



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 29, 2023

TIME: 1:34 PM

WSR 23-14-079

Agency: Department of Ecology AO 22 - 03

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: Chapter 173-224 WAC- Water Quality Permit Fees. The purpose of this chapter is to establish 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.

Below is a brief explanation of the specific sections in chapter 173-224 WAC that will be updated for this rulemaking:

- 173-224-030 Definitions. Definitions are updated to align with current water quality permit terminology and to reflect changes in the permit fee schedule.
- 173-224-040 Permit fee schedule. Adjusts fees to reflect an increase in fees for underpayer fee categories, rounding of fee amounts, and expanding tiers to certain fee categories. Aligns fees for CAFO permits with new CAFO general permit and creates fees for CAFO individual permits. Creates minimum permit fees. The fees for municipal wastewater treatment plants that are based on residential equivalents are increased based on the recommendation of the Municipal Wastewater Permit Fees Advisory Committee.
- 173-224-050 Permit fee computation and payments. Removes the waiver of lesser permit fees when a facility has a discharge permit and stormwater general permit. Makes other technical corrections.
- 173-224-060 Permits issued by other governmental agencies. Technical corrections.
- 173-224-080 Transfer of permit coverage. Technical corrections.
- 173-224-090 Permit fee reductions. Clarifies requirements for an extreme hardship fee reduction. Adds a new fee reduction category for hazardous waste cleanup. Makes other technical corrections.
- 173-224-100 Administrative appeals to the department. Technical corrections.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: Chapter 173-224 WAC
 Suspended:

Statutory authority for adoption: RCW 90.48.465

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-13-046 on March 22, 2023 (date).

Describe any changes other than editing from proposed to adopted version: There were no changes, other than editing, made between the proposed rule and the adopted rule.

During the rulemaking, Ecology found that there were several technical editing changes needed to correct statute references and to ensure clarity. These minor changes do not require a description of the differences between the text of the proposed rule filed on March 22, 2023 and the text of the adopted rule filed on June 29, 2023. Ecology made these changes to ensure clarity and meet the intent of the authorizing statutes..

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

Name: Ligeia Heagy

Address: Department of Ecology, Water Quality Permit Program, PO Box 47600, Olympia, WA 985004-7600

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://apps.ecology.wa.gov/publications/SummaryPages/2310024.html>

Other: <https://apps.ecology.wa.gov/publications/SummaryPages/2310025.html>

**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	___	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>10</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>10.</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 29, 2023	Signature: 
Name: Heather Bartlett	
Title: Deputy Director	