



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 26, 2019

TIME: 1:32 PM

WSR 19-14-040

**Agency:** Department of Ecology AO # 18-01

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** 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. 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 also updated rule language to account for changes in current business practices relating to electronic invoices and introduces a new fee reduction type- Market Research & Development Reduction. Ecology is also enacting changes to the structure of specific permit fee categories, including creating the Winery General Permit fee category.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 173-224

Suspended:

**Statutory authority for adoption:** RCW 90.48.465 – Water Discharge Fees – Report to the Legislature

**Other authority:** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-07-011 on March 7, 2019 (date).

Describe any changes other than editing from proposed to adopted version: Ecology's initial proposed language for the Market Research & Development Reduction did not capture the intent to focus on a facility's wastewater permitted discharges that these fees are assessed against. Ecology determined the goals and objectives of the authorizing statute are better met by clarifying and editing the eligibility criteria with the potential to reduce wastewater discharge pollutants, permitting complexity, and the associated costs Ecology is required to recover.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Charles Gilman

Address: Department of Ecology  
Water Quality Program  
PO BOX 46700  
Lacey, WA 98504

Phone: 800-633-6193 Option 2

Fax: N/A

TTY: 711, for deaf or hard of hearing: 877-833-6341 (Washington Relay Service)

Email: wqfee\_unit@ecy.wa.gov

Web site: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-224>

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>6</u>	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>6</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>6</u>	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** June 26, 2019

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

