POTW)" means a publicly owned domestic wastewater facility or a privately owned domestic wastewater facility.

(45) "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.

(46) "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.

(47) "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~~) that does not contain chemicals (~~added by the permittee~~) or additives. The noncontact cooling water fee without additives category applies to those facilities (~~which~~) that discharge only noncontact cooling water and (~~which~~) that have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

(48) "Nonferrous metals forming" means manufacturing 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).

(49) "Nonfinfish hatching and rearing" means raising (i.e., hatching, culturing, rearing, and growing) aquatic animals, such as shellfish, other aquatic invertebrates, or other aquatic species, that are not exclusively finfish. An operation to raise these species uses confined spaces to grow the animals and includes feeding and cleaning activities to maintain the animals. The purposes for the activity can include sales and harvest enhancement.

(50) "Nonoperating ((sand and gravel)) site" means a location where previous sand and gravel mining or processing has occurred; that has not been fully reclaimed; that conducts mining or processing fewer than (~~ninety~~) 90 days per year, 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 off-site for processing, use, or sale and still be considered a nonoperating site.

(51) "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.

(52) "Ore mining" refers to mine operators who extract ores (metal-bearing rock) from underground or surface mines using machinery, explosives, or chemicals. Extraction processes include dressing (picking, sorting, washing of ores), milling (crushing, grinding, etc.), and beneficiation (processing to improve purity/quality).

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

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

(55) "RCRA corrective action sites" means Resource Conservation Recovery Act (~~(clean-up)~~) cleanup sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70A.300 and 70A.305 RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

(56) "Residential equivalent (RE)" 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)~~) 250 gallons per day.

(57) "Sand and gravel" means mining or quarrying sand, gravel, or rock, or producing concrete, asphalt, or a combination thereof.

(58) "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.

(59) "Sewer service" means receiving sewage deposited into and transported 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.

(60) "State waste discharge permit" means a permit required under RCW 90.48.160 or 90.48.162.

(61) "Stormwater" means precipitation that flows from an industrial operation or construction activity discharging stormwater runoff as defined in 40 C.F.R. 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.")~~) (62) "Tons per year" means the total annual production in tons from an asphalt production facility (~~(in tons)~~) during the most recent completed calendar year, or the average tons per year of coal mining and preparation production.

(~~("Vegetable/bulb")~~) (63) "Vegetable or bulb washing" means washing, packing, (~~(and/or)~~) or shipping fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

[Statutory Authority: RCW 90.48.465. WSR 21-13-150 (Order 19-10), § 173-224-030, filed 6/22/21, effective 7/23/21; WSR 19-14-040 (Order 18-01), § 173-224-030, filed 6/26/19, effective 7/27/19; WSR 17-16-005 (Order 16-11), § 173-224-030, filed 7/20/17, effective 8/20/17; WSR 13-22-051 (Order 13-02), § 173-224-030, filed 11/1/13, effective 12/2/13. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-030, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 90.48.465. WSR 04-15-046, § 173-224-030, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. WSR 02-12-059, § 173-224-030, filed 5/30/02, effective 6/30/02; WSR 00-02-031 (Order 99-03), § 173-224-030, filed 12/28/99, effective

1/28/00; WSR 98-03-046 (Order 97-27), § 173-224-030, filed 1/15/98, effective 2/15/98; WSR 94-10-027 (Order 93-08), § 173-224-030, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-030, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 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 WSR 21-13-150, filed 6/22/21, effective 7/23/21)

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 is assessed for RCRA sites regardless of whether a new permit is issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is modified.~~

~~(2) INDUSTRIAL FACILITY CATEGORIES.~~

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
Aluminum Alloys	\$22,950.00	\$22,950.00
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	115,785.00	115,785.00
b. State Permit	57,895.00	57,895.00
Aluminum Forming	68,850.00	68,850.00
Aquaculture		
a. Finfish hatching and rearing - Individual Permit	5,889.00	5,889.00
b. Finfish hatching and rearing - General Permit Coverage	4,125.00	4,125.00
c. Shellfish hatching	223.00	223.00
Aquatic Pest Control		
a. Irrigation Districts	682.00	682.00
b. Mosquito Control Districts	682.00	682.00
c. Invasive Moth Control	682.00	682.00
d. Aquatic Species Control & Eradication	682.00	682.00
e. Oyster Growers	682.00	682.00
f. Rotenone Control	682.00	682.00
Boat Yards - Individual Permit Coverage		
a. With stormwater only discharge	588.00	588.00
b. All others	1,173.00	1,173.00
Boat Yards - General Permit Coverage		
a. With stormwater only discharge	537.00	537.00
b. All others	1,087.00	1,087.00
Bridge Washing		
a. Single-site Permit	4,047.00	4,047.00
b. WSDOT Annual Fee	13,450.00	13,450.00
Coal Mining and Preparation		
a. <200,000 tons per year	9,175.00	9,175.00

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
b. 200,000 – < 500,000 tons per year	20,657.00	20,657.00
e. 500,000 – < 1,000,000 tons per year	36,718.00	36,718.00
d. 1,000,000 tons per year and greater	68,850.00	68,850.00
Combined Industrial Waste Treatment		
a. <10,000 gpd	3,972.00	3,972.00
b. 10,000 – < 50,000 gpd	9,816.00	9,816.00
e. 50,000 – < 100,000 gpd	19,636.00	19,636.00
d. 100,000 – < 500,000 gpd	39,266.00	39,266.00
e. 500,000 gpd and greater	58,901.00	58,901.00
Combined Food Processing Waste Treatment Facilities		
	18,797.00	18,797.00
Combined Sewer Overflow System		
a. <50 acres	3,927.00	3,927.00
b. 50 – < 100 acres	9,816.00	9,816.00
e. 100 – < 500 acres	11,783.00	11,783.00
d. 500 acres and greater	15,704.00	15,704.00
Commercial Laundry		
	555.00	555.00
Concentrated Animal Feeding Operation		
a. Nondairy CAFOs		
1. <200 Animal Units	308.00	308.00
2. 200 – < 400 Animal Units	772.00	772.00
3. 400 – < 600 Animal Units	1,546.00	1,546.00
4. 600 – < 800 Animal Units	2,317.00	2,317.00
5. 800 Animal Units and greater	3,094.00	3,094.00
b. Dairy CAFOs \$.50 per Animal Unit for FY 2022, FY 2023 and beyond, not to exceed \$2,076.00		
Facilities Not Otherwise Classified – Individual Permit Coverage		
a. <1,000 gpd	1,963.00	1,963.00
b. 1,000 – < 10,000 gpd	3,927.00	3,927.00
e. 10,000 – < 50,000 gpd	9,817.00	9,817.00
d. 50,000 – < 100,000 gpd	15,704.00	15,704.00
e. 100,000 – < 500,000 gpd	31,258.00	31,258.00
f. 500,000 – < 1,000,000 gpd	39,266.00	39,266.00
g. 1,000,000 gpd and greater	58,900.00	58,900.00
Flavor Extraction		
a. Steam Distillation	202.00	202.00
Food Processing		
a. <1,000 gpd	1,961.00	1,961.00
b. 1,000 – < 10,000 gpd	5,003.00	5,003.00
e. 10,000 – < 50,000 gpd	8,934.00	8,934.00
d. 50,000 – < 100,000 gpd	14,036.00	14,036.00
e. 100,000 – < 250,000 gpd	19,633.00	19,633.00
f. 250,000 – < 500,000 gpd	25,819.00	25,819.00
g. 500,000 – < 750,000 gpd	32,393.00	32,393.00
h. 750,000 – < 1,000,000 gpd	39,266.00	39,266.00
i. 1,000,000 – < 2,500,000 gpd	48,374.00	48,374.00

INDUSTRIAL FACILITY CATEGORIES		FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
j.	2,500,000 – < 5,000,000 gpd	53,993.00	53,993.00
k.	5,000,000 gpd and greater	58,901.00	58,901.00
Fruit Packing – Individual Permit Coverage			
a.	0 – < 1,000 bins/yr.	392.00	392.00
b.	1,000 – < 5,000 bins/yr.	786.00	786.00
e.	5,000 – < 10,000 bins/yr.	1,570.00	1,570.00
d.	10,000 – < 15,000 bins/yr.	3,144.00	3,144.00
e.	15,000 – < 20,000 bins/yr.	5,199.00	5,199.00
f.	20,000 – < 25,000 bins/yr.	7,264.00	7,264.00
g.	25,000 – < 50,000 bins/yr.	9,717.00	9,717.00
h.	50,000 – < 75,000 bins/yr.	10,800.00	10,800.00
i.	75,000 – < 100,000 bins/yr.	12,564.00	12,564.00
j.	100,000 – < 125,000 bins/yr.	15,704.00	15,704.00
k.	125,000 – < 150,000 bins/yr.	19,633.00	19,633.00
l.	150,000 bins/yr. and greater	23,524.00	23,524.00
Fruit Packing – General Permit Coverage			
a.	0 – < 1,000 bins/yr.	274.00	274.00
b.	1,000 – < 5,000 bins/yr.	550.00	550.00
e.	5,000 – < 10,000 bins/yr.	1,100.00	1,100.00
d.	10,000 – < 15,000 bins/yr.	2,201.00	2,201.00
e.	15,000 – < 20,000 bins/yr.	3,643.00	3,643.00
f.	20,000 – < 25,000 bins/yr.	5,085.00	5,085.00
g.	25,000 – < 50,000 bins/yr.	6,800.00	6,800.00
h.	50,000 – < 75,000 bins/yr.	7,557.00	7,557.00
i.	75,000 – < 100,000 bins/yr.	8,788.00	8,788.00
j.	100,000 – < 125,000 bins/yr.	10,997.00	10,997.00
k.	125,000 – < 150,000 bins/yr.	13,744.00	13,744.00
l.	150,000 bins/yr. and greater	16,491.00	16,491.00
Fuel and Chemical Storage			
a.	< 50,000 bbls	1,963.00	1,963.00
b.	50,000 – < 100,000 bbls	3,927.00	3,927.00
e.	100,000 – < 500,000 bbls	9,816.00	9,816.00
d.	500,000 bbls and greater	19,636.00	19,636.00
Hazardous Waste Clean Up Sites			
a.	Leaking Underground Storage Tanks (LUST)		
	1. State Permit	5,149.00	5,149.00
	2. NPDES Permit Issued pre 7/1/94	5,148.00	5,148.00
	3. NPDES Permit Issued post 7/1/94	10,298.00	10,298.00
b.	Non-LUST Sites		
	1. 1 or 2 Contaminants of concern	10,069.00	10,069.00
	2. > 2 Contaminants of concern	20,137.00	20,137.00
Ink Formulation and Printing			
a.	Commercial Print Shops	3,021.00	3,021.00
b.	Newspapers	5,035.00	5,035.00
e.	Box Plants	8,055.00	8,055.00

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
d. Ink Formulation	10,070.00	10,070.00
Inorganic Chemicals Manufacturing		
a. Lime Products	9,816.00	9,816.00
b. Fertilizer	11,816.00	11,816.00
e. Peroxide	15,704.00	15,704.00
d. Alkaline Earth Salts	19,636.00	19,636.00
e. Metal Salts	27,482.00	27,482.00
f. Acid Manufacturing	38,942.00	38,942.00
g. Chlor-alkali	78,533.00	78,533.00
Iron and Steel		
a. Foundries	22,950.00	22,950.00
b. Mills	45,939.00	45,939.00
Metal Finishing		
a. <1,000 gpd	2,751.00	2,751.00
b. 1,000 -<10,000 gpd	4,587.00	4,587.00
e. 10,000 -<50,000 gpd	11,470.00	11,470.00
d. 50,000 -<100,000 gpd	22,949.00	22,949.00
e. 100,000 -<500,000 gpd	45,894.00	45,894.00
f. 500,000 gpd and greater	68,845.00	68,845.00
Noncontact Cooling Water With Additives - Individual Permit Coverage		
a. <1,000 gpd	1,229.00	1,229.00
b. 1,000 -<10,000 gpd	1,716.00	1,716.00
e. 10,000 -<50,000 gpd	3,685.00	3,685.00
d. 50,000 -<100,000 gpd	8,593.00	8,593.00
e. 100,000 -<500,000 gpd	14,721.00	14,721.00
f. 500,000 -<1,000,000 gpd	20,863.00	20,863.00
g. 1,000,000 -<2,500,000 gpd	27,001.00	27,001.00
h. 2,500,000 -<5,000,000 gpd	32,993.00	32,993.00
i. 5,000,000 gpd and greater	39,266.00	39,266.00
Noncontact Cooling Water With Additives - General Permit Coverage		
a. <1,000 gpd	861.00	861.00
b. 1,000 -<10,000 gpd	1,716.00	1,716.00
e. 10,000 -<50,000 gpd	2,579.00	2,579.00
d. 50,000 -<100,000 gpd	6,015.00	6,015.00
e. 100,000 -<500,000 gpd	10,307.00	10,307.00
f. 500,000 -<1,000,000 gpd	14,606.00	14,606.00
g. 1,000,000 -<2,500,000 gpd	18,899.00	18,899.00
h. 2,500,000 -<5,000,000 gpd	23,191.00	23,191.00
i. 5,000,000 gpd and greater	27,484.00	27,484.00
Noncontact Cooling Water Without Additives - Individual Permit Coverage		
a. <1,000 gpd	984.00	984.00
b. 1,000 -<10,000 gpd	1,963.00	1,963.00
e. 10,000 -<50,000 gpd	2,948.00	2,948.00
d. 50,000 -<100,000 gpd	6,874.00	6,874.00
e. 100,000 -<500,000 gpd	11,783.00	11,783.00

INDUSTRIAL FACILITY CATEGORIES		FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
f.	500,000 – < 1,000,000 gpd	16,687.00	16,687.00
g.	1,000,000 – < 2,500,000 gpd	21,511.00	21,511.00
h.	2,500,000 – < 5,000,000 gpd	26,503.00	26,503.00
i.	5,000,000 gpd and greater	31,414.00	31,414.00
Noncontact Cooling Water Without Additives – General Permit Coverage			
a.	< 1,000 gpd	688.00	688.00
b.	1,000 – < 10,000 gpd	1,377.00	1,377.00
e.	10,000 – < 50,000 gpd	2,064.00	2,064.00
d.	50,000 – < 100,000 gpd	4,811.00	4,811.00
e.	100,000 – < 500,000 gpd	8,246.00	8,246.00
f.	500,000 – < 1,000,000 gpd	11,683.00	11,683.00
g.	1,000,000 – < 2,500,000 gpd	15,117.00	15,117.00
h.	2,500,000 – < 5,000,000 gpd	18,554.00	18,554.00
i.	5,000,000 gpd and greater	21,987.00	21,987.00
Nonferrous Metals Forming		22,950.00	22,950.00
Ore Mining			
a.	Ore Mining	4,588.00	4,588.00
b.	Ore mining with physical concentration processes	9,177.00	9,177.00
e.	Ore mining with physical and chemical concentration processes	36,718.00	36,718.00
Organic Chemicals Manufacturing			
a.	Fertilizer	19,636.00	19,636.00
b.	Aliphatic	39,266.00	39,266.00
e.	Aromatic	58,901.00	58,901.00
Petroleum Refining			
a.	< 10,000 bbls/d	39,266.00	39,266.00
b.	10,000 – < 50,000 bbls/d	77,853.00	77,853.00
e.	50,000 bbls/d and greater	157,075.00	157,075.00
Photofinishers			
a.	< 1,000 gpd	1,570.00	1,570.00
b.	1,000 gpd and greater	3,927.00	3,927.00
Power and/or Steam Plants			
a.	Steam Generation – Nonelectric	7,924.00	7,924.00
b.	Hydroelectric	7,924.00	7,924.00
e.	Nonfossil Fuel	11,781.00	11,781.00
d.	Fossil Fuel	31,414.00	31,414.00
Pulp, Paper and Paper Board			
a.	Fiber Recyclers/Nonwood Pulp Mills	19,632.00	19,632.00
b.	Paper Mills	39,266.00	39,266.00
e.	Groundwood Pulp Mills		
	1. < 300 tons per day	58,901.00	58,901.00
	2. > 300 tons per day	117,813.00	117,813.00
d.	Chemical Pulp Mills w/o Chlorine Bleaching	157,068.00	157,068.00
e.	Chemical Pulp Mills		

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
w/Chlorine Bleaching	176,697.00	176,697.00
Radioactive Effluents and Discharges (RED)		
a. <3 waste streams	37,986.00	37,986.00
b. 3-<8 waste streams	65,965.00	65,965.00
c. 8 waste streams and greater	108,648.00	108,648.00
RCRA Corrective Action Sites	27,597.00	27,597.00
Sand and Gravel - Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	3,581.00	3,581.00
2. Nonoperating site (fee per site)	147.00	147.00
b. Asphalt Production		
1. 1-<50,000 tons/yr.	1,492.00	1,492.00
2. 50,000-<300,000 tons/yr.	3,582.00	3,582.00
3. 300,000 tons/yr. and greater	4,480.00	4,480.00
4. Nonoperating Asphalt	147.00	147.00
c. Concrete Production		
1. 1-<25,000 cu. yds/yr.	1,492.00	1,492.00
2. 25,000-<200,000 cu. yds/yr.	3,582.00	3,582.00
3. 200,000 cu. yds/yr. and greater	4,480.00	4,480.00
4. Nonoperating Concrete	147.00	147.00
The fee for a facility in the sand and gravel 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	3,581.00	3,581.00
2. Asphalt	3,581.00	3,581.00
3. Concrete	3,581.00	3,581.00
4. Nonoperating Site	147.00	147.00
Sand and Gravel - General Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,505.00	2,505.00
2. Nonoperating site (fee per site)	103.00	103.00
b. Asphalt Production		
1. 0-<50,000 tons/yr.	1,046.00	1,046.00
2. 50,000-<300,000 tons/yr.	2,507.00	2,507.00
3. 300,000 tons/yr. and greater	3,135.00	3,135.00
4. Nonoperating Asphalt	103.00	103.00
c. Concrete Production		
1. 0-<25,000 cu. yds/yr.	1,046.00	1,046.00
2. 25,000-<200,000 cu. yds/yr.	2,507.00	2,507.00
3. 200,000 cu. yds/yr. and greater	3,135.00	3,135.00
4. Nonoperating Concrete	103.00	103.00
The fee for a facility in the sand and gravel production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
1. Rock Crushing	2,507.00	2,507.00
2. Asphalt	2,507.00	2,507.00
3. Concrete	2,507.00	2,507.00
4. Nonoperating	103.00	103.00
Seafood Processing		
a. <1,000 gpd	1,963.00	1,963.00
b. 1,000—<10,000 gpd	5,003.00	5,003.00
c. 10,000—<50,000 gpd	8,934.00	8,934.00
d. 50,000—<100,000 gpd	14,036.00	14,036.00
e. 100,000 gpd and greater	19,636.00	19,636.00
Shipyards		
a. Per crane, travel lift, small boat lift	4,588.00	4,588.00
b. Per drydock under 250 ft in length	4,588.00	4,588.00
c. Per graving dock	4,588.00	4,588.00
d. Per marine way/ramp	6,882.00	6,882.00
e. Per syncrolift	6,882.00	6,882.00
f. Per drydock 250 ft and over in length	9,177.00	9,177.00
g. In-water vessel maintenance	9,177.00	9,177.00
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 (nonstormwater)		
a. Nonputrescible	7,850.00	7,850.00
b. <50 acres	15,703.00	15,703.00
c. 50—<100 acres	31,414.00	31,414.00
d. 100—<250 acres	39,266.00	39,266.00
e. 250 acres and greater	58,901.00	58,901.00
Textile Mills	78,533.00	78,533.00
Timber Products		
a. Log Storage	3,927.00	3,927.00
b. Veneer	7,850.00	7,850.00
c. Sawmills	15,704.00	15,704.00
d. Hardwood, Plywood	27,482.00	27,482.00
e. Wood Preserving	37,706.00	37,706.00
Vegetable/Bulb Washing Facilities		
a. <1,000 gpd	130.00	130.00
b. 1,000—<5,000 gpd	262.00	262.00
c. 5,000—<10,000 gpd	517.00	517.00
d. 10,000—<20,000 gpd	1,042.00	1,042.00
e. 20,000 and greater	1,721.00	1,721.00
Vehicle Maintenance and Freight Transfer		
a. <0.5 acre	3,927.00	3,927.00
b. 0.5—<1.0 acre	7,850.00	7,850.00
c. 1.0 acre and greater	11,781.00	11,781.00
Vessel Deconstruction		
a. Base fee	3,100.00	3,100.00

INDUSTRIAL FACILITY CATEGORIES	FY 2022 ANNUAL PERMIT FEE	FY 2023 ANNUAL PERMIT FEE & BEYOND
b. On land (per project)	3,500.00	3,500.00
e. On barge or drydock (per project)	4,800.00	4,800.00
d. In-water (per project)	18,700.00	18,700.00
The fee for a facility in the vessel deconstruction category is the sum of the base fee and number and type of projects completed in the previous calendar year.		
Water Plants – Individual Permit Coverage	5,359.00	5,359.00
Water Plants – General Permit Coverage	3,752.00	3,752.00
Wineries – Individual Permit Coverage		
a. <24,999 gallons per year (gpy)	423.00	423.00
b. 25,000 – <39,999 gpy	621.00	621.00
e. 40,000 – <54,999 gpy	960.00	960.00
d. 55,000 – <69,999 gpy	1,297.00	1,297.00
e. 70,000 – <99,999 gpy	1,636.00	1,636.00
f. 100,000 – <299,999 gpy	2,370.00	2,370.00
g. 300,000 – <699,999 gpy	7,111.00	7,111.00
h. 700,000 – <999,999 gpy	16,594.00	16,594.00
i. 1,000,000 – <1,999,999 gpy	23,762.00	23,762.00
j. 2,000,000 gpy and greater	47,470.00	47,470.00
Wineries – General Permit Coverage		
a. <24,999 gpy	296.00	296.00
b. 25,000 – <39,999 gpy	434.00	434.00
e. 40,000 – <54,999 gpy	671.00	671.00
d. 55,000 – <69,999 gpy	907.00	907.00
e. 70,000 – <99,999 gpy	1,144.00	1,144.00
f. 100,000 – <299,999 gpy	1,657.00	1,657.00
g. 300,000 – <699,999 gpy	4,973.00	4,973.00
h. 700,000 – <999,999 gpy	11,604.00	11,604.00
i. 1,000,000 – <1,999,999 gpy	16,617.00	16,617.00
j. 2,000,000 gpy and greater	33,196.00	33,196.00

~~(a) Facilities other than those in the sand and gravel, shipyard, or RCRA categories that operate within several fee categories or sub-categories, 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) Fruit packer, sand and gravel, and winery permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. The permit holder shall submit the information to the department by the required due date. Failure to provide this information results 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 partner;~~

~~(C) In the case of a general partnership, by an authorized general 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 fruit packers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the fruit packing 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 cleanup sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70A.305 RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70A.305 RCW ceases.~~

~~(g) Any permit holder, with the exception of nonoperating sand and gravel 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 may be verified by the appropriate ecology staff. Once operations resume, the permit fee returns 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 are 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 are 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:~~

Residential Equivalents (RE)	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
<250,000	\$2.16	\$2.16
>250,000	2.16	2.16

~~(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 and public-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 or public-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 or public-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:~~

Permitted Flows	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
.1 MGD and Greater	\$15,075.00	\$15,075.00
.05 MGD to <.1 MGD	6,032.00	6,032.00
.0008 MGD to <.05 MGD	3,016.00	3,016.00
<.0008 MGD	910.00	910.00

~~(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.~~

~~(h) The annual permit fee for a domestic wastewater facility with a Puget Sound nutrient general permit will be calculated at the rate of \$0.31 per residential equivalent per year. The number of residential equivalents will be calculated as described in (g) of this subsection. The permit fee in this subsection will not be assessed for municipal domestic wastewater treatment facilities unless the legislature amends RCW 90.48.465(2) to authorize this fee.~~

~~(4) STORMWATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC~~

~~173-224-040(2))~~

	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
a. Individual Construction or Industrial Stormwater Permits		
1. <50 acres	\$6,032.00	\$6,032.00
2. 50-<100 acres	12,054.00	12,054.00
3. 100-<500 acres	18,095.00	18,095.00
4. 500 acres and greater	24,122.00	24,122.00
b. Facilities Covered Under the Industrial Stormwater General Permit		
1. Municipalities and state agencies	1,976.00	1,976.00
2. New permit holders without historical gross revenue information	1,035.00	1,035.00
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	192.00	192.00
\$100,000 < \$1,000,000	832.00	832.00
\$1,000,000 < \$2,500,000	995.00	995.00
\$2,500,000 < \$5,000,000	1,663.00	1,663.00
\$5,000,000 < \$10,000,000	2,493.00	2,493.00
\$10,000,000 and greater	3,012.00	3,012.00

~~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.~~

Permitted Amount of Disturbed Acreage	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
e. Construction Activities Covered Under the Construction Stormwater General Permit(s)		
1. Less than 5 acres disturbed area	\$780.00	\$780.00
2. 5-<7 acres of disturbed area	1,268.00	1,268.00
3. 7-<10 acres of disturbed area	1,712.00	1,712.00
4. 10-<20 acres of disturbed area	2,336.00	2,336.00
5. 20 acres and greater of disturbed area	2,906.00	2,906.00

~~(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS~~

~~(a) Except as provided for in (d) of this subsection, the municipal stormwater permit annual fee for the entities listed below is:~~

Name of Entity	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
King County	\$68,695.00	\$68,695.00
Snohomish County	68,695.00	68,695.00
Pierce County	68,695.00	68,695.00
Tacoma, City of	68,695.00	68,695.00
Seattle, City of	68,695.00	68,695.00
Washington Department of Transportation	68,695.00	68,695.00
Clark County	68,695.00	68,695.00

~~(b) Municipal stormwater general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, are determined in the following manner: For fiscal years 2022 and 2023 and beyond, ecology will charge \$1.99 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 \$.98 per housing unit inside the geographic area covered by the permit. Fees will not exceed \$68,695.00 for fiscal years 2022 and 2023 and beyond. The minimum annual fee will not be lower than \$2,856.00 for fiscal years 2022 and 2023 and beyond 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 \$.98 per housing unit for fiscal years 2022 and 2023 and beyond.~~

~~(c) Other entities required to have permit coverage under a municipal stormwater general permit will pay an annual fee based on the entities' previous year's annual operating budget as follows:~~

Annual Operating Budget	FY 2022 Annual Permit Fee	FY 2023 Annual Permit Fee & Beyond
Less than \$100,000	\$199.00	\$199.00
\$100,000 - < \$1,000,000	805.00	805.00
\$1,000,000 - < \$5,000,000	2,009.00	2,009.00
\$5,000,000 - < \$10,000,000	3,015.00	3,015.00
\$10,000,000 and greater	5,024.00	5,024.00

~~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 stormwater 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 stormwater general permit as determined in (c) of this subsection, the fiscal years 2022 and 2023 annual fee and beyond for a permit written for a specific entity is \$14,290.00.~~

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

(1) Application fee. In addition to an annual fee, first time individual permit applicants must pay a nonrefundable application fee of 25 percent of the annual permit fee, or \$250, whichever is greater. An application fee is assessed for RCRA corrective action sites regardless of whether a new permit is issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is modified.

(2) Minimum fee. The minimum water quality annual permit fee is \$150.00, unless specified elsewhere in this section. The department may elect, at its discretion, to assess this minimum fee when no better permit fee category applies, or when a prorated annual permit fee falls below the minimum fee amount.

(3) INDUSTRIAL FACILITY ANNUAL PERMIT FEE SCHEDULE

The following industrial facilities must pay an annual permit fee as follows:

INDUSTRIAL FACILITY CATEGORIES	FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE
<u>Aluminum Alloys</u>	<u>\$22,950</u>	<u>\$22,950</u>
<u>Aluminum and Magnesium Reduction Mills</u>		
a. <u>NPDES Permit</u>	<u>115,780</u>	<u>115,780</u>
b. <u>State Permit</u>	<u>57,900</u>	<u>57,900</u>
<u>Aluminum Forming</u>	<u>72,830</u>	<u>77,100</u>
<u>Aquaculture</u>		
a. <u>Finfish hatching and rearing - General Permit</u>	<u>4,126</u>	<u>4,126</u>
b. <u>Finfish hatching and rearing - Individual Permit</u>	<u>5,900</u>	<u>5,900</u>
c. <u>Nonfinfish hatching and rearing - Individual Permit</u>	<u>5,900</u>	<u>5,900</u>
<u>Aquatic and Invasive Species Control</u>		
a. <u>Aquatic & Invasive Species Control (State agencies permits)</u>	<u>8,000</u>	<u>8,000</u>
b. <u>Aquatic Plant & Algae Management</u>	<u>500</u>	<u>500</u>
c. <u>Irrigation System Aquatic Weed Control</u>	<u>710</u>	<u>710</u>

INDUSTRIAL FACILITY CATEGORIES	FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE	
d. <u>Mosquito Control</u>	<u>500</u>	<u>500</u>	
e. <u>Noxious Weed Control (State agencies permits)</u>	<u>8,000</u>	<u>8,000</u>	
f. <u>Oyster Growers</u>	<u>500</u>	<u>500</u>	
<u>Boatyards - General Permit</u>			
a. <u>With stormwater only discharge</u>	<u>570</u>	<u>600</u>	
b. <u>All others</u>	<u>1,150</u>	<u>1,210</u>	
<u>Boatyards - Individual Permit</u>			
a. <u>With stormwater only discharge</u>	<u>650</u>	<u>700</u>	
b. <u>All others</u>	<u>1,200</u>	<u>1,250</u>	
<u>Bridge and Ferry Terminals Washing</u>			
a. <u>Single site Permit</u>	<u>4,200</u>	<u>4,200</u>	
b. <u>Multi site Permit</u>			
<u>1. 1 - 5 Facilities</u>	<u>6,200</u>	<u>6,200</u>	
<u>2. 6 - 10 Facilities</u>	<u>8,200</u>	<u>8,200</u>	
<u>3. 11 - 20 Facilities</u>	<u>10,500</u>	<u>10,500</u>	
c. <u>WSDOT Annual Fee</u>	<u>13,500</u>	<u>13,500</u>	
<u>Coal Mining and Preparation</u>			
a. <u>< 200,000 tons per year</u>	<u>9,000</u>	<u>9,000</u>	
b. <u>200,000 - < 500,000 tons per year</u>	<u>20,500</u>	<u>20,500</u>	
c. <u>500,000 - < 1,000,000 tons per year</u>	<u>36,500</u>	<u>36,500</u>	
d. <u>1,000,000 tons per year and greater</u>	<u>68,500</u>	<u>68,500</u>	
<u>Combined Industrial Waste Treatment</u>			
a. <u>< 10,000 gpd</u>	<u>3,970</u>	<u>3,970</u>	
b. <u>10,000 - < 50,000 gpd</u>	<u>9,800</u>	<u>9,800</u>	
c. <u>50,000 - < 100,000 gpd</u>	<u>19,600</u>	<u>19,600</u>	
d. <u>100,000 - < 500,000 gpd</u>	<u>39,200</u>	<u>39,200</u>	
e. <u>500,000 gpd and greater</u>	<u>58,800</u>	<u>58,800</u>	
<u>Combined Food Processing Waste Treatment Facilities</u>	<u>19,800</u>	<u>21,000</u>	
<u>Combined Sewer Overflow System</u>			
a. <u>< 50 acres</u>	<u>3,900</u>	<u>3,900</u>	
b. <u>50 - < 100 acres</u>	<u>9,800</u>	<u>9,800</u>	
c. <u>100 - < 500 acres</u>	<u>11,780</u>	<u>11,780</u>	
d. <u>500 acres and greater</u>	<u>15,700</u>	<u>15,700</u>	
<u>Commercial Laundry</u>	<u>575</u>	<u>575</u>	
<u>Concentrated Animal Feeding Operation (CAFO) - Dairy GP</u>	<u>\$0.52 per animal unit, not to exceed \$2,190</u>	<u>\$0.54 per animal unit, not to exceed \$2,320</u>	
<u>Concentrated Animal Feeding Operation (CAFO) - Dairy IP</u>	<u>\$0.66 per animal unit, not to exceed \$2,850</u>	<u>\$0.70 per animal unit, not to exceed \$3,020</u>	
<u>Concentrated Animal Feeding Operation (CAFO) - General Permit</u>			
<u>Size of CAFO by Animal Type and Animal Count</u>	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
<u>FY2024 and FY2025 Annual Fee</u>	<u>\$350</u>	<u>\$1,500</u>	<u>\$3,500</u>
a. <u>Veal Calves</u>	<u>< 300</u>	<u>300 - 999</u>	<u>1,000 and greater</u>
b. <u>Other Cattle</u>	<u>< 300</u>	<u>300 - 999</u>	<u>1,000 and greater</u>

INDUSTRIAL FACILITY CATEGORIES		FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE
c. <u>Swine (55 lbs or more)</u>	<u>≤ 700</u>	<u>700 - 2,499</u>	<u>2,500 and greater</u>
d. <u>Swine (less than 55 lbs)</u>	<u>≤ 3,000</u>	<u>3,000 - 9,999</u>	<u>10,000 and greater</u>
e. <u>Horses</u>	<u>≤ 150</u>	<u>150 - 499</u>	<u>500 and greater</u>
f. <u>Sheep and Lambs</u>	<u>≤ 3,000</u>	<u>3,000 - 9,999</u>	<u>10,000 and greater</u>
g. <u>Turkeys</u>	<u>≤ 16,500</u>	<u>16,500 - 54,999</u>	<u>55,000 and greater</u>
h. <u>Chickens, including laying hens or broilers, with liquid waste system</u>	<u>≤ 9,000</u>	<u>9,000 - 29,999</u>	<u>30,000 and greater</u>
i. <u>Chickens, other than layers, with dry waste system</u>	<u>≤ 25,000</u>	<u>25,000 - 81,999</u>	<u>82,000 and greater</u>
j. <u>Laying Hens, with dry waste system</u>	<u>≤ 25,000</u>	<u>25,000 - 81,999</u>	<u>82,000 and greater</u>
k. <u>Ducks, with liquid waste system</u>	<u>≤ 1,500</u>	<u>1,500 - 4,999</u>	<u>5,000 and greater</u>
l. <u>Ducks, with dry waste system</u>	<u>≤ 10,000</u>	<u>10,000 - 29,999</u>	<u>30,000 and greater</u>
m. <u>Other Species</u>	<u>As determined by Department</u>	<u>As determined by Department</u>	<u>As determined by Department</u>
<u>Concentrated Animal Feeding Operation (CAFO) - Individual Permit</u>		<u>\$5,000</u>	<u>\$5,000</u>
<u>Facilities Not Otherwise Classified</u>			
a. <u>< 1,000 gpd</u>		<u>1,960</u>	<u>1,960</u>
b. <u>1,000 - < 10,000 gpd</u>		<u>3,930</u>	<u>3,930</u>
c. <u>10,000 - < 50,000 gpd</u>		<u>9,820</u>	<u>9,820</u>
d. <u>50,000 - < 100,000 gpd</u>		<u>15,700</u>	<u>15,700</u>
e. <u>100,000 - < 500,000 gpd</u>		<u>31,260</u>	<u>31,260</u>
f. <u>500,000 - < 1,000,000 gpd</u>		<u>39,270</u>	<u>39,270</u>
g. <u>1,000,000 gpd and greater</u>		<u>58,900</u>	<u>58,900</u>
<u>Flavor Extraction</u>			
a. <u>Steam Distillation</u>		<u>215</u>	<u>230</u>
<u>Food Processing</u>			
a. <u>< 1,000 gpd</u>		<u>1,960</u>	<u>1,960</u>
b. <u>1,000 - < 10,000 gpd</u>		<u>5,000</u>	<u>5,000</u>
c. <u>10,000 - < 50,000 gpd</u>		<u>8,930</u>	<u>8,930</u>
d. <u>50,000 - < 100,000 gpd</u>		<u>14,040</u>	<u>14,040</u>
e. <u>100,000 - < 250,000 gpd</u>		<u>19,630</u>	<u>19,630</u>
f. <u>250,000 - < 500,000 gpd</u>		<u>25,820</u>	<u>25,820</u>
g. <u>500,000 - < 750,000 gpd</u>		<u>32,400</u>	<u>32,400</u>
h. <u>750,000 - < 1,000,000 gpd</u>		<u>39,270</u>	<u>39,270</u>
i. <u>1,000,000 - < 2,500,000 gpd</u>		<u>48,370</u>	<u>48,370</u>
j. <u>2,500,000 - < 5,000,000 gpd</u>		<u>53,990</u>	<u>53,990</u>
k. <u>5,000,000 gpd and greater</u>		<u>58,900</u>	<u>58,900</u>
<u>Fruit Packing - General Permit</u>			
a. <u>0 - < 1,000 bins per year</u>		<u>275</u>	<u>275</u>
b. <u>1,000 - < 5,000 bins per year</u>		<u>550</u>	<u>550</u>
c. <u>5,000 - < 10,000 bins per year</u>		<u>1,100</u>	<u>1,100</u>
d. <u>10,000 - < 15,000 bins per year</u>		<u>2,200</u>	<u>2,200</u>
e. <u>15,000 - < 20,000 bins per year</u>		<u>3,640</u>	<u>3,640</u>
f. <u>20,000 - < 25,000 bins per year</u>		<u>5,080</u>	<u>5,080</u>

INDUSTRIAL FACILITY CATEGORIES	FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE
g. <u>25,000 - < 50,000 bins per year</u>	<u>6,800</u>	<u>6,800</u>
h. <u>50,000 - < 75,000 bins per year</u>	<u>7,560</u>	<u>7,560</u>
i. <u>75,000 - < 100,000 bins per year</u>	<u>8,790</u>	<u>8,790</u>
j. <u>100,000 - < 125,000 bins per year</u>	<u>10,990</u>	<u>10,990</u>
k. <u>125,000 - < 150,000 bins per year</u>	<u>13,740</u>	<u>13,740</u>
l. <u>150,000 bins per year and greater</u>	<u>16,490</u>	<u>16,490</u>
Fruit Packing - Individual Permit		
a. <u>0 - < 1,000 bins per year</u>	<u>390</u>	<u>390</u>
b. <u>1,000 - < 5,000 bins per year</u>	<u>790</u>	<u>790</u>
c. <u>5,000 - < 10,000 bins per year</u>	<u>1,570</u>	<u>1,570</u>
d. <u>10,000 - < 15,000 bins per year</u>	<u>3,140</u>	<u>3,140</u>
e. <u>15,000 - < 20,000 bins per year</u>	<u>5,200</u>	<u>5,200</u>
f. <u>20,000 - < 25,000 bins per year</u>	<u>7,260</u>	<u>7,260</u>
g. <u>25,000 - < 50,000 bins per year</u>	<u>9,720</u>	<u>9,720</u>
h. <u>50,000 - < 75,000 bins per year</u>	<u>10,800</u>	<u>10,800</u>
i. <u>75,000 - < 100,000 bins per year</u>	<u>12,560</u>	<u>12,560</u>
j. <u>100,000 - < 125,000 bins per year</u>	<u>15,700</u>	<u>15,700</u>
k. <u>125,000 - < 150,000 bins per year</u>	<u>19,630</u>	<u>19,630</u>
l. <u>150,000 bins per year and greater</u>	<u>23,520</u>	<u>23,520</u>
Fuel and Chemical Storage		
a. <u>< 50,000 bbls</u>	<u>2,080</u>	<u>2,180</u>
b. <u>50,000 - < 100,000 bbls</u>	<u>4,150</u>	<u>4,300</u>
c. <u>100,000 - < 500,000 bbls</u>	<u>10,400</u>	<u>11,000</u>
d. <u>500,000 bbls and greater</u>	<u>20,700</u>	<u>21,800</u>
Hazardous Waste Cleanup Sites		
a. <u>Leaking Underground Storage Tanks (LUST)</u>		
1. <u>State Permit</u>	<u>5,150</u>	<u>5,150</u>
2. <u>NPDES Permit issued pre 7/1/1994</u>	<u>5,150</u>	<u>5,150</u>
3. <u>NPDES Permit issued post 7/1/1994</u>	<u>10,300</u>	<u>10,300</u>
b. <u>Non-LUST Sites</u>		
1. <u>1 or 2 contaminants of concern</u>	<u>10,070</u>	<u>10,070</u>
2. <u>> 2 contaminants of concern</u>	<u>20,140</u>	<u>20,140</u>
Ink Formulation and Printing		
a. <u>Commercial Print Shops</u>	<u>3,020</u>	<u>3,020</u>
b. <u>Newspapers</u>	<u>5,040</u>	<u>5,040</u>
c. <u>Package Printing</u>	<u>8,060</u>	<u>8,060</u>
d. <u>Ink Formulation</u>	<u>10,070</u>	<u>10,070</u>
Inorganic Chemicals Manufacturing		
a. <u>Lime Products</u>	<u>9,820</u>	<u>9,820</u>
b. <u>Fertilizer</u>	<u>11,820</u>	<u>11,820</u>
c. <u>Peroxide</u>	<u>15,700</u>	<u>15,700</u>
d. <u>Alkaline Earth Salts</u>	<u>19,640</u>	<u>19,640</u>
e. <u>Metal Salts</u>	<u>27,480</u>	<u>27,480</u>
f. <u>Acid Manufacturing</u>	<u>38,940</u>	<u>38,940</u>

INDUSTRIAL FACILITY CATEGORIES	FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE
g. Chlor-alkali	<u>78,530</u>	<u>78,530</u>
Iron and Steel		
a. Foundries	<u>22,900</u>	<u>22,900</u>
b. Mills	<u>45,940</u>	<u>45,940</u>
Metal Finishing		
a. < 1,000 gpd	<u>2,750</u>	<u>2,750</u>
b. 1,000 - < 10,000 gpd	<u>4,590</u>	<u>4,590</u>
c. 10,000 - < 50,000 gpd	<u>11,470</u>	<u>11,470</u>
d. 50,000 - < 100,000 gpd	<u>22,950</u>	<u>22,950</u>
e. 100,000 - < 500,000 gpd	<u>45,900</u>	<u>45,900</u>
f. 500,000 gpd and greater	<u>68,840</u>	<u>68,840</u>
Noncontact Cooling Water with Additives - General Permit		
a. < 1,000 gpd	<u>860</u>	<u>860</u>
b. 1,000 - < 10,000 gpd	<u>1,720</u>	<u>1,720</u>
c. 10,000 - < 50,000 gpd	<u>2,580</u>	<u>2,580</u>
d. 50,000 - < 100,000 gpd	<u>6,010</u>	<u>6,010</u>
e. 100,000 - < 500,000 gpd	<u>10,300</u>	<u>10,300</u>
f. 500,000 - < 1,000,000 gpd	<u>14,600</u>	<u>14,600</u>
g. 1,000,000 - < 2,500,000 gpd	<u>18,900</u>	<u>18,900</u>
h. 2,500,000 - < 5,000,000 gpd	<u>23,190</u>	<u>23,190</u>
i. 5,000,000 gpd and greater	<u>27,480</u>	<u>27,480</u>
Noncontact Cooling Water without Additives - General Permit		
a. < 1,000 gpd	<u>690</u>	<u>690</u>
b. 1,000 - < 10,000 gpd	<u>1,380</u>	<u>1,380</u>
c. 10,000 - < 50,000 gpd	<u>2,060</u>	<u>2,060</u>
d. 50,000 - < 100,000 gpd	<u>4,810</u>	<u>4,810</u>
e. 100,000 - < 500,000 gpd	<u>8,250</u>	<u>8,250</u>
f. 500,000 - < 1,000,000 gpd	<u>11,680</u>	<u>11,680</u>
g. 1,000,000 - < 2,500,000 gpd	<u>15,120</u>	<u>15,120</u>
h. 2,500,000 - < 5,000,000 gpd	<u>18,550</u>	<u>18,550</u>
i. 5,000,000 gpd and greater	<u>21,990</u>	<u>21,990</u>
Noncontact Cooling Water with Additives - Individual Permit		
a. < 1,000 gpd	<u>1,230</u>	<u>1,230</u>
b. 1,000 - < 10,000 gpd	<u>2,000</u>	<u>2,000</u>
c. 10,000 - < 50,000 gpd	<u>3,680</u>	<u>3,680</u>
d. 50,000 - < 100,000 gpd	<u>8,590</u>	<u>8,590</u>
e. 100,000 - < 500,000 gpd	<u>14,720</u>	<u>14,720</u>
f. 500,000 - < 1,000,000 gpd	<u>20,860</u>	<u>20,860</u>
g. 1,000,000 - < 2,500,000 gpd	<u>27,000</u>	<u>27,000</u>
h. 2,500,000 - < 5,000,000 gpd	<u>32,990</u>	<u>32,990</u>
i. 5,000,000 gpd and greater	<u>39,270</u>	<u>39,270</u>
Noncontact Cooling Water without Additives - Individual Permit		
a. < 1,000 gpd	<u>980</u>	<u>980</u>
b. 1,000 - < 10,000 gpd	<u>1,960</u>	<u>1,960</u>

INDUSTRIAL FACILITY CATEGORIES	FY2024 ANNUAL PERMIT FEE	FY2025 ANNUAL PERMIT FEE
c. <u>10,000 - < 50,000 gpd</u>	<u>2,950</u>	<u>2,950</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>6,870</u>	<u>6,870</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>11,780</u>	<u>11,780</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>16,690</u>	<u>16,690</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>21,510</u>	<u>21,510</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>26,500</u>	<u>26,500</u>
i. <u>5,000,000 gpd and greater</u>	<u>31,410</u>	<u>31,410</u>
<u>Nonferrous Metals Forming</u>	<u>22,950</u>	<u>22,950</u>
<u>Ore Mining</u>		
a. <u>Ore mining</u>	<u>4,800</u>	<u>4,800</u>
b. <u>Ore mining with physical concentration processes</u>	<u>9,600</u>	<u>9,600</u>
c. <u>Ore mining with physical and chemical concentration processes</u>	<u>38,300</u>	<u>38,300</u>
<u>Organic Chemicals Manufacturing</u>		
a. <u>Fertilizer</u>	<u>19,640</u>	<u>19,640</u>
b. <u>Aliphatic</u>	<u>39,260</u>	<u>39,260</u>
c. <u>Aromatic</u>	<u>58,900</u>	<u>58,900</u>
<u>Petroleum Refining</u>		
a. <u>< 10,000 bbls per day</u>	<u>39,260</u>	<u>39,260</u>
b. <u>10,000 - < 50,000 bbls per day</u>	<u>77,850</u>	<u>77,850</u>
c. <u>50,000 bbls per day and greater</u>	<u>157,000</u>	<u>157,000</u>
<u>Photofinishers</u>		
a. <u>< 1,000 gpd</u>	<u>1,570</u>	<u>1,570</u>
b. <u>1,000 and greater</u>	<u>3,930</u>	<u>3,900</u>
<u>Power and/or Steam Plants</u>		
a. <u>Steam generation - nonelectric</u>	<u>8,300</u>	<u>8,300</u>
b. <u>Hydroelectric</u>	<u>8,300</u>	<u>8,300</u>
c. <u>Nonfossil fuel</u>	<u>12,400</u>	<u>12,400</u>
d. <u>Fossil fuel</u>	<u>33,000</u>	<u>33,000</u>
<u>Pulp, Paper, and Paper Board</u>		
a. <u>Fiber Recyclers/Nonwood Pulp Mills</u>	<u>19,600</u>	<u>19,600</u>
b. <u>Paper Mills</u>	<u>39,250</u>	<u>39,250</u>
c. <u>Groundwood Pulp Mills</u>		
<u>1. < 300 tons per day</u>	<u>58,900</u>	<u>58,900</u>
<u>2. > 300 tons per day</u>	<u>117,800</u>	<u>117,800</u>
d. <u>Chemical Pulps Mills w/o chlorine bleaching</u>	<u>157,070</u>	<u>157,070</u>
e. <u>Chemical Pulp Mills with chlorine bleaching</u>	<u>176,700</u>	<u>176,700</u>
<u>Radioactive Effluents and Discharges (RED)</u>		
a. <u>< 3 waste streams</u>	<u>38,000</u>	<u>38,000</u>
b. <u>3 - < 8 waste streams</u>	<u>66,000</u>	<u>66,000</u>
c. <u>8 waste streams and more</u>	<u>108,500</u>	<u>108,500</u>
<u>RCRA Corrective Action Sites</u>	<u>27,600</u>	<u>27,600</u>
<u>Sand and Gravel - General Permit</u>		
a. <u>Mining Activities</u>		

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY2024 ANNUAL PERMIT FEE</u>	<u>FY2025 ANNUAL PERMIT FEE</u>
<u>1. Mining, screening, washing, and/or crushing</u>	<u>2,550</u>	<u>2,550</u>
<u>2. Nonoperating</u>	<u>150</u>	<u>150</u>
<u>b. Asphalt Production and Recycling</u>		
<u>1. 0 - < 50,000 tons per year</u>	<u>1,070</u>	<u>1,070</u>
<u>2. 50,000 - < 300,000 tons per year</u>	<u>2,550</u>	<u>2,550</u>
<u>3. 300,000 tons per year and greater</u>	<u>3,180</u>	<u>3,180</u>
<u>4. Nonoperating</u>	<u>150</u>	<u>150</u>
<u>c. Concrete Production and Recycling</u>		
<u>1. 0 - < 25,000 cubic yards per year</u>	<u>1,070</u>	<u>1,070</u>
<u>2. 25,000 - < 200,000 cubic yards per year</u>	<u>2,550</u>	<u>2,550</u>
<u>3. 200,000 cubic yards per year and greater</u>	<u>3,180</u>	<u>3,180</u>
<u>4. Nonoperating</u>	<u>150</u>	<u>150</u>
<u>d. Portable Facility</u>		
<u>1. Rock crushing</u>	<u>2,700</u>	<u>2,700</u>
<u>2. Asphalt</u>	<u>2,700</u>	<u>2,700</u>
<u>3. Concrete</u>	<u>2,700</u>	<u>2,700</u>
<u>4. Nonoperating</u>	<u>165</u>	<u>165</u>
<u>Sand and Gravel - Individual Permit</u>		
<u>a. Mining Activities</u>		
<u>1. Mining, screening, washing, and/or crushing</u>	<u>3,580</u>	<u>3,580</u>
<u>2. Nonoperating</u>	<u>175</u>	<u>175</u>
<u>b. Asphalt Production and Recycling</u>		
<u>1. 0 - < 50,000 tons per year</u>	<u>1,550</u>	<u>1,550</u>
<u>2. 50,000 - < 300,000 tons per year</u>	<u>3,580</u>	<u>3,580</u>
<u>3. 300,000 tons per year and greater</u>	<u>4,480</u>	<u>4,480</u>
<u>4. Nonoperating</u>	<u>175</u>	<u>175</u>
<u>c. Concrete Production and Recycling</u>		
<u>1. 0 - < 25,000 cubic yards per year</u>	<u>1,550</u>	<u>1,550</u>
<u>2. 25,000 - < 200,000 cubic yards per year</u>	<u>3,580</u>	<u>3,580</u>
<u>3. 200,000 cubic yards per year and greater</u>	<u>4,480</u>	<u>4,480</u>
<u>4. Nonoperating</u>	<u>175</u>	<u>175</u>
<u>d. Portable Facility</u>		
<u>1. Rock crushing</u>	<u>3,700</u>	<u>3,700</u>
<u>2. Asphalt</u>	<u>3,700</u>	<u>3,700</u>
<u>3. Concrete</u>	<u>3,700</u>	<u>3,700</u>
<u>4. Nonoperating</u>	<u>200</u>	<u>200</u>
<i>The sand and gravel annual fee is the sum of the applicable fees for the permitted activities.</i>		
<u>Seafood Processing</u>		
<u>a. < 1,000 gpd</u>	<u>1,960</u>	<u>1,960</u>
<u>b. 1,000 - < 10,000 gpd</u>	<u>5,000</u>	<u>5,000</u>
<u>c. 10,000 - < 50,000 gpd</u>	<u>8,930</u>	<u>8,930</u>
<u>d. 50,000 - < 100,000 gpd</u>	<u>14,040</u>	<u>14,040</u>
<u>e. 100,000 gpd or greater</u>	<u>19,640</u>	<u>19,640</u>
<u>Shipyards</u>		

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY2024 ANNUAL PERMIT FEE</u>	<u>FY2025 ANNUAL PERMIT FEE</u>
a. <u>Per crane, travel lift, small boat lift</u>	<u>4,820</u>	<u>4,820</u>
b. <u>Per drydock under 250 feet in length</u>	<u>4,820</u>	<u>4,820</u>
c. <u>Per graving dock</u>	<u>4,820</u>	<u>4,800</u>
d. <u>Per marine way/ramp</u>	<u>7,230</u>	<u>7,230</u>
e. <u>Per syncolift</u>	<u>7,230</u>	<u>7,230</u>
f. <u>Per drydock 250 feet and over in length</u>	<u>9,640</u>	<u>9,640</u>
g. <u>In-water vessel maintenance</u>	<u>9,640</u>	<u>9,640</u>
<i>The shipyard annual fee is the sum of the fees for applicable subcategories.</i>		
<u>Solid Waste Sites (nonstormwater)</u>		
a. <u>Nonputrescible</u>	<u>7,850</u>	<u>7,850</u>
b. <u>< 50 acres</u>	<u>15,700</u>	<u>15,700</u>
c. <u>50 - < 100 acres</u>	<u>31,410</u>	<u>31,410</u>
d. <u>100 - < 250 acres</u>	<u>39,260</u>	<u>39,260</u>
e. <u>250 acres and greater</u>	<u>58,900</u>	<u>58,900</u>
<u>Textile Mills</u>	<u>78,500</u>	<u>78,500</u>
<u>Timber Products</u>		
a. <u>Log Storage</u>	<u>3,930</u>	<u>3,930</u>
b. <u>Veneer</u>	<u>7,850</u>	<u>7,850</u>
c. <u>Sawmills</u>	<u>15,700</u>	<u>15,700</u>
d. <u>Hardwood, Plywood</u>	<u>27,480</u>	<u>27,480</u>
e. <u>Wood Preserving</u>	<u>37,700</u>	<u>37,700</u>
<u>Vegetable/Bulb Washing Facilities</u>		
a. <u>< 1,000 gpd</u>	<u>150</u>	<u>200</u>
b. <u>1,000 - < 5,000 gpd</u>	<u>280</u>	<u>300</u>
c. <u>5,000 - < 10,000 gpd</u>	<u>550</u>	<u>600</u>
d. <u>10,000 - < 20,000 gpd</u>	<u>1,100</u>	<u>1,180</u>
e. <u>20,000 gpd and greater</u>	<u>1,830</u>	<u>1,930</u>
<u>Vehicle Maintenance and Freight Transfer</u>		
a. <u>< 0.5 acre</u>	<u>3,930</u>	<u>3,930</u>
b. <u>0.5 - < 1.0 acre</u>	<u>7,850</u>	<u>7,850</u>
c. <u>1.0 acre and greater</u>	<u>11,780</u>	<u>11,780</u>
<u>Vessel Deconstruction</u>		
a. <u>Base Fee</u>	<u>3,160</u>	<u>3,160</u>
b. <u>On land (per project)</u>	<u>3,550</u>	<u>3,550</u>
c. <u>On barge or drydock (per project)</u>	<u>4,850</u>	<u>4,850</u>
d. <u>In-Water (per project)</u>	<u>18,700</u>	<u>18,700</u>
<i>The vessel deconstruction annual fee is the sum of the base fee and applicable subcategories.</i>		
<u>Water Plants - General Permit</u>	<u>3,700</u>	<u>3,700</u>
<u>Water Plants - Individual Permit</u>	<u>5,300</u>	<u>5,300</u>
<u>Wineries - General Permit</u>		
a. <u>< 24,999 gpy</u>	<u>300</u>	<u>300</u>
b. <u>25,000 - < 39,999 gpy</u>	<u>440</u>	<u>440</u>
c. <u>40,000 - < 54,999 gpy</u>	<u>680</u>	<u>680</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY2024 ANNUAL PERMIT FEE</u>	<u>FY2025 ANNUAL PERMIT FEE</u>
d. 55,000 - < 69,999 gpy	910	910
e. 70,000 - < 99,999 gpy	1,150	1,150
f. 100,000 - < 299,999 gpy	1,660	1,660
g. 300,000 - < 699,999 gpy	4,970	4,970
h. 700,000 - < 999,999 gpy	11,600	11,600
i. 1,000,000 - < 1,999,999 gpy	16,600	16,600
j. 2,000,000 gpy and greater	33,200	33,200
<u>Wineries - Individual Permit</u>		
a. < 24,999 gpy	430	430
b. 25,000 - < 39,999 gpy	630	630
c. 40,000 - < 54,999 gpy	960	960
d. 55,000 - < 69,999 gpy	1,300	1,300
e. 70,000 - < 99,999 gpy	1,650	1,650
f. 100,000 - < 299,999 gpy	2,370	2,370
g. 300,000 - < 699,999 gpy	7,110	7,110
h. 700,000 - < 999,999 gpy	16,600	16,600
i. 1,000,000 - < 1,999,999 gpy	23,760	23,760
j. 2,000,000 gpy and greater	47,000	47,000

(a) Facilities are assessed a fee or fees that best aligns with the category and subcategory relevant to their water quality discharge. Except for CAFO, RCRA, sand and gravel, shipyard, and vessel deconstruction that operate within multiple fee subcategories, if the facility fits within several categories or subcategories, then the permit holder is assessed the highest fee.

(b) CAFO, fruit packing, sand and gravel, vessel deconstruction and winery permit holders must submit information to the department certifying annual unit amounts or production during the previous calendar year. The permit holder must submit the information to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory for which the facility has received permit coverage.

(c) Information submitted on the required form must include a signature certifying the information is correct:

(i) For a corporation, by an authorized corporate officer;

(ii) For a limited partnership, by an authorized partner;

(iii) For a general partnership, by an authorized general partner; or

(iv) For a sole proprietorship, by the proprietor.

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

(e) Fees for fruit packing facilities discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the fruit packing or noncontact cooling water without additives categories. Any inactive fruit packing facility shall be assessed the lowest bin per year fee or lowest noncontact cooling water fee, as determined by the department.

(f) Where no clear industrial facility category exists for placement of a permit holder, the department will place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes or a category that contains similar permitting complexities. If no such category exists, the department will assess the minimum permit fee as specified in this section, until an appropriate permit fee category can be added to the rule.

(g) Hazardous waste cleanup sites and EPA authorized RCRA corrective action sites where the department has begun cost recovery through chapter 70A.305 RCW shall not pay an annual permit fee under this chapter until such time as the cost recovery under chapter 70A.305 RCW ceases.

(h) Any permit holder (with the exception of nonoperating portable facilities and fruit packing operations), who has not been in continuous operation within a consecutive 18-month period to include the assessed fiscal year or who commits to not being in operation for a consecutive 18-month period or longer may request their annual permit fee be reduced to the inactive rate by submitting the required request form. The inactive rate is 25 percent of the annual permit fee that would otherwise be assessed. The inactive status may be verified by the appropriate department staff. After the inactive status for the 18-month period ends, the permit fee returns to the full amount. The permit holder must submit another form to extend the inactive rate for another 18 months.

If a permit holder resumes operations during the 18-month inactive status, the full permit fee is due for that fiscal year. The inactive rate fee paid, will be applied to the full fee due.

(i) 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.

(j) RCRA corrective action sites requiring a waste discharge permit are assessed a separate annual 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.

(4) MUNICIPAL AND DOMESTIC WASTEWATER FACILITIES ANNUAL PERMIT FEE SCHEDULE

The following municipal and domestic wastewater facilities must pay an annual permit fee as follows:

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

Residential Equivalents (RE)	FY2024 Permit Fee	FY2025 Permit Fee
<i>The annual fee is calculated by multiplying the number of REs by the FY per RE rate, for permit holders with 100 or more REs For permit holders with less than 100 REs, a flat fee will be assessed</i>		
<u>Less than 100 REs (Minimum Muni WW Fee)</u>	<u>\$250 flat fee</u>	<u>\$250 flat fee</u>
<u>100 and more REs</u>		
<u>< 250,000 REs</u>	<u>\$3.43 per RE</u>	<u>\$3.43 per RE</u>
<u>Greater than 250,000 REs</u>	<u>\$3.43 per RE</u>	<u>\$3.43 per RE</u>

(b) The annual permit fee for privately owned or public-owned domestic wastewater facilities that do not primarily serve residential customers and for state-owned domestic wastewater facilities is deter-

mined by using the design flow, or maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. The annual fees for flow-based facilities are as follows:

Tiered Flow-Based Fee	FY2024 Annual Permit Fee	FY2025 Annual Permit Fee
<u>.1 MGD and greater</u>	<u>\$12,000</u>	<u>\$12,000</u>
<u>.05 MGD - <.1 MGD</u>	<u>\$6,000</u>	<u>\$6,000</u>
<u>.01 MGD - <.05 MGD</u>	<u>\$3,000</u>	<u>\$3,000</u>
<u>.005 MGD - <.01 MGD</u>	<u>\$1,500</u>	<u>\$1,500</u>
<u>.001 MGD - <.005 MGD</u>	<u>\$750</u>	<u>\$750</u>
<u>Less than .001 MGD</u>	<u>\$375</u>	<u>\$375</u>

(c) Instructions for calculating residential equivalents and reporting flow are provided on annual forms sent by the department to permit holders each year. Permit holders are required to complete and return the forms and any required back-up documentation to the department by the specified due date. Failure to return the annual form and any required back-up documentation will result in a permit fee as determined by the department.

(i) The annual forms must include a signature certifying the provided information is correct:

(A) For a corporation, by an authorized corporate officer;

(B) For a limited partnership, by an authorized partner;

(C) For a general partnership, by an authorized partner;

(D) For a sole proprietorship, by the proprietor; or

(E) For a municipal or other public facility, by either a ranking elected official or a principal executive officer.

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

(d) The annual permit fee for a domestic wastewater facility with a Puget Sound nutrient general permit will be calculated at the rate of \$0.31 per residential equivalent per year or the \$250 minimum wastewater fee described in this section, as determined by the department. The number of residential equivalents will be calculated based on information provided on the forms required in this section.

(5) CONSTRUCTION AND INDUSTRIAL STORMWATER ANNUAL PERMIT FEE SCHEDULE

(a) Unless specifically addressed elsewhere in this section, the following construction and industrial stormwater permit holders must pay an annual permit fee as follows:

	FY204 Annual Permit Fee	FY2025 Annual Permit Fee
a. Construction and Industrial Stormwater - Individual Permits		
<u>1. < 50 acres</u>	<u>\$6,250</u>	<u>\$6,350</u>
<u>2. 50 - < 100 acres</u>	<u>12,500</u>	<u>12,750</u>
<u>3. 100 - < 500 acres</u>	<u>18,730</u>	<u>19,030</u>
<u>4. 500 acres and greater</u>	<u>25,500</u>	<u>26,000</u>
b. Industrial Stormwater General Permit (ISGP)		
<u>1. Municipalities and state agencies</u>	<u>2,100</u>	<u>2,100</u>

	<u>FY204 Annual Permit Fee</u>	<u>FY2025 Annual Permit Fee</u>
<u>2. New permit holders who have not previously submitted an annual gross revenue form</u>	<u>1,100</u>	<u>1,100</u>
<u>3. All other ISGP permit holders will have a fee based on the annual gross revenue reporting</u>		
<u>Gross Revenue Subcategories</u>		
<u>Less than \$100,000</u>	<u>200</u>	<u>200</u>
<u>\$100,000 - < \$500,000</u>	<u>500</u>	<u>500</u>
<u>\$500,000 - < \$1,000,000</u>	<u>750</u>	<u>750</u>
<u>\$1,000,000 - < \$2,500,000</u>	<u>1,020</u>	<u>1,020</u>
<u>\$2,500,000 - < \$5,000,000</u>	<u>1,700</u>	<u>1,700</u>
<u>\$5,000,000 - < \$10,000,000</u>	<u>2,540</u>	<u>2,540</u>
<u>\$10,000,000 - < \$15,000,000</u>	<u>3,020</u>	<u>3,020</u>
<u>\$15,000,000 - < \$20,000,000</u>	<u>3,250</u>	<u>3,250</u>
<u>\$20,000,000 and greater</u>	<u>3,400</u>	<u>3,400</u>
<u>c. Construction Stormwater General Permit (CSWGP)</u>		
<u>1. Less than 1 acre</u>	<u>500</u>	<u>500</u>
<u>2. 1 - < 5 acres</u>	<u>780</u>	<u>780</u>
<u>3. 5 - < 7 acres</u>	<u>1,280</u>	<u>1,280</u>
<u>4. 7 - < 10 acres</u>	<u>1,720</u>	<u>1,720</u>
<u>5. 10 - < 20 acres</u>	<u>2,350</u>	<u>2,350</u>
<u>6. 20 - < 50 acres</u>	<u>2,920</u>	<u>2,920</u>
<u>7. 50 - < 100 acres</u>	<u>3,100</u>	<u>3,100</u>
<u>8. 100 - < 500 acres</u>	<u>3,300</u>	<u>3,300</u>
<u>9. 500 - < 1,000 acres</u>	<u>3,500</u>	<u>3,500</u>
<u>10. 1,000 and more acres</u>	<u>3,700</u>	<u>3,700</u>

(b) For industrial stormwater general permit holders assessed fees based on gross revenue, the permit holder must provide gross revenue information on the required form annually. Forms will be provided annually by the department and with a specified due date. Failure to provide this information will result in a fee determination based on the highest subcategory for which the facility has permit coverage. Submitted forms must include a signature certifying the provided information is correct:

- (i) For a corporation, by an authorized corporate officer;
- (ii) For a limited partnership, by an authorized general partner;
- (iii) For a general partnership, by an authorized partner; or
- (iv) For a sole proprietorship, by the proprietor.

(c) The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, will revise both current and previous granted fee determinations as appropriate in addition to taking other actions provided by law.

(6) MUNICIPAL STORMWATER ANNUAL PERMIT FEE SCHEDULE

(a) Municipal stormwater phase 1 general permit holders must pay an annual permit fee as follows:

<u>Name of Entity</u>	<u>FY2024 Annual Permit Fee</u>	<u>FY2025 Annual Permit Fee</u>
<u>Clark County</u>	<u>\$72,665</u>	<u>\$76,916</u>

<u>Name of Entity</u>	<u>FY2024 Annual Permit Fee</u>	<u>FY2025 Annual Permit Fee</u>
<u>King County</u>	<u>72,665</u>	<u>76,916</u>
<u>Pierce County</u>	<u>72,665</u>	<u>76,916</u>
<u>Seattle, City of</u>	<u>72,665</u>	<u>76,916</u>
<u>Snohomish County</u>	<u>72,665</u>	<u>76,916</u>
<u>Tacoma, City of</u>	<u>72,665</u>	<u>76,916</u>
<u>WSDOT</u>	<u>72,665</u>	<u>76,916</u>

(b) Municipal stormwater phase 2 general permit holders pay a fee for fiscal year 2024 and 2025 based on the most recently available census estimations for median household income for cities and counties as follows:

(i) For cities and counties with a median household income level above the state average, the annual permit fee is \$2.04 per housing unit inside the geographic area covered by the permit, with a not-to-exceed amount of \$72,665 in fiscal year 2024, and \$76,916 in fiscal year 2025. The minimum annual permit fee is \$3,000.

(ii) For cities and counties with a median household income level below the state average, the annual permit fee is \$1.04 per housing unit inside the geographic area covered by the permit. The minimum annual permit fee is \$150.

(c) Other entities (phase 1 and 2 secondary facilities) with a municipal stormwater general permit must pay an annual permit fee based on the entities' previous calendar year annual operating budget for the facilities covered under the stormwater permit as follows:

<u>Other Entities' Annual Stormwater Facility Operating Budget</u>	<u>FY2024 Annual Permit Fee</u>	<u>FY2025 Annual Permit Fee</u>
<u>Less than \$100,000</u>	<u>\$200</u>	<u>\$200</u>
<u>\$100,000 - < \$1,000,000</u>	<u>805</u>	<u>805</u>
<u>\$1,000,000 - < \$5,000,000</u>	<u>2,010</u>	<u>2,010</u>
<u>\$5,000,000 - < \$10,000,000</u>	<u>3,020</u>	<u>3,020</u>
<u>\$10,000,000 and greater</u>	<u>5,024</u>	<u>5,024</u>

(d) Stormwater permit holders assessed fees under (b) of this subsection must complete an annual form provided by department, certifying the number of housing units served by their system. Permit holders under (c) of this subsection must complete an annual form provided by the department supplying their annual operating budget. The forms must be completed and returned to the department annually within the time frame specified on the forms. Failure to return the form will result in an annual permit fee as determined by the department.

(e) One annual permit fee will be assessed for entities that apply as copermittees or coapplicants and are assigned one permit number. The annual permit fee will be equal to the highest single permit fee that would have been assessed if the copermittees had applied separately. The copermittee responsible for paying annual permit fees will be identified in the permit.

[Statutory Authority: RCW 90.48.465. WSR 21-13-150 (Order 19-10), § 173-224-040, filed 6/22/21, effective 7/23/21; WSR 19-14-040 (Order 18-01), § 173-224-040, filed 6/26/19, effective 7/27/19; WSR 17-16-005 (Order 16-11), § 173-224-040, filed 7/20/17, effective 8/20/17; WSR

15-23-110 (Order 15-02), § 173-224-040, filed 11/18/15, effective 12/19/15; WSR 13-22-051 (Order 13-02), § 173-224-040, filed 11/1/13, effective 12/2/13. Statutory Authority: RCW 90.48.465 and 2011 c 50 § 302(2). WSR 11-20-035 (Order 11-02), § 173-224-040, filed 9/27/11, effective 10/28/11. Statutory Authority: RCW 90.48.465. WSR 09-20-020 (Order 09-06), § 173-224-040, filed 9/28/09, effective 10/29/09. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-040, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 90.48.465. WSR 06-12-028 (Order 05-17), § 173-224-040, filed 5/30/06, effective 6/30/06; WSR 04-15-046, § 173-224-040, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. WSR 02-12-059, § 173-224-040, filed 5/30/02, effective 6/30/02; WSR 00-13-010 (Order 00-06), § 173-224-040, filed 6/9/00, effective 7/10/00; WSR 00-02-031 (Order 99-03), § 173-224-040, filed 12/28/99, effective 1/28/00; WSR 98-03-046 (Order 97-27), § 173-224-040, filed 1/15/98, effective 2/15/98; WSR 96-03-041 (Order 94-21), § 173-224-040, filed 1/10/96, effective 2/10/96; WSR 94-10-027 (Order 93-08), § 173-224-040, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-040, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 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 21-13-150, filed 6/22/21, effective 7/23/21)

WAC 173-224-050 Permit fee computation and payments. (1) The department (~~(shall charge)~~) assesses annual permit fees based on the permit fee schedule (~~(contained)~~) in WAC 173-224-040. The department (~~(may charge fees)~~) issues invoices at the beginning of the fiscal year to which they apply. The department (~~(shall)~~) will notify permit holders of annual permit fee charges by either sending an invoice to the (~~(permittee)~~) permit holder on record or making the invoice available online. (~~(The department must receive permit fee)~~) Payments are due by the date on the invoice, which is typically within (~~(forty-five)~~) 45 days (~~(after the department sends a billing statement)~~) of the invoice issue date. The department may elect to (~~(bill)~~) invoice the annual permit fee to permit holders (~~(a prorated portion of the annual fee)~~) on a monthly, quarterly, or other periodic basis. It is the permit holder's responsibility to ensure that the department has the correct billing address on file.

(2) Permit fee computation (~~(shall)~~) begins on the first day of each fiscal year. (~~(In the case of facilities or activities not previously covered by)~~) For newly issued permits, fee computation begins on the permit issuance date and shall not fall below the minimum permit fee as specified in WAC 173-224-040(2). (~~(In the case of applicants)~~)

(3) For state waste discharge permit(~~(s)~~) applicants who are deemed to have a temporary permit under RCW 90.48.200, fee computation (~~(shall)~~) begins on the (~~(sixty-first day after)~~) date the department (~~(accepts a)~~) approves the completed application. (~~(In the case of)~~)

(4) For existing NPDES permit holders who submit a (~~(new, updated)~~) renewal permit application or a permit modification request containing information that (~~(could)~~) may change their assigned permit fee, computation and permit fee category reassignment begins (~~(upon)~~) on the date the department (~~(accepts the application)~~) issues the renewed permit or permit modification.

~~(5)~~ Any facility that obtains permit coverage but fails to operate ~~((will))~~ is still ~~((be))~~ obligated to pay the annual permit fee assessment in this chapter until the department terminates permit coverage. Permits terminated during the fiscal year will pay the full annual fee assessment regardless of the permit termination date.

~~((3))~~ (6) Annual permit fees for sand and gravel general permit holders are assessed as in ((subsection (2) of this section)) WAC 173-224-040(3) and:

(a) Nonoperating sites. A facility conducting mining, screening, washing ~~((and/or))~~ or crushing activities, excluding portable rock crushing operations, is considered nonoperating for fee purposes if they are conducting these activities for less than ~~((ninety))~~ 90 cumulative days during a calendar year. A facility producing or recycling no asphalt ~~((and/or))~~ or concrete during the calendar year is also considered nonoperating for fee purposes.

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

(c) Fees for continuously active sites that produce or recycle concrete ~~((and/or))~~ or asphalt, excluding asphalt portable batch plants and concrete portable batch plants, are based on the previous calendar year production totals. Existing facilities must provide the department with the production or recycled totals for concrete ~~((and/or))~~ or asphalt produced or recycled during the previous calendar year. New facilities with no historical asphalt ~~((and/or))~~ or concrete production or recycling data will have their first year fee based on the production or recycling levels reported ~~((on))~~ in the permit application ((for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Stormwater, 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)).

~~((4))~~ (7) Fees for fruit ((packer)) packing general permit holders are assessed as in ((subsection (2) of this section)) WAC 173-224-040(3) and are computed based 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)(e)) (3)(b). 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 is determined based on the actual production during the first year. Fee calculation for subsequent years will be based on the average production values of previous years.

~~((5))~~ (8) Facilities with construction and industrial stormwater general permit coverage will have their annual permit fees begin on the permit issuance date.

~~((6) Permit fee accrual will))~~ (9) Annual permit fees continue until the permit has been terminated by the department regardless ((if)) of whether 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~~

~~stormwater general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.~~

~~(8))~~ (10) Computation of fees shall end on June 30th, the last day of the state's fiscal year regardless of the permit termination date.

~~((9))~~ (11) The applicable permit fee shall be paid using ~~((ecology's))~~ the department's online payment ~~((software))~~ system or by check or money order payable to the "Department of Ecology" and mailed to the ~~((Water Quality Permit Fee Program))~~ Cashiering Office, P.O. Box 47611, Olympia, Washington 98504-7611.

~~((10))~~ (12) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

~~((11) Delinquent accounts.)~~ (13) Permit holders are considered delinquent in the payment of annual permit fees if the fees are not received by the first invoice ~~((billing))~~ due date. Delinquent accounts are processed in the following manner:

(a) Municipal and government entities ~~((shall))~~ and Native American tribes will be notified by regular mail or email that they have ~~((forty-five))~~ 45 days to ~~((bring the delinquent account up to date))~~ pay outstanding invoices. Accounts that remain delinquent after ~~((forty-five))~~ 45 days may receive a ~~((permit revocation letter))~~ notice of penalty for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders ~~((shall))~~ will be notified by the department by regular mail or email that they have ~~((forty-five))~~ 45 days to ~~((bring the delinquent account up to date))~~ pay outstanding invoices. Accounts that remain delinquent after ~~((forty-five))~~ 45 days may receive a notice of penalty and may be ~~((turned over for))~~ referred to a collections agency. In addition to the amount owed, the collection agent may add a fee to the delinquent amount owed as authorized by RCW 19.16.500. 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. WSR 21-13-150 (Order 19-10), § 173-224-050, filed 6/22/21, effective 7/23/21; WSR 19-14-040 (Order 18-01), § 173-224-050, filed 6/26/19, effective 7/27/19; WSR 17-16-005 (Order 16-11), § 173-224-050, filed 7/20/17, effective 8/20/17; WSR 13-22-051 (Order 13-02), § 173-224-050, filed 11/1/13, effective 12/2/13; WSR 09-20-020 (Order 09-06), § 173-224-050, filed 9/28/09, effective 10/29/09. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-050, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 90.48.465. WSR 04-15-046, § 173-224-050, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. WSR 02-12-059, § 173-224-050, filed 5/30/02, effective 6/30/02; WSR 00-02-031 (Order 99-03), § 173-224-050, filed 12/28/99, effective 1/28/00; WSR 98-03-046 (Order 97-27), § 173-224-050, filed 1/15/98, effective 2/15/98; WSR 96-03-041 (Order 94-21), § 173-224-050, filed 1/10/96, effective 2/10/96; WSR 94-10-027 (Order 93-08), § 173-224-050, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-050, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 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 89-12-027 and 90-07-015, filed 5/31/89 and 3/13/90, effective 4/13/90)

WAC 173-224-060 Permits issued by other governmental agencies.

The department shall not charge permit fees for:

- (1) Permits issued by a city, town, or municipal corporation under RCW 90.48.165;
- (2) Permits issued by the energy facilities site evaluation council under RCW 80.50.071;
- (3) Permits administered by the EPA under 33 U.S.C. 1251 et seq.
- (4) Nothing herein shall restrict the department from (~~charging~~) assessing fees to recover administrative expenses of permits it issues under RCW 90.48.160 for discharges into municipal sewer systems, nor for charging fees to recover administrative expenses related to monitoring compliance with delegated pretreatment programs.

[Statutory Authority: Chapter 43.21A RCW. WSR 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-060, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending WSR 21-13-150, filed 6/22/21, effective 7/23/21)

WAC 173-224-080 Transfer of permit coverage. In the event (~~that~~) a permit is transferred, the department shall not refund permit fees. Fees paid by a previous permit holder shall be applied to the corresponding fee payment requirements of a new permit holder. Unpaid permit fees owed by a previous permit holder are the liability of a new permit holder. Fee agreements between a new and previous permit holder are not binding on the department.

[Statutory Authority: RCW 90.48.465. WSR 21-13-150 (Order 19-10), § 173-224-080, filed 6/22/21, effective 7/23/21. Statutory Authority: Chapter 43.21A RCW. WSR 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-080, filed 5/31/89 and 3/13/90, effective 4/13/90.]

AMENDATORY SECTION (Amending WSR 21-13-150, filed 6/22/21, effective 7/23/21)

WAC 173-224-090 Permit fee reductions. (~~With the exception of facilities covered under the construction and industrial stormwater general permits who are not eligible to apply for a fee reduction, any business required to pay a fee may receive a reduction of its permit fee.~~) Facilities covered under the construction stormwater general and individual permits, and the industrial stormwater general permits are not eligible to apply for a fee reduction under this section.

- (1) Market research and development.
 - (a) To qualify for the market research and development fee reduction, the (~~operation under~~) permit holder must be:
 - (i) A research facility with the primary purpose of researching market viability for products (~~and/or~~) or processes that reduce or eliminate wastewater pollutants or wastewater pollutant generating activity;

(ii) Covered under an individual permit issued within the past three fiscal years; and

(iii) Assessed a fee under an established fee category, excluding facility not otherwise classified.

(b) To receive a fee reduction, the permit holder must (~~submit an application~~) apply in a manner prescribed by the department demonstrating that the conditions in (a) of this subsection are met. The application (~~shall bear a certification of correctness and be signed~~) must include a signature certifying the provided information is correct:

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

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

(iii) (~~In the case of~~) For a general partnership, by an authorized partner;

(iv) (~~In the case of~~) For a sole proprietorship, by the proprietor; or

(v) (~~In the case of~~) For a municipality, state, (~~or~~) other public entity, or Native American tribe, by either a principal executive officer or (~~a ranking~~) an elected official.

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

(d) (~~The permit fee for market research and development determined to be~~) If the department determines a permit holder is eligible for a fee reduction under ((a) of) this subsection ((shall be)), the annual permit fee is reduced to ((twenty-five)) 25 percent of the assessed annual permit fee but not less than the minimum permit fee in WAC 173-224-040(2).

(e) A (~~site~~) permit holder can only be eligible for (~~this~~) a market research and development reduction for three consecutive fiscal years.

(2) Small business fee reduction.

(a) To qualify for the small business fee reduction, a business must meet all of the following conditions:

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

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

(iii) Have annual sales of (~~one million dollars~~) \$1,000,000 or less of the goods or services produced using the processes regulated by the waste discharge or individual stormwater discharge permit; and

(iv) Have an original annual permit fee assessment totaling (~~five hundred dollars~~) \$500 or greater.

(b) To receive a small business fee reduction, the permit holder must (~~submit an application~~) apply in a manner prescribed by the department demonstrating that the conditions in (~~(a) of~~) this subsection are met. The application (~~shall bear a certification of correctness and be signed~~) must include a signature certifying the information provided is correct:

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

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

- (iii) ~~((In the case of))~~ For a general partnership, by an authorized partner; or
- (iv) ~~((In the case of))~~ For a sole proprietorship, by the proprietor.

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

~~((The permit fee for small businesses determined to be))~~ If the department determines a permit holder is eligible under ~~((a) of))~~ this subsection ~~((shall be)),~~ the annual permit fee is reduced to ~~((fifty))~~ 50 percent of the assessed annual permit fee but not less than the minimum permit fee in WAC 173-224-040(2).

(3) Extreme hardship fee reduction.

~~((one hundred thousand dollars))~~ \$100,000 or less from goods and services produced using the processes regulated by the ~~((waste discharge or individual stormwater))~~ discharge permit may apply in a manner prescribed by the department for an extreme hardship fee reduction. ~~((The small business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below \$128.00.))~~

(b) To receive an extreme hardship fee reduction, the permit holder must provide sufficient evidence to support its claim of hardship and demonstrate that the conditions in this subsection are met. The application must have a signature certifying that the information provided is correct and be signed:

- (i) For a corporation, by an authorized corporate officer;
- (ii) For a limited partnership, by an authorized general partner;
- (iii) For a general partnership, by an authorized partner; or
- (iv) For a sole proprietorship, by the proprietor.

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

(d) If the department determines a permit holder is eligible under this subsection, the annual permit fee is reduced to the minimum annual permit fee specified in WAC 173-224-040(2).

(4) Hazardous waste cleanup hardship reduction.

(a) Any former small business that is currently assessed a hazardous waste cleanup sites fee and no longer operates as a small business on the cleanup site, may apply in a manner prescribed by the department to have their assessed fee reduced. The permit holder must provide sufficient evidence to support its claim of hardship and demonstrate that the conditions in this subsection are met. The application must have a signature certifying the information provided is correct and be signed:

- (i) For a corporation, by an authorized corporate officer;
- (ii) For a limited partnership, by an authorized general partner;
- (iii) For a general partnership, by an authorized partner; or
- (iv) For a sole proprietorship, by the proprietor.

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

(c) If the department determines a permit holder is eligible under this subsection, the annual permit fee is reduced to \$500.

[Statutory Authority: RCW 90.48.465. WSR 21-13-150 (Order 19-10), § 173-224-090, filed 6/22/21, effective 7/23/21; WSR 19-14-040 (Order 18-01), § 173-224-090, filed 6/26/19, effective 7/27/19; WSR 13-22-051 (Order 13-02), § 173-224-090, filed 11/1/13, effective 12/2/13. Statutory Authority: RCW 90.48.465 and 2011 c 50 § 302(2). WSR 11-20-035 (Order 11-02), § 173-224-090, filed 9/27/11, effective 10/28/11. Statutory Authority: RCW 90.48.465. WSR 09-20-020 (Order 09-06), § 173-224-090, filed 9/28/09, effective 10/29/09. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-090, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 90.48.465. WSR 04-15-046, § 173-224-090, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. WSR 96-03-041 (Order 94-21), § 173-224-090, filed 1/10/96, effective 2/10/96; WSR 94-10-027 (Order 93-08), § 173-224-090, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-090, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 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 WSR 19-14-040, filed 6/26/19, effective 7/27/19)

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 they are 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)~~) 30 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 47600, Olympia, Washington 98504-7696, within (~~(thirty)~~) 30 days of receipt. These procedures are consistent with the provisions of chapter 43.21B RCW and the rules and regulations adopted thereunder.

[Statutory Authority: RCW 90.48.465. WSR 19-14-040 (Order 18-01), § 173-224-100, filed 6/26/19, effective 7/27/19. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-100, filed 8/5/08, effective 9/5/08. Statutory Authority: Chapter 90.48 RCW. WSR 94-10-027 (Order 93-08), § 173-224-100, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-100, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 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.]