



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: June 21, 2018

TIME: 11:44 AM

WSR 18-14-006

Agency: Department of Ecology AO # 18-01

Subject of possible rule making: The Department of Ecology (Ecology) plans to amend 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 Ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260.

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 fees that will fund the wastewater and stormwater permit programs. Ecology adopted Chapter 173-224 WAC – Water Quality Permit Fees in response to this law.

This rule amendment allows Ecology to continue recovering expenses in operating and managing the permit programs. Ecology is proposing to increase fees for Fiscal Years 2020 and 2021 in order to collect the revenue needed to recover the costs of administering the wastewater and stormwater programs next biennium and move closer to payment equity between fee categories. Ecology may also propose changes to the structure of specific permit fee categories, beginning with creating the Winery General Permit fee category.

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:

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Address: PO Box 47600, Olympia, WA 98504-7600	Address:
Phone: 360 407-6425	Phone:
Fax: N/A	Fax:
TTY: 711, for deaf or hard of hearing: 877-833-6341 (Washington Relay Service)	TTY:
Email: wqfee_unit@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-224	Web site:
Other: Sign up for email updates: https://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO	Other:

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 21, 2018	Signature: 
Name: Heather R. Bartlett	
Title: Water Quality Program Manager	