WSR 26-16-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 26-01—Filed July 30, 2026, 7:22 a.m.]

Subject of Possible Rule Making: Chapter 173-224 WAC, Water quality permit fees. The purpose of this chapter is to provide a permit 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.

Chapter 173-224 WAC implements RCW 90.48.465 that requires ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. The rule making considers the economic impact on small dischargers and public entities, and provides appropriate adjustments where applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.48 RCW, Water pollution control; and RCW 90.48.465 Water discharge fees—Report to the legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.48.465 requires ecology to establish, by rule, annual permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology adopted chapter 173-224 WAC, Water quality permit fees, in response to this law in 1989.

Ecology is considering amendments to chapter 173-224 WAC to continue recovering the costs of operating the water quality permit program, as required by RCW 90.48.465. Ecology is considering adjusting fee amounts for fiscal years 2028 and 2029 to ensure cost recovery and fairly balance program costs between permit fee categories. Ecology is also considering administrative corrections for clarity and readability, and changes to fee structures to better reflect the current state of certain industries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ligeia Heagy, P.O. Box 47600, Olympia, WA 98504-760[0], phone 564-233-8279, Washington relay service or TTY call 711 or 877-833-6341, email wqfeeunit@ecy.wa.gov, website https://ecology.wa.gov/WQ-fee-rule or https://ecology.wa.gov/EmailList/WQfee; or Matthew Tietjen, P.O. Box 47600, Olympia, WA 98504-760[0], phone 360-280-3697, Washington relay service or TTY call 711 or 877-833-6341, email wqfeeunit@ecy.wa.gov, website https://ecology.wa.gov/WQ-fee-rule or https://ecology.wa.gov/EmailList/WQfee.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

July 30, 2026
Jon Kenning, PhD

Water Quality Program Manager