



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 07, 2022

TIME: 4:29 PM

WSR 22-13-046

Agency: Department of Ecology AO 22-03

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 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 amendment considers the economic impact on small discharges 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; 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.

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 2024 and 2025 to recover the projected program costs next biennium and move closer to payment equity between permit fee categories. Ecology may also propose new permit fee categories, changes to the structure of specific permit fee categories, technical changes, and rule language changes to facilitate understanding.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedures 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:

Name: Leslie Connelly
Address: PO Box 47600, Olympia, WA 98504-7600
Phone: 360-628-4381
Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: wqfeeunit@ecy.wa.gov

Web site: <https://ecology.wa.gov/WQ-fee-rule>

Other: <https://ecology.wa.gov/EmailList/WQfee>

(If necessary)

Name: Ligeia Heagy
Address: PO Box 47600, Olympia, WA 98504-7600
Phone: 360-280-3697
Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: wqfeeunit@ecy.wa.gov

Web site: <https://ecology.wa.gov/WQ-fee-rule>

Other: <https://ecology.wa.gov/EmailList/WQfee>

Additional comments: Interested parties can stay informed about the rulemaking 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.

Date: June 7, 2022	Signature: 
Name: Vincent McGowan, PE	
Title: Water Quality Program Manager	