



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do NOT use for expedited rule making

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FILED

DATE: August 07, 2024

TIME: 8:12 AM

WSR 24-16-140

**Agency:** Department of Ecology AO #24-05

**Subject of possible rule making:** Chapter 173-224 WAC – Water Quality Permit Fees. The purpose of this chapter is to provide 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 rulemaking considers the economic impact on small dischargers and public entities, and provides appropriate adjustments where applicable.

**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 permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology adopted Chapter 173-224 WAC – Water Quality Permit Fees in response to this law in 1989.

This rulemaking allows Ecology to continue recovering expenses in operating and managing the permit programs. Ecology is considering adjusting permit fees for Fiscal Years 2026 and 2027 to recover the projected program costs next biennium and move closer to payment equity between permit fee categories. Ecology may also consider new permit fee categories, changes to the structure of specific permit fee categories, technical changes, and rule language changes to facilitate understanding.

**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:**

Name: Ligeia Heagy  
Address: PO Box 47600, Olympia, WA 98504-760  
Phone: 564-233-8279  
Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: [wqfeeunit@ecy.wa.gov](mailto:wqfeeunit@ecy.wa.gov)

Web site: <https://ecology.wa.gov/WQ-fee-rule>

Other: <https://ecology.wa.gov/EmailList/WQfee>

(If necessary)

Name: Matthew Tietjen  
Address: PO Box 47600, Olympia, WA 98504-760  
Phone: 360-280-3697  
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TTY: For Washington Relay Service or TTY call 711 or 877-833-6341


Email: [wqfeeunit@ecy.wa.gov](mailto:wqfeeunit@ecy.wa.gov)

Web site: <https://ecology.wa.gov/WQ-fee-rule>

Other: <https://ecology.wa.gov/EmailList/WQfee>

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.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

<b>Date:</b> August 7, 2024	<b>Signature:</b> 
<b>Name:</b> Vincent McGowan, P.E.	
<b>Title:</b> Water Quality Program Manager	