



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

IMPLEMENTATION PLAN FOR THE ADOPTION OF
Chapter 173-224 WAC, Wastewater Discharge Permit Fees

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Implementation Plan for Chapter 173 - 224 WAC, Wastewater Discharge Permit Fees

This implementation plan has been prepared for Chapter 173-224 WAC – Wastewater Discharge Permit Fees. The purpose of this plan is to describe how the Department of Ecology will:

- Implement and enforce the rule, including a description of the resources the agency intends to use;
- Inform and educate affected persons about the rule;
- Promote and assist voluntary compliance;
- Evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes;
- Train and inform Ecology staff regarding the new rule or rule amendment; and
- Identify program documents that may need to be revised because of the new rule or rule amendment.

1. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use (RCW 34.05.328(3)(a)).

The Water Quality Program will assign 3 (three) full-time equivalent (FTE) staff to administer the Wastewater Discharge Permit Fee Program, beginning on July 1, 2004. The number of staff needed to administer the program in Fiscal Year 2004 is 2.5 FTEs. The increase of .5 FTE is a result of major changes in the permit fee rule on how fees will be established for industrial and construction stormwater general permit holders. Fees for industrial stormwater permit holders will be based on gross revenue. Ecology will need to obtain information on an individual company's gross revenue and set its annual fee accordingly. Fees for construction stormwater permit holders will be based on the number of acres the construction project will disturb. This information for setting the fees for construction permits is contained within their permit application and is completely accessible by Fee Unit staff.

2. Please describe how the Agency intends to inform and educate affected persons about the rule (RCW 34.05.328(3)(b)).

When the FY2004 invoices are mailed, there will be a focus sheet included with construction stormwater general permit invoices that explains the new fee distribution based on the permitted disturbed acres of the project. Construction permit holders will also be informed of small business/extreme hardship fee reduction provisions contained within the rule that reduces the fee if businesses meet established requirements.

Industrial stormwater general permit invoices will contain a focus sheet explaining the new fee distribution based on gross revenue. In addition, a form for use by businesses with less than \$10 million in gross revenue to request a fee reduction will be included. Since the fee schedule was set up to mitigate fees for small business, Ecology will not be receiving any requests for small business/extreme hardship fee reductions from these permit holders.

3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule (RCW 34.05.328(3)(c)).

There is a 98% fee recovery rate from wastewater discharge permit fee payers. Fee Unit staff constantly provide technical assistance and information to permit holders, and Ecology staff discuss fee issues of concern on a daily basis. Permit holders are aware that if their account becomes delinquent, it will be forwarded to a collection agency. If collection actions fail to bring the account up-to-date, the permit could ultimately be revoked for nonpayment of fees.

4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes (RCW 34.05.328(3)(d)).

Ecology on a biennial basis recovers the operating budget appropriation authority established by the Legislature to administer the Wastewater Discharge Permit Program. Monies received fund approximately 130 FTE (full-time equivalent) staff who manage over 4,400 permits and perform various essential fee-eligible activities with regard to stormwater and wastewater discharge permits statewide.

5. Please describe how the Agency intends to train and inform Ecology staff regarding a new rule or rule amendment.

The Fee Unit has always responded to training requests on the fee rule on an as-needed basis. Because of the major changes to industrial and construction stormwater permits, the Fee Unit has offered to attend regional office section meetings to inform and educate staff on how fees will be determined for stormwater permit holders.

6. Please identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.

The Fee Unit will have copies of the adopted rule amendments available for internal and external interested parties upon request. In addition, a new form requesting gross revenue for industrial stormwater general permit businesses needs to be developed and mailed to existing permit holders. Ecology is exploring the capability of having this form available to permit holders on the Internet. Focus sheets will be developed for both industrial and construction stormwater permit holders explaining the new fee structures.