



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 16-11

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-24-082 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: Chapter 173-224 WAC – Wastewater Discharge Permit Fees

Hearing location(s): See Attachment A

Submit written comments to:

Name: Charles Gilman
Address: Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

e-mail charles.gilman@ecy.wa.gov
by April 11, 2017

Date: _____ Time: _____

Assistance for persons with disabilities: Contact
Ecology Water Quality Program by March 28, 2017
TTY (877) 833-6341 or (360) 407-6600

Date of intended adoption: June 28, 2017

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

See Attachment B

Reasons supporting proposal:

RCW 90.48.465 – Water Pollution Control requires Ecology to establish, by rule, annual fees that will fund the water quality permit programs. Ecology adopted Chapter 173-224 WAC – Wastewater Discharge Permit Fees in response to this law.

This rule amendment allows for the continued recovery of Ecology’s expenses in operating and managing the permit programs. Ecology is proposing to increase fees for Fiscal Years 2018 and 2019 in order to collect the revenue needed to recover the costs of administering the water quality permit programs next biennium.

Statutory authority for adoption: RCW 90.48.465 - Water Pollution Control

Statute being implemented: RCW 90.48 - Water Pollution Control

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION: _____

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **March 01, 2017**

TIME: **9:23 AM**

WSR 17-06-071

DATE 2/22/17

NAME
Polly Zehm

SIGNATURE

TITLE
Deputy Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Washington State Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Charles Gilman	300 Desmond Drive SE, Lacey Washington	(360) 407-6425
Implementation.... Don Seeberger	300 Desmond Drive SE, Lacey Washington	(360) 407-6489
Enforcement..... Don Seeberger	300 Desmond Drive SE, Lacey Washington	(360) 407-6489

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Charles Gilman
Address: Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600
phone (360) 407-6425
e-mail charles.gilman@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Charles Gilman
Address: Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600
phone (360) 407-6425
e-mail charles.gilman@ecy.wa.gov

No: Please explain:

Attachment A: Public Hearings for the rule proposal for Chapter 173-224 WAC Wastewater Discharge Permit Fees (Proposed change of title to Water Quality Permit Fees)

Hearing 1 –Lacey WA combined with a webinar: April 4, 2017

Time: 1:30 PM - Presentation, question and answer session followed by the formal public hearing.

Location:

300 Desmond Drive, Lacey WA 98503

Webinar: Ecology is also offering this hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access.

Comments: Ecology will accept comments at the Lacey location and through the webinar.

To join the webinar click on the following link for more information and instructions:

<https://wadis.webex.com/wadis/j.php?RGID=r50e27d5d01ef99bfb9f05ede8a9d1516>.

Attachment B: Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Ecology is proposing to change the title of this chapter to Water Quality Permit Fees.

Ecology is also proposing to:

- Increase annual permit fees for the following fee types by 6.37% for State Fiscal Year 2018 and 5.58% for State Fiscal Year 2019: Aluminum Alloys, Aluminum Forming, Aggregate Production – Individual and General Permits, Aquatic Pest Control, Boatyards – Individual and General Permits, Coal Mining and Preparation, Concentrated Animal Feeding Operations, Dairies, Iron and Steel, Metal Finishing, Municipal Wastewater - >250,000 Residential Equivalents, Nonferrous Metals Forming, Ore Mining, Private and State Owned Facilities, Shipyards, Stormwater Construction – Individual and General Permits, Stormwater Industrial – Individual and General Permits, and Stormwater Municipal Phase 1 and 2 Permits.
- Increase annual permit fees for the following fee types by 5.50% for State Fiscal Year 2018 and 4.50% for State Fiscal Year 2019: Aquaculture, Aluminum and Magnesium Reduction Mills, Bridge Washing, Combined Industrial Waste Treatment, Combined Food Processing Waste Treatment, Combined Sewer Overflow System, Commercial Laundry, Crop Preparing – Individual and General Permits, Facilities Not Otherwise Classified – Individual and General Permits, Flavor Extraction, Food Processing, Fuel and Chemical Storage, Hazardous Waste Cleanup Sites, Ink Formulation and Printing, Inorganic Chemicals Manufacturing, Municipal Wastewater - >250,000 Residential Equivalents, Noncontact Cooling Water With Additives – Individual and General Permits, Noncontact Cooling Water Without Additives – Individual and General Permits, Organic Chemical Manufacturing, Petroleum Refining, Photofinishers, Power and/or Steam Plants, Pulp, Paper and Paperboard, Radioactive Effluents and Discharges, RCRA Corrective Action Sites, Seafood Processing, Solid Waste Sites, Textile Mills, Timber Products, Vegetable/Bulb Washing Facilities, Vehicle Maintenance and Freight Transfer, Water Plants – Individual and General Permits and Wineries – Individual Permits.

Ecology is also updating rule language to account for changes in current business practices relating to electronic payment options, collection processes, and data collection. Ecology is also removing the winery general permit fee category for the 2017-19 biennium, as this new permit will not be effective until July 1, 2019.