Preliminary DRAFT Chapter 173-175 WAC

This is a preliminary draft of the rule amendment we are proposing to Chapter 173-175 WAC Dam Safety. This rulemaking will consider and adjust the fees collected by Ecology for dam safety operations, including examination of plans and specifications for dam construction, and costs for periodic inspections. As part of this rulemaking, we will also explore amendments that will establish a methodology for adjusting the fee schedule in the future, such as a formula or fiscal growth factor.

If you have questions about this preliminary draft, please contact the Rule Lead at harrison.lee@ecy.wa.gov

How to use this document

Share your thoughts and tell us what you think about how we're incorporating statute requirements and streamlining funding administration into rule. What did we get right? What should we change?

Step 1: Read.

- Read through the preliminary draft rule.

Step 2: Consider our questions.

- Do these requirements make sense?
- How can we improve readability?
- Do you have any thoughts or information about potential impacts related to this rulemaking?

Step 3: Provide feedback.

We encourage you to provide feedback on any element of the preliminary draft rule language.

- Share your feedback during our online discussion on November 19, 2026. Join a webinar by signing up on our rule webpage.[1]

[1] Rule webpage: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-175

- Send us your feedback before the comment period closes on Monday, November 30, 2026.

Tips for providing feedback

- Tell us what you support and what you disagree with.
- Suggest specific language. This helps our team understand what change you want.
- Use examples to illustrate concerns and explain your feedback.
- Offer solutions. Suggest ways we can address your concerns.

We'll use your feedback to improve our approach and write the formal draft rule. In Spring, 2027 we'll share the formal draft rule and provide a formal public comment period.

Amendment to Chapter 173-175 WAC

PART THREE

CONSTRUCTION PERMIT FEES

173-175-350

Authority for construction permit fees.

RCW 90.03.470 authorizes the department to collect fees for the examination of plans and specifications of controlling works. In addition, the department is required by RCW 43.21A.064(2) to inspect the construction of all dams. RCW 90.03.470(7)(8) authorizes the department to collect the actual costs for the inspection of any hydraulic works, including any associated expenses. The department may amend these fees by rule as provided in RCW 90.03.470(16)

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. WSR 92-12-055 (Order 91-17), § 173-175-350, filed 6/1/92, effective 7/2/92.]

173-175-360

Construction permit fees for new project construction.

(1) Fees for the review of plans and specifications and for construction inspection for new project construction shall be the amounts shown in Table 4 as determined by the nearest values of dam height and crest length, in feet, which correspond to the project's planned dam height and crest length.
(2) Fees for the review of plans and specifications and for construction inspection for new dairy waste impoundments, and conservation dams, shall be six thousand five hundred and forty-four dollars, provided the project meets the following requirements:

(a) The facility has a low downstream hazard classification;

(b) The maximum embankment height is less than fifteen feet;

(c) The facility conforms with a set of standard plans and specifications prepared by the Natural Resource Conservation Service (NRCS) and approved by the department; and

(d) The NRCS or its designee provides periodic oversight of construction to ensure that the facility conforms to the standard plans.

If the project fails to meet any of the above requirements, the standard fees as described under subsection (1) of this section shall apply.

(3) The fees in this section apply to construction permit applications received by the department on or after the effective date of this rule. Applications received before that date are subject to the fees in effect on the date the application was received.

(4) The fees in this section may be adjusted annually as provided in WAC 173-175-375.

TABLE 4. BASE INDEX - CONSTRUCTION PERMIT FEES

Dam Height	Crest Length (ft)															
(ft)	**50**	**100**	**150**	**200**	**250**	**300**	**350**	**400**	**500**	**600**	**700**	**800**	**1000**	**1500**	**2000**	**4000**
400	257816	287656	298744	305427	310816	315052	318644	321742	326141	326141	326141	326141	326141	326141	326141	326141
300	223081	264499	282439	291733	297440	301680	305271	308528	313745	317988	321576	324833	326141	326141	326141	326141
250	198130	246238	266945	280321	287334	293200	296953	300052	305271	309670	313262	316360	321576	326141	326141	326141
200	164699	216229	244606	259120	270857	279338	284068	288473	294994	299237	302822	306082	311302	320759	326141	326141
180	145620	201718	229767	248680	259931	269556	277709	281787	288960	294504	298092	301190	306410	316032	322718	326141
160	126051	185734	214273	233842	248359	257488	265475	272655	281625	287334	292386	295808	301031	310650	317336	326141
150	116595	176767	205306	225034	240855	251130	258955	265968	277709	283415	288311	292713	298092	307717	314400	326141
140	107138	164371	195684	216067	231237	244440	252106	258955	270698	279175	284068	288311	294994	304450	311302	326141
130	98002	151002	185903	205793	221287	233842	244930	251616	263032	272655	279500	283743	290757	301031	307880	324188
120	88870	136978	173993	194866	210854	223081	233842	243464	254880	264337	272655	278689	285865	297440	304126	320438
110	79903	123278	158830	183457	198620	211830	222104	231237	246562	255694	263685	270698	280476	293527	300214	316519
100	71261	109909	141546	167963	185903	198458	209546	218675	234004	246400	254066	260914	272817	287490	295808	312120
95	67021	103222	133065	159155	179538	191447	202370	212154	226993	240041	249173	255856	267435	284236	293527	309833
90	62781	96698	124585	149043	169753	184595	194866	204323	219979	232537	243626	250474	261894	280969	290105	298744
85	58544	90178	116267	139099	159810	176446	187369	196498	212641	224709	235636	245092	256184	277547	282439	282439
80	54463	83816	108115	133903	148722	165679	179703	188508	204002	216881	227321	236778	250312	266131	266131	266131
75	50388	77620	99962	119693	137633	154266	168287	180359	195194	208408	218841	227970	243954	249829	249829	249829
70	46310	71420	91972	110074	126707	141870	156219	168287	186227	198782	209867	219003	233514	233514	233514	233514
65	42394	65389	84140	100773	115777	129802	143015	155408	175791	188836	199596	209218	217209	217209	217209	217209
60	38482	59352	76481	91482	105179	117899	129964	141218	161929	178561	189001	198130	200904	200904	200904	200904

55	34732	53483	68977	82508	94904	106321	117081	127190	146272	163229	177423	184595	184595	184595	184595	184595
50	30982	47777	61477	73707	84633	94904	104530	113497	130619	146272	160787	168287	168287	168287	168287	168287
46	28049	43212	55770	66693	76643	85938	94580	102895	118227	132410	145951	155242	155242	155242	155242	155242
42	25113	38806	50060	59845	68815	77130	84958	92296	106155	118879	130940	142194	142194	142194	142194	142194
38	22339	34407	44351	53162	61149	68487	75498	82025	94252	105668	116267	126545	129153	129153	129153	129153
34	19569	30326	38969	46635	53645	60172	66203	71913	82671	92620	102077	110888	116102	116102	116102	116102
30	16957	26089	33593	40276	46310	51854	57074	62125	71420	80066	88053	95722	103063	103063	103063	103063
28	15653	24137	30982	37178	42719	47939	52669	57237	65876	73869	81204	88384	96533	96533	96533	96533
26	14349	22174	28532	34076	39137	43864	48263	52507	60331	67670	74521	81042	90012	90012	90012	90012
24	13369	20055	25924	30982	35708	39952	44026	47939	55115	61636	68001	73869	83491	83491	83491	83491
22	12555	18261	23481	28049	32286	36198	39783	43374	49733	55770	61477	66693	76805	76964	76964	76964
20	11575	16302	21035	25113	28860	32448	35708	38806	44516	50060	54953	59845	68815	70443	70443	70443
18	10758	14511	18589	22339	25600	28694	31634	34407	39462	44351	48756	52996	60987	63919	63919	63919
16	9943	13045	16302	19569	22339	25113	27718	30002	34570	38644	42719	46310	53321	57399	57399	57399
15	9619	12555	15163	18099	20870	23316	25758	27883	32124	36036	39621	43050	49571	54138	54138	54138
14	9288	11899	14024	16795	19238	21522	23806	25758	29677	33262	36691	39783	45820	50875	50875	50875
13	8967	11251	13204	15487	17771	19893	21846	23806	27394	30657	33755	36691	42073	47618	47618	47618
12	8805	10595	12555	14187	16302	18099	20055	21684	24944	28049	30819	33593	38482	44351	44351	44351
11	8642	10109	11741	13204	14832	16467	18099	19731	22667	25437	28049	30492	35060	41090	41090	41090
10	8477	9619	10920	12389	13531	14832	16302	17771	20380	22829	25275	27394	31468	37830	37830	37830
9	8311	9126	10274	11413	12555	13531	14670	15818	18261	20380	22501	24458	28049	34570	34570	34570
8	8149	8805	9619	10433	11575	12389	13204	14024	15977	17934	19731	21522	24620	31303	31303	31303
7	8149	8477	8967	9781	10433	11251	12062	12717	13856	15487	17123	18589	21363	27556	28049	28049
6	8149	8311	8642	9126	9619	10274	10758	11413	12555	13369	14511	15818	18099	23316	24782	24782
5	8149	8149	8311	8642	8967	9288	9781	10109	11085	11899	12717	13369	15001	19238	21522	21522

[Statutory Authority: Chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, 90.54 RCW, RCW 43.135.055 and 2011 1st sp.s. c 50 § 302(2). WSR 12-06-013 (Order 10-09), § 173-175-360,

filed 2/27/12, effective 3/29/12. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-360, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. WSR 92-12-055 (Order 91-17), § 173-175-360, filed 6/1/92, effective 7/2/92.]

173-175-370

Construction permit fees for modifications of existing dams.

(1) Fees for the review of plans and specifications and for construction inspections for project modifications involving significant enlargements shall be the amount determined by those applicable percentages shown in Table 5A of the fees in Table 4, but no less than six thousand five hundred and forty-four dollars. The appropriate Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(2) Fees for the review of plans and specifications and for construction inspection for project modifications not involving significant enlargements shall be the amount determined by those applicable percentages shown in Table 5B of the fees in Table 4, but no less than six thousand five hundred and forty-four dollars. Table 4 fee amount is to be determined using the nearest values of dam height and crest length, in feet, which correspond to the overall dimensions of the modified dam.

(3) Fees for the review of plans and specifications and for construction inspection for repair of a dam with safety deficiencies as required by the department shall be six thousand five hundred and forty-four dollars.

(4) Fees for the review of plans and specifications and for construction inspection for the removal or partial removal of a dam with safety deficiencies for the purpose of eliminating a public safety hazard shall be the minimum fee of ten dollars.

(5) Fees for the review of plans and specifications and for construction inspection for the planned abandonment and reclamation of dams and reservoir areas used in mining operations shall be six thousand five hundred and forty-four dollars.

(6) The fees in this section apply to construction permit applications for modifications received by the department on or after the effective date of this rule. Applications received before that date are subject to the fees in effect on the date the application was received.

(7) The fees in this section may be adjusted annually as provided in WAC 173-175-375.

TABLES 5A-B. FEES FOR MODIFICATIONS OF DAMS

MODIFICATION FEE AS PERCENTAGE OF FEE FOR NEW DAM CONSTRUCTION

FEATURES MODIFIED	TABLE 5A MODIFICATIONS INVOLVING SIGNIFICANT ENLARGEMENTS	TABLE 5B MODIFICATIONS NOT INVOLVING SIGNIFICANT ENLARGEMENTS
Spillway(s)	35%	25%
Impounding Barrier	35%	25%
Appurtenant Works and Miscellaneous Construction Elements	10%	10%

[Statutory Authority: Chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW, RCW 43.135.055 and 2011 1st sp.s. c 50 § 302(2). WSR 12-06-013 (Order 10-09), § 173-175-370, filed 2/27/12, effective 3/29/12. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-370, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. WSR 92-12-055 (Order 91-17), § 173-175-370, filed 6/1/92, effective 7/2/92.]

173-175-375

Actual cost recovery and annual adjustment of construction permit fees.

(1) RCW 90.03.470(8) authorizes a fee of at least ten dollars, or a fee equal to the actual cost, for the examination of plans and specification as to the safety of controlling works. Fee amounts contained in WAC 173-175-360 and WAC 173-175-370 represent the department's true estimate of fee eligible construction inspection program costs and

reflect the department's commitment to fully recover all eligible expenses. These fees are collected in advance of the requested action.

(2) For purposes of this section:

(a) “Actual cost” means the department’s direct and indirect costs of examining plans and specifications, including salaries and benefits of the staff who complete the work, where; indirect costs at the department’s approved indirect cost rate; contracted of independent technical review required by the department; and travel, equipment, and other expenses incident to the work.

(b) “Fiscal growth factor” means the average growth in state personal income, not seasonally adjusted, for the prior ten fiscal years, as calculated and adopted by the Economic and Revenue Forecast Council (ERFC) for the State of Washington under RCW 43.135.025.

(c) “Base fee” means a fee amount printed in this chapter on the effective date of this rule.

(3) The adjusted fee in effect for a fiscal year may not be less than the fee in effect for the preceding fiscal year and may not exceed the fee by more than the actual costs to complete the examination of plans and specifications. Because each adjustment is calculated from the base fee, any amount withheld by the limit in this subsection is recovered in later adjustments, subject to the same limit.

(4) Before proposing any change to the fee schedule, the department shall compare the fee revenue collected for each category of fee in this section with the actual cost of that category for the preceding two fiscal years, or biennium. If the revenue is less than the actual cost, the department may amend the base fees so that they equal actual cost. If revenue exceeds actual cost, the department shall amend the base fees so that they do not exceed actual cost.

(5) Beginning July 1, 2028, the department is authorized to adjust the fee schedule established in this section, not more often than annually, to cover and not exceed the direct and indirect costs of the department's administration of construction inspections under this chapter. The department shall adjust the construction permit fees in WAC 173-175-360 (Table 4 and subsection (2)), WAC 173-175-370 (subsections (1), (2), (3), and (5)) by the fiscal growth factor for the fiscal year that begins on the adjustment date, as most recently adopted by the ERFC. The adjusted fee is the fee calculated for the preceding fiscal year multiplied by one plus the fiscal growth factor, rounded to the nearest whole dollar. The fee calculated for the fiscal year is the base fee. The ten-dollar fees in WAC 173-175-370(4) are not adjusted.

(6) If adjustments have been made, by May 1 of each year, the department shall publish the adjusted fee schedule, including the adjusted Table 4, on its internet site and notify permit applicants and owners of dams subject to this chapter by mail or electronic mail. The adjusted fees take effect on July 1 and apply to construction permit applications received on or after that date.

(7) The department may make an adjustment to fees under this section only to the extent authorized by law.

173-175-380

Maintenance.

It will not be necessary to submit plans and specifications for review for routine maintenance, normal replacement, or repair of items to keep them in a serviceable condition, seasonal removal, or replacement of stoplogs, or other similar minor operational activities.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. WSR 92-12-055 (Order 91-17), § 173-175-380, filed 6/1/92, effective 7/2/92.]

173-175-390

Payment of construction permit fees.

(1) The amount of the construction permit fee will be determined by the department based upon procedures contained in WAC 173-175-360, 173-175-370, and 173-175-375.

(a) An initial payment, which may represent all or a portion of the construction permit fee shall be paid in conjunction with the submittal of the construction permit application described in WAC 173-175-120. The amount of the initial payment shall be:

(i) Ten dollars for the removal of a dam with safety deficiencies as described in WAC 173-175-370(3); or

(ii) Six thousand five hundred and forty-four dollars for construction of a new dam or modification of an existing dam or project.

(b) The balance of the fee amount (less the initial payment above) is to be paid following notification by the department of the balance due.

(c) All fees collected are nonrefundable.

(2) No fee shall be required for the review of conceptual plans which describe proposed repairs or improvements to existing dams to correct safety deficiencies. The normal construction permit process will apply at the time plans and specifications are submitted to the department.

(3) No additional fees shall be required for plan and specification changes and resubmittals required by the department as part of the review process.

(4) No additional fees shall be required for review of construction change orders.

(5) The amount of the initial payment under (a)(ii) of this subsection may be adjusted annually as provided in WAC 173-175-375.

[Statutory Authority: Chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW, RCW 43.135.055 and 2011 1st sp.s. c 50 § 302(2). WSR 12-06-013 (Order 10-09), § 173-175-390, filed 2/27/12, effective 3/29/12. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-390, filed 8/4/04, effective 9/4/04. Statutory Authority: 1995 c 8. WSR 95-22-030 (Order 94-15), § 173-175-390, filed 10/24/95, effective 11/24/95. Statutory Authority: RCW 43.21A.064, [43.21A].080 and 86.16.061. WSR 93-01-090 (Order 92-35), § 173-175-390, filed 12/16/92, effective 1/16/93; WSR 92-12-055 (Order 91-17), § 173-175-390, filed 6/1/92, effective 7/2/92.]

173-175-400

Cost of expert opinion.

In resolving differences of opinion on engineering issues between the department and project engineer or owner, it may be necessary for the department to employ an expert in dam design, analysis or construction.

(1) The expert who is chosen, the assigned tasks, and the estimated cost for the expert's services shall be determined by negotiation between the owner and the department.

(2) The cost associated with employing the expert shall be paid by the owner of the proposed or existing project.

[Statutory Authority: RCW 43.21A.064, [43.21A.]080 and 86.16.061. WSR 92-12-055 (Order 91-17), § 173-175-400, filed 6/1/92, effective 7/2/92.]

PART SEVEN

PERIODIC INSPECTION FEES

173-175-755

Periodic inspection fees.

(1) The department is required by RCW 90.03.470(7) to collect in advance a fee based on the actual cost, including the expense incident thereto, of the inspection of any dam to ensure safety to life and property. Fee amounts contained in this section represent the department's true estimate of the cost of performing periodic dam safety inspections as described in WAC 173-175-705, and reflect the department's commitment to fully recover all eligible expenses. These fees are adjusted as provided in WAC 173-175-780.

[Statutory Authority: Chapters 43.21A and 90.03 RCW. WSR 05-18-039 (Order 05-11), § 173-175-755, filed 8/31/05, effective 10/1/05. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-755, filed 8/4/04, effective 9/4/04.]

173-175-765

Periodic inspection fee schedule.

(1) The inspection fee amounts are based on the downstream hazard classification of the dam, as determined by the department. The inspection fees for each five-year inspection are prorated on an annual basis. The cost for a periodic inspection by the department starting the effective date of this rule, will be as follows:

(a) For dams with high downstream hazard classifications the fee is fourteen thousand nine hundred eighteen dollars and eighty cents, with a prorated annual fee of two thousand nine hundred eighty-four dollars for a five-year inspection cycle.

(b) For dams with significant downstream hazard classifications the fee is ten thousand eight hundred eighty dollars, with a prorated annual fee of two thousand one hundred seventy-six dollars if a five-year inspection cycle is implemented, or one thousand eighty-eight dollars if a ten-year inspection cycle is implemented.

(2) **Exceptions to periodic inspection fee schedule.**

(a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or

(b) For any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall equal the fee for a significant hazard dam.

(3) **Inspection fee for impoundments with multiple dams.** For reservoirs or impoundments with a main dam and one or more saddle dams, a single annual inspection fee will be charged for the facility. The dam with the highest downstream hazard rating will be used for fee computation.

(4) **Inspection fee for multicell impoundments.** For multicell impoundments, such as wastewater lagoons, where two or more cells are located side-by-side or share a common embankment, a single annual inspection fee will be charged for the facility. The cell with the highest downstream hazard classification will be used for fee computation.

(5) **Inspection fee for nonroutine inspections.** For nonroutine inspections as described in WAC 173-175-725, no fees will be charged to the dam owner.

(6) **Inspection fee for inspections at public request.** For inspections done at public request, as described in WAC 173-175-735, no fees will be charged to the dam owner.

(7) The fees in this section may be adjusted annually as provided in WAC 173-175-780.

[Statutory Authority: Chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW, RCW 43.135.055 and 2011 1st sp.s. c 50 § 302(2). WSR 12-06-013 (Order 10-09), § 173-175-765, filed 2/27/12, effective 3/29/12. Statutory Authority: Chapters 43.21A and 90.03 RCW. WSR 05-18-039 (Order 05-11), § 173-175-765, filed 8/31/05, effective 10/1/05. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-765, filed 8/4/04, effective 9/4/04.]

173-175-775

Periodic inspection fee computation.

(1) The department shall charge inspection fees based on the fee schedule contained in WAC 173-175-765. After July 1 of each year, or before the first billing under a revised fee schedule, the department shall publish the adjusted fees by providing notice on its internet site, and by providing written notification by mail or electronic mail to owners of high and

significant hazard dams. The inspection fees must be received by the department within forty-five days after the department mails a billing statement.

(2) Inspection fee computation. Computation of fees shall begin on the first day of each fiscal year. In the case of new dams not previously covered by the inspection program, fee computation begins on the first day of each fiscal year following completion of construction.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-775, filed 8/4/04, effective 9/4/04.]

173-175-780

Actual cost recovery and annual adjustment of periodic inspection fees.

(1) The department is authorized to collect the actual costs for examination of plans and specifications, including the expense incident thereto, under RCW 90.03.470(7). Fee amounts contained in WAC 173-175-765 represent the department's true estimate of fee eligible periodic inspection program costs and reflect the department's commitment to fully recover all eligible expenses. These fees are collected in advance of the requested action.

(2) The definitions in WAC 173-175-375(2) apply to this section.

(3) The cost review required by WAC 173-175-375(4) shall also compare periodic inspection fee revenue with the actual cost of periodic inspections for each downstream hazard classification. WAC 173-175-375(3) applies to the fees in WAC 173-175-765.

(4) Beginning July 1, 2028, the department is authorized to adjust the fee schedule established in this section, not more often than annually, to cover and not exceed the direct and indirect costs of the department's administration of periodic inspections under this chapter. The department shall adjust the periodic inspection fees in WAC 173-175-765(1) by the fiscal growth factor for the fiscal year that begins on the adjustment date, as most recently adopted by the ERFC. The adjusted fee is the fee calculated for the preceding fiscal year multiplied by one plus the fiscal growth factor, rounded to the nearest five dollars. The prorated annual fee is the adjusted fee divided by the number of years in the inspection cycle (five years, or ten years where WAC 173-175-765(1)(b) allows), rounded to the nearest cent. The fee calculated for the fiscal year beginning the effective date of the rule is the base fee.

(5) The fee for a dam between ten and twenty years old under WAC 173-175-765(2)(b) equals the adjusted fee for a significant hazard dam.

(6) If the adjustment to any individual fee category established in WAC 173-175-765 is greater than the state's fiscal growth factor calculated under RCW 43.135.025, the department shall publish a summary of its workload analysis for the updated fee schedule.

(6) The department shall publish and give notice of the adjusted fees as provided in WAC 173-175-375(6). Adjusted fees apply to inspection fee computation beginning on the first day of the fiscal year, as provided in WAC 173-175-775.

(7) The department shall make an adjustment under this section only to the extent authorized by law. This section does not limit the department's authority to amend the fees by rule under RCW 90.03.470(16).

173-175-785

Periodic inspection fee payments.

(1) The applicable inspection fee shall be paid by check or money order payable to the department of ecology and mailed to the following address:

Department of Ecology

Cashiering Unit

P.O. Box 47611

Olympia, Washington 98504-7611.

(2) In the event a check is returned due to insufficient funds, the department shall consider the inspection fee to be unpaid.

(3) **Delinquent accounts.** Dam owners are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have one hundred eighty days to bring the delinquent account up to date. Regulatory orders may be issued to enforce a restriction of reservoir filling until all delinquent fees are paid on accounts that remain delinquent after ninety days.

(b) Nonmunicipal or nongovernment dam owners shall be notified by the department by certified mail that they have one hundred eighty days to bring the delinquent account up to date. Accounts that remain delinquent after one hundred eighty days may be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department

may issue regulatory orders to enforce restriction of reservoir filling until all delinquent fees are paid.

[Statutory Authority: Chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW, RCW 43.135.055 and 2011 1st sp.s. c 50 § 302(2). WSR 12-06-013 (Order 10-09), § 173-175-785, filed 2/27/12, effective 3/29/12. Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-785, filed 8/4/04, effective 9/4/04.]

173-175-795

Periodic inspection fees for transfer of ownership or control.

The department shall charge inspection fees from the dam owner on record with the department. In the event that ownership or control of a dam is transferred, it shall not be the responsibility of the department to transfer funds between a new and previous dam owner, and the department shall not refund fee charges prospectively in the event of a transfer. Fees paid by a previous dam owner shall be deemed to satisfy the corresponding fee payment requirements of a new dam owner. Agreements between a new and previous dam owner are not binding on the department.

[Statutory Authority: RCW 43.21A.064, 43.21A.080, 86.16.061, 90.03.350 and [90.03].470. WSR 04-16-122 (Order 03-08), § 173-175-795, filed 8/4/04, effective 9/4/04.]