



**Concise Explanatory Statement
and
Responsiveness Summary**

**For the Adoption of
Chapter 173-224 WAC
Wastewater Discharge Permit Fees**

May 2006

Publication No. 06-10-032

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**As required by the
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RCW 34.05**

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Wastewater Discharge Permit Fees**

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Concise Explanatory Statement

Introduction

The Washington State Department of Ecology is authorized by state statutory law to adopt rules to fund the operation of the Water Quality Wastewater Discharge Permit Program.

RCW 90.48.465 (Water Pollution Control) gives Ecology the authority to establish annual fees to fund the issuance and administration of wastewater discharge permits. The law states that all fee charges shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and the reduction of the quantity of pollutants.

Rule Adoption and Effective Dates

The rule adoption date is scheduled for May 30, 2006, making the amendments effective on July 1, 2006.

Differences between Proposed and Final Rule

The following sections are a discussion of the changes proposed to the rule as it was published in the Washington State Register for public review and comment and what is being adopted by Ecology. Each change includes a discussion of the rationale for the change.

WAC 173-224-040(2) – Industrial Facility Categories

Proposal: To increase permit fees by the state fiscal growth factor for all permit categories and subcategories within these sections by 3.38% for State Fiscal Year 2007 (July 1, 2006 through June 30, 2007) and 5.49% for State Fiscal Year 2008 (July 1, 2007 through June 30, 2008)

Rationale: To allow Ecology to recover the costs of operating this portion of the Wastewater Discharge Permit Program.

Ecology received several comments regarding this proposal. Responses to those comments can be found in the Summary of Comments Received and Responses section of this document. The Department is proposing to adopt these fee increases.

Proposal: Combine the following two fee subcategories under Aquatic Pest Control Fee Category into one subcategory, Noxious and Nuisance Weed Control, and assess one permit fee for both activities.

Rationale: Both activities have historically been covered under separate permits. However, Ecology has recently combined the two activities under one permit. Because of this, it makes sense to charge only one permit fee for the one permit coverage.

Ecology received several comments regarding this proposal. Responses to those comments can be found in the Summary of Comments and Responses section of this document. The Department is proposing to adopt these fee changes.

Proposal: Create a new fee subcategory titled Invasive Moth Control under the Aquatic Pest Control Fee category.

Rationale: There is a possibility that Ecology will be issuing the Department of Agriculture a statewide permit to spray for invasive moth control. If this occurs, there needs to be a permit fee assessed for this permit coverage. The annual fee amount being proposed is less than \$400.

Ecology did not receive any comments concerning this proposal.

WAC 173-224-040(3) – Municipal/Domestic Facilities

Proposal: To increase permit fees by the state fiscal growth factor for these permit holders by 3.38% for State Fiscal Year 2007 (July 1, 2006 through June 30, 2007) and 5.49% for State Fiscal Year 2008 (July 1, 2007 through June 30, 2008).

Rationale: To allow Ecology to recover the costs of operating this portion of the Wastewater Discharge Permit Program.

Ecology received several comments regarding this proposal. Responses to those comments can be found in the Summary of Comments Received and Responses section of this document. The Department is proposing to adopt these fee increases.

WAC 173-224-040(b) & (c) – Facilities covered under the Industrial Stormwater General Permit and Construction Activities Covered under the Construction Stormwater General Permit

Proposal: To increase permit fees by the state fiscal growth factor for these permit holders 3.38% for State Fiscal Year 2007 (July 1, 2006 through June 30, 2007) and 5.49% for State Fiscal Year 2008 (July 1, 2007 through June 30, 2008).

Rationale: To allow Ecology to recover the costs of operating this portion of the Wastewater Discharge Permit Program.

Ecology received several comments regarding this proposal. Responses to those comments can be found in the Summary of Comments Received and Responses section of this document. The Department is proposing to adopt these fee increases.

WAC 173-224-040(5)(a) & (b) Municipal Separate Storm Sewer System Permit Holders

Proposal: To only increase permit fees for Phase 1 Municipal Stormwater permit holders by the state fiscal growth factors totaling 3.38% for State Fiscal Year 2007 (July 1, 2006 through June 30, 2007) and 5.49% for State Fiscal Year 2008 (July 1, 2007 through June 30, 2008).

Rationale: To allow Ecology to recover the costs of operating this portion of the Wastewater Discharge Permit Program.

Ecology received several comments questioning why only Phase 1 Municipal Stormwater permit holders would receive the fiscal growth factor increases. Since permits for the non-Phase 1 permit holders will be issued sometime during State Fiscal Year 2007 (July 1, 2006 through June 30, 2007), the annual fee already set in the fee rule will remain. However, to be consistent with all other fee categories, Fiscal Year 2008 (July 1, 2007 through June 30, 2008) annual fee will be increased by the fiscal growth factor, which totals 5.49%.

WAC 173-224-040(5)(c) Municipal Separate Storm Sewer System Permits for Other Entities

Proposal: Ecology originally proposed to maintain the flat annual fee rate of \$1,500 for other entities which might receive municipal separate storm sewer system permit coverage.

Rationale: It was unknown what entities might need to have permit coverage under this type of permit.

Ecology received comments from some entities that might need a permit to be covered under a municipal separate storm sewer system permit. The flat rate did not take into account the impact of the fee on the various types of public entities such as diking districts, ports, colleges and schools. To provide relief from fees for small entities, Ecology developed a new rate structure. The new section will read:

173-224-040(5)(c) Other entities required to have permit coverage under a municipal stormwater general permit will pay an annual fee beginning in fiscal year 2007. The annual fee shall be based on the entities previous years annual operating budget as follows:

Annual Operating Budget	FY2007 Annual Permit Fee	FY2008 Annual Permit Fee & Beyond
Less than \$100,000	\$ 100.00	\$ 105.00
\$100,000 - < \$1,000,000	\$ 400.00	\$ 422.00
\$1,000,000 - < \$5,000,000	\$1,000.00	\$1,055.00
\$5,000,000 - < \$10,000,000	\$1,500.00	\$1,582.00
\$10,000,000 and greater	\$2,500.00	\$2,637.00

For the purposes of determining the annual permit fee category, the annual operating budget shall be the entity's annual operating budget for the entity's previous fiscal year and shall be determined as follows:

- (i) For diking, drainage, irrigation, and flood control districts, the District's annual operating budget.
- (ii) For ports, the annual operating budget for the Port District.
- (iii) For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.
- (iv) For state agencies, the annual operating budget for the site or sites subject to the permit.
- (v) For other entities not listed, Ecology will consider annual revenue, and the non-capital operating budget for the site subject to the permit.

WAC 173-224-040(5)(e) Municipal Separate Storm Sewer System Permits for Co-Permit Holders or Co-Applicants

Proposal: To add language to the Fee Rule that will only charge one fee for a single permit with more than one permit holder or applicant.

Rationale: Without this language, Ecology would be issuing one permit to multiple permit holders and would be required to charge each permit holder a separate permit fee.

Ecology received several comments regarding permit fees for co-permit holders and co-applicants and agrees that only one permit fee should be assessed for the permit coverage. Ecology has chosen to charge a fee that will equal the highest single permit fee which would have been assessed if the co-permit holder had applied separately.

Responsiveness Summary

Concise Explanatory Statement addresses written and verbal comments received on the proposed amendments to Chapter 173-224 WAC – Wastewater Discharge Permit Fees. The following comments are summarized or paraphrased.

Overall Fee Increases to Chapter 173-224 Wastewater Discharge Permit Fees

Written Comment #23:

Ecology continues to underestimate the expenses of the permit process, including applications, monitoring, compliance, outreach, and other related activities. The proposed fees should be further raised to cover the costs of a permit and planning process that complies with legal requirements, as per RCW 90.48.465.

Specifically in the case of coverage under the Aquatic Plant and Algae Management General Permit, empirical evidence seems to clearly suggest that there are insufficient funds to cover the necessary permit processing and compliance work.

Ecology Response:

Ecology is evaluating the costs of managing the permit program during the current biennium. To begin this process, Ecology recently developed a time tracking/time accounting system that will produce detailed information on various permit activities that Ecology performs. This time tracking/time accounting system breaks out various permit types (general permits versus individual permits) and activities performed by staff that will show how resources are used. With this information, Ecology, with the help of the Permit Partnership, will examine whether or not the existing permit fee schedule needs to be restructured to meet current business practices.

Written Comment #25:

What is the calculated cost for managing each permit or coverage granted?

Ecology Response:

The new time tracking/time accounting system was not implemented until April 2006, so Ecology cannot answer this question. As explained in Ecology Response to Written Comment #23A, the information from the new system will let Ecology examine in detail how revenues have been spent for the various permit activities.

Written Comment #26:

What activities exactly are supposed to be covered by the permit fees: How do the permit fees cover these items?

Ecology Response:

Permit fees cover a lot of activities within Ecology. These activities include application review, permit development and issuance, inspections, sampling of wastewater for lab analysis, permit compliance review, discharge monitoring report review, engineering review, and technical assistance, to name a few. Money collected is placed in a dedicated account and Ecology staff use special codes describing various permit management activities.

Written Comment #27:

We (Western Washington Agricultural Association) appreciate that the costs of managing the NPDES/Discharge Permit program should, in part, be borne by the permit holders, served by the program, and we are generally supportive of the permit fee structure.

Ecology Response:

Ecology thanks the WWAA for its understanding and support of the complexities involved with managing the permit and permit fee programs. State law (RCW 90.48.465 – Water Pollution Control) requires Ecology to charge annual fees that pay for the costs of issuing and administering wastewater and stormwater discharge permits. The fee schedule applies to all permits. There are no exemptions from paying permit fees.

Chapter 173-224-040(2)

Aquaculture – FinFish Hatching and Rearing

Individual and General Permit Coverage

Oral Comment #38:

Our membership (Washington Fish Growers Association) is in opposition to the fee increases for 2007 and 2008 for Finfish Hatching and Rearing Facilities individual permits and Finfish Hatching and Rearing Facilities the general permit covered. The reason that we are in opposition to these fees is that we see no change in what we do, so we see no change in what you do.

Ecology Response:

Costs for operating the permit program have not remained static. Ecology needs to increase permit fees to pay for increased costs in permitting and managing all wastewater and/or stormwater permits.

Oral Comment #39:

I (Jim Zimmerman) would like to remind the Department that we (Washington Fish Growers Association) pay our own testing fees and this was established some years ago, and our industry was the industry that by legislation developed the general permit and we served as a pilot for the first general permits.

Ecology Response:

Ecology does not individually time account to specific industry types. However, fees for finfish hatching and rearing operations have not increased significantly since the permit fee category was first created. Fees for this industry have only increased by the fiscal growth factor

percentage determined by the Governor's Office of Financial Management. This "inflationary" increase has remained in the 2- to 4-percent range since 1993. Fees have increased, because the cost of doing business (writing permits, conducting inspections, reviewing discharge monitoring reports, etc.) has increased on Ecology's part.

Written Comment #20:

The proposed fee increases are significantly higher than the projected inflation rate and therefore can only be seen as revenue enhancing for the DOE.

Ecology Response:

This statement is incorrect. Ecology is only increasing fees to the inflation rate (fiscal growth factor) allowed by state law (RCW 43.135) and determined by the Governor's Office of Financial Management.

Written Comment #21:

We (Troutlodge) hope you and others in the Department understand the regulatory cost imposed on a business like ours gives an unfair advantage to our international competition where the cost, if any, for regulations is minimal.

Ecology Response:

State law (RCW 90.48) requires Ecology to fund operation of the wastewater and/or stormwater permit programs by charging annual fees to all permit holders. Because of concern on the permit fee costs for small business, the fee rule allows a business (that meets specific criteria) to apply for a reduction which reduces the fee by fifty percent. Businesses can also apply for an extreme hardship fee reduction which, if granted, reduces the annual permit fee to a flat rate totaling \$100.00.

WAC 173-224-040(2) Aquatic Pest Control Aquatic Species Control and Eradication

Written Comment(s) #1:

The Lewis County Weed Program believes that these fees are a burden to managing noxious weeds, which is required to meet compliance for Washington State's Weed Law, RCW 17.10.

Residents of King County should not have to pay fees to the Department of Ecology in order to remain in compliance with the state's noxious weed control laws (RCW 17.10 and 16-750 WAC).

Ecology Response:

State law (RCW 90.48.465 – Water Pollution Control) requires Ecology to establish annual fees to collect expenses associated with issuing and administering wastewater and/or stormwater discharge permits. Fees apply to all permits, including permits that regulate pesticide use, regardless of the date of issuance, and fees shall be assessed prospectively. State law does not allow for any exemptions from paying permit fees.

Written Comment(s) #2:

The Lewis County Noxious Weed Program would like to see an exemption to these fees for agencies implementing noxious weed control and securing permits to do so.

I (Paul Figueroa) would like to hope Ecology will reconsider implementation of permit fees for noxious weed control and develop and implement user- or citizen-friendly permit processes that facilitate easy access to get state help for citizens in their effort to abide by noxious weed laws and eradicate weeds, which will benefit everyone in the state.

Ecology Response:

Please see the Ecology Response to Written Comment #1.

Written Comment(s) and Oral Comment #3:

Citizens of Washington State should not have to pay fees to the Department of Ecology in order to obey the state's noxious weed control laws.

I (Paul Figueroa) believe the fees the Department of Ecology is going to assess citizens to control noxious weeds are unrealistic, unfair, and a burden to persons trying to obey state laws that require control of noxious weeds.

We'd (Washington State Noxious Weed Control Board) prefer to see an exemption for noxious weed control, not only from the fee increase, but from any fee and, in fact, from the permit itself.

Ecology Response:

As mentioned in Ecology Response to Written Comment #1, state law does not allow any exemption from fees to holders of wastewater and/or stormwater discharge permits. If an exemption from fees were to be granted, it would have to be through a legislative amendment to RCW 90.48.465 – Water Pollution Control. Decisions on who needs wastewater permit coverage are not made by the Permit Fee Unit, but by the Ecology Nuisance/Noxious Weed Control Permit Coordinator.

Written Comment(s) #4:

Some citizens and/or entities conducting mandatory noxious weed control will be forced to pay permit fees of over \$300 to Ecology for the very first time.

The Department of Ecology's newly adopted Aquatic Plant and Algae Management permit has an associated cost of approximately \$330. This type of fee for aquatic noxious weed control has never been assessed in any of the prior DOE permits administered for this type of work. It places an unfair burden on property owners complying with state law and, in effect, fines people for complying with the law.

Ecology Response:

Every holder of a wastewater and/or stormwater discharge permit is required to pay an annual permit fee. Permit fees begin on the date permit coverage is granted and end when the permit coverage has terminated. In the past, Ecology issued noxious weed permit coverage to the Department of Agriculture (DOA) for statewide oversight. The DOA did pay an annual permit fee for its permit coverage. The current fee rate for all holders of permits in the Aquatic Pest

Control fee category is \$327. However, Ecology is proposing to increase that fee amount to \$338 for Fiscal Year 2007 (July 1, 2006 through June 30, 2007) and \$357 for Fiscal Year 2008 (July 1, 2007 through June 30, 2008).

Written Comment and Oral Comment #5:

Since the noxious weed control season occurs in the warmer months of the year, and since Ecology's fiscal year ends June 30 and starts July 1, many of those citizens and/or entities will be forced to pay two fees in a single control season.

Entities and citizens are going to be hit with two fees in a single treatment season, because the weed control season, as you might imagine, involves spring, summer and fall, and that crosses the period from June to July and two of Ecology's fiscal years.

Ecology Response:

Fees begin when permit coverage has been granted, not on when a permit holder begins actual operation or use of the permit. Fees fund Ecology's operation of the wastewater/stormwater permit programs. Costs begin for Ecology when an application is received, not when the permit coverage is granted nor when the permittee actually begins discharging. Based on comments received, Ecology has decided to prorate fees to the permit issuance date for new permit holders of Aquatic Species Control and Eradication General Permits receiving permit coverage before July 1, 2006. This means permit holders will only pay a fee for the actual time they have permit coverage instead of being charged the full annual fee for the current fiscal year (July 1, 2005 through June 30, 2006).

Written Comment and Oral Comment #6:

The Department of Ecology will increase the fees during the 2006 control season.

The fee is going to increase during that single control season (spring, summer and fall) under this proposal.

Ecology Response:

Correct. Fees cover the state fiscal year, which begins on July 1 and ends June 30. The 2006 weed control season falls within two state fiscal years. Ecology's budget appropriation is set on the state fiscal year. The Billing and Revenue Tracking System that is used to issue fee invoices and track fee monies also operates on the state fiscal year.

Written Comment and Oral Comment #7:

I (Washington State Noxious Weed Control Board) know that the Department of Ecology will respond that state legislation requires these fees. What is impossible for those working in the field to understand is that these fees were not charged in 2005, and there has been no new legislation about these fees since that time, yet they'll be charged in 2006.

There were no such fees paid by many of these people obeying the state weed laws in 2005, and there has not been new legislation in this area since then. The concept that it's required by legislation is difficult or impossible to understand for many people.

Ecology Response:

Fees for noxious weed control were not charged by Ecology to various entities spraying for noxious weeds during 2005, because Ecology only issued one permit, to the State Department of Agriculture (DOA). DOA, in turn, allowed other entities throughout the state to spray for noxious weed control under their permit. Because Ecology issued noxious weed control permit coverage to DOA, we did not have to issue separate permit coverages to other entities nor charge them fees for those permits. However, due to litigation from a recent lawsuit against Ecology and the Department of Agriculture, Ecology is now issuing wastewater discharge permit coverage to applicators (private or government) for in-lake noxious weed control. Because of this, annual fees will be charged to any permit holders who receives that coverage. State law (RCW 90.48.465) requires Ecology to charge annual fees to holders of these permits. Monies received fund the operation of the permit program.

Written Comment(s) #8 and Oral Comment #8:

Assuming that legislation does require such fees, has the Department of Ecology alerted the state Legislature that it was changing the earlier noxious weed permit in such a way that citizens would face the changes outlined in written comments 4, 5, and 6? I (Washington State Noxious Weed Control Board) would think that lawmakers would have appreciated being forewarned of these negative and unexpected impacts on law-abiding citizens and might have made changes to exempt noxious weed control from fees, if Ecology had made the information available.

I (Steve McGonigal) would ask if the Department of Ecology warned the state Legislature that this combination of its actions were going to set up this situation where these people obeying the state weed law are being hit by these fees for the first time, two fees in a year, and fees increasing.

Ecology Response:

RCW 90.48.465 – Water Pollution control is very clear. Ecology is required to charge annual fees to collect expenses for operating the wastewater and stormwater permit programs. The fee schedule has contained a permit fee assessment for noxious weed control for several years. In previous years, the noxious weed control permit was issued to the Department of Agriculture (DOA), which managed noxious weed control on a statewide level. However, a legal settlement from a lawsuit involving Ecology and the DOA has changed how noxious weed control is now managed. Ecology is now issuing wastewater discharge permit coverages to applicators (private or government) for in-lake noxious weed control. Because of this, Ecology will charge annual fees to permit holders who receive that coverage. State law does not provide any exemptions from permit fees. The DOA will still be issuing coverage to government entities under their wastewater permit for aquatic noxious weed control activities not in lakes.

Written Comment #9:

Some minor mitigation of this negative impact on noxious weed control might be possible if the Department “pro-rates” the permit fees for first-time permit buyers toward the end of the current fiscal year. Here is an example of how that might work. If a citizen is required to buy a permit for work to begin June 1, 2006, and the fiscal year is going to end June 30 of the same year, it would be fair and equitable to “pro-rate” the fee to require payment of only 1/12th of the annual permit fee.

Ecology Response:

Ecology agrees that proration of the fee for first-time permit holders would be appropriate. Based on comments received, Ecology will be prorating the permit fee to the permit issuance date.

Written Comment #12:

For those persons who want to comply with weed laws and have a need to obtain an Ecology permit, they will be burdened with a substantial cost of money, time and energy. I (Paul Figueroa) would believe that faced with the added permit fees, it will be easier and less expensive for them to just ignore weed laws and let the county weed boards handle the problem and costs.

Ecology Response:

As it is currently written, state law (RCW 90.48.465 – Water Pollution Control) does not provide any exemptions to holders of wastewater and/or stormwater discharge permits from paying annual permit fees. Any exemption from permit fees would require the Washington State Legislature to amend this law

Written Comment #22:

I (King Co Noxious Weed Control Board) understand that the Legislature allows state agencies to recoup their costs for administering permits. However, is the Legislature aware that these costs are being passed along to property owners who are responding to mandated weed control? Previously, the Legislature has found that these permit costs to be burdensome “...*The Legislature finds that the costs associated with the issuance of the national pollutant discharge elimination system permit now required by the Department of Ecology as a result of the federal decision is burdensome to the affected individuals and organizations. The legislature intends to temporarily reduce the burden of the federal decision on those individuals and organizations.*” At a minimum, relief from additional costs incurred by property owners to obtain this permit should be available.

Ecology Response:

Ecology has been permitting individual property owners since it began issuing permits for aquatic weed control. There has always been a fee attached to these permit issuances, and fees have been paid by individual property owners as well as lake homeowner associations. The Legislature did put a cap on fees for permits that were developed by Ecology solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001), totaling \$300. However, that cap was only in place until June 30, 2003.

Written Comment #24:

The fees charged for the Aquatic Plant and Algae Management permit should more heavily encourage the “reduction of the quantity of pollutants.” In the past few years, coverage under these permits has been granted to many lakes where non-chemical solutions to vegetation problems are possible, economical, and potentially more effective than the use of pesticides.

Ecology Response:

The fee schedule Ecology has adopted aids in recovery of the costs of administering the wastewater and stormwater permit programs. The first priority of the Department is to ensure that basic program costs are being recovered. A study was done several years ago looking at the feasibility of developing a fee structure that encourages the reduction of pollutants. This study showed that the Department would need to assess two fees. To ensure a stable annual funding source, one fee would recover permit program costs. A second fee could then be layered on top of this that could recognize the discharge of pollutants. The higher the discharge, the higher the second fee. This type of fee structure is very controversial. However, Ecology has recently implemented a new time tracking/time accounting system and will be looking at the present fee structure and how resources are being spent in the fee program. With the data gathered, Ecology, with the help of the Permit Partnership, will determine whether or not the fee rule needs to be restructured to reflect current business practices. Work begins on this initiative in July 2006.

Chapter 173-224-040(2) Concentrated Animal Feeding Operations

Oral Comment #37:

We (Washington Cattlemen's Association) would oppose the increase in permit fees, as many of our members for the first time are now being faced with NPDES permit. We would hopefully like to see the permit fees stay as low as possible for those that are included onto the permit to allow them to participate and meet the requirements of both the state and federal Clean Water Acts as the lowest and most economical price level, thus allowing them to remain competitive within their segment of the market and also to perform sound stewardship and meet the criteria set forth by the state.

Ecology Response:

State law (RCW 90.48.465) requires that Ecology charge fees to all holders of wastewater and/or stormwater discharge permits. The current fee structure for feedlots is a variable structure broken out by the number of animal units housed on the permitted site. This type of structure allows Ecology to establish a low fee for small operations, while larger operations pay higher fees. In addition, the fee rule also allows for small business/extreme hardship fee reductions. Businesses must apply for these reductions yearly, and if granted a small business reduction the annual fee is reduced by fifty percent (50%). Extreme hardship reductions reduce permit fees to a flat rate totaling \$100.00.

Chapter 173-224- 040(4)(b)(3)

Facilities Covered by the Industrial Stormwater General Permit

Written Comment(s) #13

As a small business owner covered by the state's general industrial stormwater permit, we reluctantly accept the proposed fee increases for general industrial stormwater permits. We say reluctantly, because for every \$10.00 in increased fees, our company will have to produce \$500 in increased sales. That is very challenging, because sales for our industry are declining when adjusted for inflation. With that being said, we strongly support the existing fee structure that considers the size of the business in calculating the fees to be paid. We would oppose any major revision of the existing fee structure to, for example, a flat fee structure.

Ecology Response:

Ecology is proposing no change to the industrial stormwater general permit fee structure other than the fiscal growth fee increases for fiscal years 2007 and 2008.

Written Comment #14:

I (Dale Swanson) am concerned that the Department of Ecology wants to increase Wastewater Discharge Fees based upon the company's gross sales. This is extremely unfair to larger companies that are trying to do the correct thing for the environment. I think that Ecology has taken a step backwards using this method.

Ecology Response:

It is correct to assume that industrial stormwater general permit fees do not have any relationship to stormwater or the potential impacts of stormwater to waters of the state. However, Ecology needs to fund the wastewater and stormwater permit programs through annual fees collected from all permit holders. Ecology is also required to provide relief from fees for small businesses. If fees for one sector of the permit universe are reduced, fees for the other sectors must be increased to recover the cost of what has been reduced.

During the 2004 rulemaking process when this subcategory structure was created and adopted into the permit fee rule, Ecology evaluated various ways to assess stormwater industrial general permit fees and determined that the fees must be: a) simple to administer (not requiring an increased staffing need for Ecology); b) unambiguous (more than one person can come to the same fee determination); c) available to fund the stormwater industrial program; d) verifiable (pass a state audit); and e) fair (still must mitigate impacts of fees for small business).

In the evaluation of several options for fees for industrial stormwater, Ecology identified gross revenue for establishing a fee schedule as the most effective way for addressing all five criteria listed above.

Written Comment #15:

I (Pat Rabey Trucking, Inc.) am writing in response to the proposed amendments to the wastewater discharge permit fees. I have had some trouble finding information on the proposal

and what it would mean for our company. I can only assume that the proposal is a rate increase. Are changes being made to how fees will be charged or is this proposal for a general rate increase. I was unable to find the answers to my questions on the web site and have not received any mailings explaining the amendments.

Ecology Response:

Ecology mailed out a FOCUS sheet announcing proposed changes to Chapter 173-224 WAC – Wastewater Discharge Permit Fees to all 4,700 permit holders and 250 interested parties on February 6, 2006. This notice specified what changes were being proposed. In addition, a second notice was mailed out to all permit holders and interested parties extending the public comment period from March 22 to April 7 on March 10, 2006. The permit fee website contains detailed information on the changes Ecology is proposing. The web address was put on all materials mailed out.

The main web page for the Department of Ecology had information about fee workshops/public hearings and the public comment period on the public involvement calendar. A link to the fee web page was also incorporated with that public meeting announcement to make it easier for permit holders and other interested parties to obtain information on the rule amendment process.

Written Comment #16:

I (Pat Rabey Trucking, Inc.) understand that funding for the Ecology Department has to come from somewhere. However, I also believe that in our case, the fees have not been proportionate to the contamination risk.

Ecology Response:

This is a correct statement. Fees do not reflect a relationship to stormwater or the potential impacts of stormwater to waters of the state. Ecology does not have the scientific data needed to establish a stormwater fee structure based on contamination risk.

Written Comment #17:

Revenue generated by a business can help determine the scale of a company, but does not determine environmental exposure or ability to pay. While we may not be exempt from fees because of hardship, we believe that the expense that we have already incurred and the care that we take with this issue qualifies us for at least reduced rates, and we would be opposed to any rate increase.

Ecology Response:

There are no exemptions from permit fees. The fee regulation allows for small businesses (which meet specific criteria) to have the fee reduced by fifty percent (50%). It also allows some businesses to receive an extreme hardship fee reduction that reduces the annual fee to a flat rate totaling \$100.

Written Comment #18:

We (Pat Rabey Trucking) understand that some businesses with like operations are not paying wastewater or stormwater fees or being made to conduct water sampling. Are some companies not being honest about their exposure or is there a particular issue that relieves some businesses from this regulation?

Ecology Response:

All holders of wastewater and/or stormwater permits pay permit fees. There are no exemptions from permit fees. However, Ecology acknowledges there may be some businesses that have not applied for permit coverage and could have a discharge to waters of the state. If a company is required to have permit coverage, but has failed to apply for that coverage, they could be subject to enforcement, which could result in fines totaling up to \$10,000 per day and criminal prosecution.

Chapter 173-224-040(5) Municipal Separate Storm Sewer System Permits

Written Comment #10:

Under the municipal separate storm sewer system permits, page 19 of the handout (filed WAC 173-224 – Wastewater Discharge Permit Fees), paragraph (5)(b) states: “Fees for these entities will begin in fiscal year 2006 and will not exceed \$36,059.00.” As written, Phase II counties and cities could pay the fiscal year 2008 maximum fee in both fiscal years 2007 and 2008. I recommend the following change: “Fees for these entities shall not exceed \$34,182.00 in fiscal year 2007 and \$36,059.00 in fiscal year 2008.” With the above language, the maximum Phase II permit fee would equal the Phase I fee for the respective fiscal year.

Ecology Response:

Ecology agrees and this section will be changed to reflect that fees for municipal separate storm sewer system permits will not exceed \$34,182 for Fiscal Year 2007 and \$36,059 for Fiscal Year 2008.

Written Comment #11:

The minimum permit fee in this same section [WAC 173-224-(040)(5)(b)] is not proposed to change. Why is the minimum permit fee not being adjusted by the fiscal growth factor for each fiscal year like all the other permit fees? It seems fair that if the maximum is increased by the factor that the minimum would be as well.

Ecology Response:

Ecology agrees and this section will be changed to show a fiscal growth factor increase for Fiscal Year 2008 totaling 5.49 percent.

Written Comment #19:

It is my (Eastmont Metropolitan Park District) understanding that a process was established for cities by using population as the key indicator for establishing the permit fee for Phase I. This will proportionally set the fee by the size of the city; the larger the city, the larger the fee.

This same logic should be used in setting fees for ports, prison complexes, parks and recreation districts, universities, or dike and drainage districts and others that own or operate a stormwater system. There is a big difference between WSU and the Eastmont Metropolitan Park District. There is a big difference between King County Parks and the Eastmont Metropolitan Park

District also. To charge us the same as a University and or the King County Park Department is unrealistic.

Ecology Response:

Ecology has developed a fee schedule for secondary permit holders that will acknowledge large versus small entities. The new fee schedule is:

Annual Operating Budget	FY2007 Annual Permit Fee	FY2008 Annual Permit Fee
Less than \$100,000	\$ 100.00	\$ 105.00
\$100,000 - < \$1,000,000	\$ 400.00	\$ 422.00
\$1,000,000 - < \$5,000,0000	\$1,000.00	\$1,055.00
\$5,000,000 - < \$10,000,000	\$1,500.00	\$1,582.00
\$10,000,000 and greater	\$2,500.00	\$2,637.00

For the purpose of determining the annual permit fee category, the operating/annual revenue will be determined as follows:

- For diking, drainage, irrigation and flood control districts, the District’s total annual revenue.
- For ports, the annual operating budget for the Port District.
- For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.
- For state agencies, the annual operating budget for the site subject to the permit.
- For other entities not listed, Ecology will consider the annual revenue and the non-capital operating budget for the site subject to the permit.

Written Comment 28:

The category of “other entities” casts too wide a net over many possible facilities and operators of different size, purpose, income and revenue, and varying discharges. There is no definition of “other entities” contained in this administrative chapter. Big and small are treated the same, required to pay the same fee, and this raises the issue of fairness and equity. We suggest that more work is now needed in this rule to discriminate between and more carefully define “other entities” given the recent expansion by WDOE of the Stormwater Program and Phase II permitting activity.

Ecology Response:

Please see Ecology Response to Written Comment #19.

Written Comment #29:

The proposed rule provides no explanation and no supporting documentation to illustrate how the \$1,500 annual fee amount was derived. A casual look at the fees specified for the other facility categories suggests to this reviewer that the \$1,500 fee has no calculated basis. It does not appear to fit into any general fee profile or pattern within the proposed rule. In context with

the drainage districts, the amount seems extraordinarily excessive. We recommend a comparative look at drainage districts and the other categories, and we believe a significantly reduced fee for drainage districts in the range of \$250 - \$500 is more appropriate.

Ecology Response:

Please see Ecology Response to Written Comment #19.

Written Comment #30:

Consideration could be given in the rule to diversifying the Small Business and/or /Extreme Hardship Fee Reduction provision so that it will apply to small special purpose districts such as drainage districts. Another alternative would be to allow these districts, were they to serve in the vicinity of each other, to file jointly for permit coverage and share the cost of a single annual permit fee.

Ecology Response:

Ecology is proposing to charge only one permit fee for permit coverages where there are co-applicants. The following language is being added under WAC 173-224-040(5)(e): *Ecology will assess a single permit fee for entities which apply only as co-permittees or co-applicants. The permit fee shall be equal to the highest permit fee which would have been assessed if the co-permittees had applied separately.* The proposed fee schedule for secondary permit holders is listed in Ecology Response to Written Comment #19.

Written Comment #31:

Will any consideration be given for reduced/adjusted fees if co-applying with another entity to meet the requirements of the permit:

Ecology Response:

Yes. Please see Ecology Response to Written Comment #30.

Written Comment #32:

Will one permit fee apply if we submit one application/SWMP to cover multiple locations (i.e., main campus in Bellingham as well as off-campus sites located in Bellingham, on lake Whatcom, and at Shannon Point in Anacortes)?

Ecology Response:

If one permit is issued that encompasses more than one site location, Ecology will only charge one permit fee.

Written Comment #33:

Subsection (b) describes municipal stormwater general permit fees for cities and counties. Subsection (c) applies to entities other than cities and counties that are required to have permit coverage under a municipal stormwater general permit. Our concern (Yakima County) is that there will be a duplication of required permits (stormwater general permits for municipalities and other entities) and associated permit fees, especially for municipally owned special purpose districts (Drainage Improvement Districts or Flood Control Zone Districts) that lie within the census defined urbanized area of a city or county. We are of the opinion that an entity (special purpose district) within an NPDES Phase II permitted city or county does not need to apply for a

separate stormwater permit nor pay a separate stormwater permit fee. The stormwater management program activities required as part of an NPDES Phase II permit will cover the activities of both the municipality and those of any entities (special purpose districts) that lie within a city or county. Residents should not be responsible to pay fees under two separate permits, especially if the permits will require the same activities of the city or county under either permit.

Ecology Response:

Who or what types of discharges are required to be permitted is outside the scope of this permit fee rule. Under the federal NPDES regulations, a special purpose district operating a regulated municipal separate storm sewer system which is located wholly within an NPDES phase II permitted city or county must have NPDES permit coverage if they discharge either directly or indirectly to surface waters of the state. State law (RCW 90.48.465) requires Ecology to fund the wastewater and stormwater permit programs by charging annual fees to any holder of a wastewater and/or stormwater permit. The fee rule only sets annual fees for permit holders. It does not address who or what entities need permit coverage.

Written Comment #34:

The proposed minimum fee of \$1,500 for small entities such as drainage improvement districts, diking improvement districts, etc. is too high. Annual assessments for many of our smaller special purpose districts are under \$1,000 and the proposed permit fees will more than double the annual assessment for the residents in these districts.

Ecology Response:

Please see the proposed fee schedule in Ecology Response to Written Comment #19.

Written Comment #35:

I (Washington State Stormwater Drainage Dist #19) am writing this letter to express concern over the proposed secondary municipal stormwater discharge permit fee. This fee, if left at the arbitrary \$1,500 level for secondary permittees, could consume 4-10% of the fees taken in by Drainage Districts, such as DD19 and DD14. This would impose a burden on our ability to do our mandated job of maintaining the District ditch systems. I noticed that cities' and counties; fees range from \$750 - \$30,000 based on housing units. Our particular District's income is based on acreage of parcels inside our boundaries. Because of this, we track the number of parcels along with size. A formula comparable to the housing unit one using the number of parcels may be a better solution in that we could actually track and link something real world.

Ecology Response:

Please see Ecology Response to Written Comment #19.

Chapter 173-224-040 - Food Processing

Oral Comment #40:

Any increase in our cost of business is significant to us (Del Monte). We pay tens of thousands of dollars in permit fees between a direct permit with Ecology and our indirect one with the city of Yakima for our wastewater, but I believe that is still originating here with Ecology.

Ecology Response:

Del Monte does pay Ecology an annual permit fee for its wastewater permit allowing discharge of noncontact cooling water. Del Monte does not pay Ecology for wastewater discharged to the city of Yakima. Ecology is not involved with how fees are charged by the city of Yakima to its permit holders.

Oral Comment #41:

It's very significant to us (Del Monte); the two or three percent that's proposed may not sound like a lot, but it's thousands of dollars for a business.

Ecology Response:

Ecology realizes that even a small percentage increase in fees can have a large impact on business. However, the cost of doing business has increased not only for industry, but for state government as well, so Ecology needs to increase fees in order to fund its operation of the wastewater and stormwater permit programs.

Oral Comment #42:

We're here (Monson Foods) to basically strongly oppose any increase in fees or costs associated with our stormwater program. Basically, to reiterate what the gentleman from Del Monte said, again, we are also a company that's very concerned with ecology and the wastewater and stormwater and the various things, but don't feel that at this time that it's necessary for there to be an increase in the fees for our companies.

Ecology Response:

Ecology is very aware of how permit fees impact businesses in the state. However, state law requires Ecology to charge fees to cover operation of the wastewater and stormwater permit programs. For this rulemaking, Ecology did receive authority to increase permit fees beyond the state fiscal growth factor. However, the Department has elected to limit its fee increase proposal to the fiscal growth inflationary increase.

Chapter 173-224-040

Pulp, Paper and Paper Board – Groundwood Production

Written Comment #36:

IEP (Inland Empire Paper Company) suggests that a variable fee structure be applied to the Industrial Facility Category of "Pulp, Paper and Paper Board", Item C. "Groundwood Pulp Mills" based on groundwood production capacity. The current fee structure is too restrictive, with only two categories specified as less than or greater than 300 tons/day of production capacity. This restrictive fee structure places an unfair burden on the smaller mills. IEP suggests the following variable fee schedule: "Groundwood Production – a. < 300 tons/day; b. 300 - 600 tons/day; c. 600 - 900 tons/day; d. 900 - 1,200 tons/day; e. 1,200 - 1,500 tons/day; and f. 1,500 tons/day and greater."

Ecology Response:

Currently, there are only three groundwood pulp mills under permit coverage. Two of those mills fall into the < 300 tons-per-day fee subcategory, while the third is in the higher > 300 tons-per-day fee subcategory. If and when more than three permit holders have their permit fee determined in this fee subcategory structure, Ecology will examine the possibility of expanding the current subcategories.

Summary of Public Involvement Opportunities

Draft Rule

Ecology filed the CR102 Proposed Rule Making and Draft Rule on January 12, 2006 with the state Code Reviser's Office. This public document was printed in the Washington State Register, Issue 06-03-093. Anyone interested in viewing the proposed rule changes could contact Ecology directly to request a copy of those changes or could download the CR102 filing packet from Ecology's web site at:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm.

Ecology filed an amended CR102 Proposed Rule Making form extending the public comment end date from March 22, 2006 until April 7, 2006 at 5:00 p.m.

Public Workshops and Hearings after Rule Filing

Ecology mailed workshop/hearing announcements either directly or through e-mail to approximately 5,000 permit holders, environmental groups, state and federal agencies, and other interested parties.

The workshops/hearings were held as follows:

Lacey	March 6, 2006 Ecology Headquarters Building
Yakima	March 7, 2006 Ecology Central Regional Office
Spokane	March 8, 2006 Ecology Eastern Regional Office

A brief presentation on the filed rule changes was given and Ecology engaged in a short question-and-answer period before formal testimony was received at the hearings.

A total of seventeen (17) people attended the public hearings. Oral testimony was received from five (5) people. Written comments were received from seventeen (17) people.

When Ecology extended the public comment period from March 22, 2006 until April 7, 2006, a post card announcing this information was directly mailed to approximately 5,000 permit holders, environmental groups, state and federal agencies and other interested parties.

APPENDICES

APPENDIX A

Individuals and Organizations Providing Oral or Written Comments

Document Number	Name and Affiliation	Comment Number(s)
1	Bill Wamsley, Coordinator Lewis Co Noxious Weed Control Board	1C, 2C
2	Steve McGonigal, Ex. Sec WA State Noxious Weed Control Board	3C, 4C, 5C, 6C, 7C, 8C, 9C
3	David Tucker, PE Kitsap Co Public Works Department	10F, 11F
4	Paul Figueroa	2C, 3C, 12C
5	Kendal Smith, V. President Walt & Vern's Truck Parts	13E
6	Don Phelps, President Automotive Recyclers of Washington	13E
7	Dale Swanson, Env. Engineer Panasonic Shikoku Electronics Corp. of America	14E
8	Jolene Rabey Pat Rabey Trucking Inc.	15E, 16E, 17E, 18E
9	David Schwab, Director of Parks Eastmont Metropolitan Park District	19F
10	Jim Barfoot, President Troutlodge	20B, 21B
11	Scott Moore, Chair King Co. Noxious Weed Control Board	1C, 4C, 22C
12	Angela Storey, Pesticides Organizer Washington Toxics Coalition	23A, 24C, 25A, 26A
13	Mike Shelby, Ex. Director Western WA Agricultural Assn.	27A, 28F, 29F, 30F
14	Ronald L Bailey, Facilities Management Western Washington University	31F, 32F
15	Terry Keenhan, P.E Yakima County	33F, 34F
16	Scott McElhiney, Commissioner WA State Stormwater Drainage District No. 19	35F
17	Douglas P. Krapas, Environ. Comp. Engineer Inland Empire Paper Company	36H
18	Jack Field, V. President WA Cattlemen's Association	37D
19	Jim Zimmerman, Ex. Director	38B, 39B
20	David Meek Del Monte Foods	40G, 41G
21	Rick Deecroft Del Monte Foods	42G

APPENDIX B

Written and Oral Comments Received During the Public Comment Period

Poston, Bev

From: Bill Wamsley [wamsleyb@WSU.EDU]
Sent: Thursday, February 16, 2006 10:05 AM
To: Poston, Bev
Subject: Permit Fee Public Comment

Department of Ecology
Attn: Bev Poston
Olympia, WA

RE: Wastewater/Stormwater Discharge Permit Fees

Please accept these comments in regard to the Hearing Notice for the Wastewater/Stormwater Discharge Permit Fees.

The Lewis County Weed Program believes that these fees are a burden to managing noxious weeds that is required to meet compliance for Washington State's Weed Law, RCW 17.10.

Written Comment # 1 C

The work and permits that the County Weed Program pursues is for public benefit and its purpose is to limit the impact of noxious weeds to the states water and the benefits the water provides to the public.

The Weed Program would like to see an exemption of these fees to agencies implementing noxious weed control and securing permits to do so.

Written Comment # 2 C

Bill Wamsley, Coordinator
Lewis County Noxious Weed Control Board
Bill Wamsley, Coordinator
Lewis County Noxious Weed Control Board
351 NW North St. MS: AES02
Chehalis, WA 98532
360-740-1215
wamsleyb@wsu.edu

Washington State Noxious Weed Control Board

Document #2

1111 Washington Street; P.O. Box 42560; Olympia, WA 98504-2560

Steve McGonigal, Executive Secretary

(360) 902-2053

FAX (360) 902-2094

Email: smcgonigal@agr.wa.gov

March 6, 2006

Department of Ecology
Attn. Bev Poston
P.O. Box 47600
Olympia, WA 98504-7600

Dear Ms. Poston:

/Citizens of Washington State should not have to pay fees to the Department of Ecology in order to obey the state's noxious weed control laws. / *Written Comment # 3C*

Chapter 17.10 of the Revised Code of Washington and Chapter 16-750 of the Washington Administrative Code require property owners to control Class A and Class B-Designate noxious weeds, including some aquatic noxious weeds. Control of aquatic noxious weeds can be difficult and costly. Sometimes, herbicides are used, in accordance with the principles of Integrated Pest Management as defined in Chapter 17.15 of the Revised Code of Washington.

Recent actions of the Department of Ecology, in combining noxious weed control with other activities within the Aquatic Plant and Algae Management General Permit, are going to produce the following three results during the 2006 weed control season:

1. Some citizens and/or entities conducting mandatory noxious weed control will be forced to pay permit fees of over \$300 to Ecology for the very first time. / *Written Comment # 4C*
2. Since the noxious weed control season occurs in the warmer months of the year, and since Ecology's fiscal year ends June 30 and starts July 1, many of those citizens and/or entities will be forced to pay two fees in a single control season. / *Written Comment # 5C*
3. The Department of Ecology will increase the fees during the 2006 control season. / *Written Comment # 6C*

/I know that the Department of Ecology will respond that state legislation requires these fees. What is impossible for those working in the field to understand is that these fees were not charged in 2005, and there has been no new legislation about these fees since that time, yet they'll be charged in 2006. / *Written Comment # 7C*

We've heard the philosophy that such permit fees mean "the polluter pays." Recall that our concern is for citizens who are performing mandatory noxious weed control. So, in such situations, the permit fees mean "the law abider pay." Those who would shirk their weed control duties would not pay under this scheme.

/Assuming that legislation does require such fees, has the Department of Ecology alerted the State Legislature that it was changing the earlier noxious weed permit in such a way that

citizens would face the three changes outlined above? I would think that lawmakers would have appreciated being forewarned of these negative and unexpected impacts on law-abiding citizens, and might have made changes to exempt noxious weed control from fees, if Ecology had made the information available. / *Written Comment #8C*

/Some minor mitigation of this negative impact on noxious weed control might be possible if the Department "pro-rates" the permit fees for first-time permit buyers toward the end of the current fiscal year. Here is an example of how that might work. If a citizen is required to buy a permit for work to begin June 1, 2006, and the fiscal year is going to end June 30 of the same year, it would be fair and equitable to "pro-rate" the fee to require payment of only 1/12th of the annual permit fee. / *Written Comment #9C*

Thank you for the opportunity to comment. Please do not hesitate to contact me if I can provide further information.

Sincerely,

Steve McGonigal
Executive Secretary

Poston, Bev

From: Dave Tucker [DTucker@co.kitsap.wa.us]
Sent: Monday, March 06, 2006 4:06 PM
To: Poston, Bev
Subject: FY2006 Rule Amendment Process Comments on Proposed WAC-173-224-040

Bev,

Thank you for the very clear and easy to understand explanation of the proposed rule change at today's workshop.

I have two comments on the proposed change:

1. Under the municipal separate storm sewer system permits page 19 of the handout paragraph (5) (b) it states:
"Fees for these entities will begin in fiscal year 2006 and will not exceed \$36,059.00."

As written Phase II counties and cities could pay the fiscal year 2008 maximum fee in both fiscal year 2007 and 2008. I recommend the following change:

"Fees for these entities shall not exceed \$34,182.00 in fiscal year 2007 and \$36,059.00 in fiscal year 2008."

With the above language the maximum phase II permit fee would equal the phase I fee for the respective fiscal year. / Written Comment #10 F

2. The minimum permit fee in this same section is not proposed to change. Why is the minimum permit fee not being adjusted by the fiscal growth factor for each fiscal year like all the other permit fees? It seems fair that if the maximum is increased by the factor that the minimum would be as well. / Written Comment #11 F

Sincerely,

David Tucker

David A. Tucker, PE
Senior Program Manager
Surface and Stormwater Management Program
Kitsap County Public Works Department
614 Division Street, MS-26A
Port Orchard, WA 98366-4699
(360) 337-7292
(360) 337-5678 (fax)
www.kitsapgov.com/sswm

Document #4

Paul F. Figueroa
108 Sirius Place
Chehalis WA 98532

March 8, 2006

Department of Ecology
Attention: Ms. Bev Poston
P.O. Box 47600
Olympia, WA 98504-7600

Department of Ecology
Water Quality Program
MAR 10 2006

Dear Ms. Poston:

I believe the fees the Department of Ecology is going to assess citizens to control noxious weeds is unrealistic, unfair, and a burden to persons trying obey state laws that require control of noxious weeds. *Written Comment #3C*

The state requires landowners to control noxious weeds and weed boards can and do assess penalties for non-compliant landowners who fail to control such weeds. Weed boards can also control noxious weeds on non-compliant landowners and then try to back charge the landowners for remediation costs. For those persons who ignore noxious weed laws, weed control is left up to the county weed boards to force control or just have the counties do it themselves. Whether or not the county can recoup the costs or not, it still means the public in general pays for such weed control by forcing the burden of the few onto all citizens.

For those persons who want to comply with weed laws and have a need to obtain an Ecology permit, they will be burdened with a substantial cost of money, time and energy. I would believe that faced with the added permit fees, it will be easier and less expensive for them to just ignore weed laws and let the county weed boards handle the problem and costs. I would bet if you looked at the recovery costs from county weed boards that have tried to take action against non-compliant landowners, the money cost recovery is very, very low. *Written Comment #12C*

From the landowners' side, since the odds are probably very low that someone is going to force them to pay for the costs of control of noxious weeds, why expend the effort? The burden for county weed boards to go to court to force a judgment or repayment of costs against land or water owners for the control of noxious weeds, the control of noxious weeds will not be done as often. Additional burdens of Ecology fees will not help this matter at all rather exacerbate the problem.

Having strong weed laws to maintain the quality of the environment by limiting or excluding noxious weeds do not mean much when government itself stands in the way by making bureaucratic rules or policy that inhibit or prevent people from doing the right thing. State government does no one favors by creating obstacles for the citizens to comply.

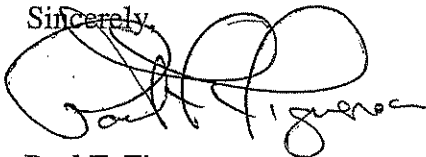
Noxious weeds are more than just an individual's problem; they are the problem of everyone. I doubt if one will be able to show very many people deliberately plant or introduce noxious weeds on their property for the purpose of degrading the environment. This issue is not one where we are trying to make the people that pollute clean up the problems they created. Aquatic noxious weeds brought into our lakes and ponds can just as easily be brought in by recreationist unknowingly transporting plant fragments across county or state lines. Noxious weeds can be transported across our highways, or from state lands or waters. Noxious weeds can be brought in by domestic or wild animals. Just because the noxious weed germinates and grows on a person's property does not mean the landowner is a polluter. Fees and unnecessary policies punish the victim and do little to help the landowner trying to comply. I think such fees or unnecessary policies always result in lower compliance.

I believe Ecology should stand with the citizens and with the intent of our purpose of state noxious weed laws and not put up barriers to compliance.

/ I would like to hope Ecology will reconsider implementation of permit fees for noxious weed control and develop and implement user- or citizen-friendly permit processes that facilitates easy access to get state help for citizens in their effort to abide by noxious weed laws and eradicate noxious weeds which will benefit everyone the state. / *Written Comment #2C*

Thank you for the opportunity to comment.

Sincerely,



Paul F. Figueroa

WALT & VERN'S
TRUCK PARTS
Since 1958

Document #5

28520 SR 410E, BUCKLEY, WA 98321
360-829-1263 FAX: 360-829-2152

March 8, 2006

Bev Poston
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Department of Ecology
Water Quality Program
MAR 10 2006

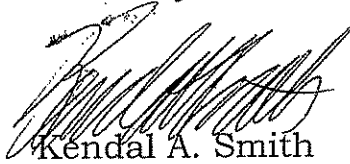
Dear Ms. Poston:

As a small business owner covered by the state's general industrial stormwater permit, we reluctantly accept the proposed fee increases for general industrial stormwater permits. We say reluctantly, because for every \$10.00 in increased fees, our company will have to produce \$500.00 in increased sales. That is very challenging because sales for our industry are declining when adjusted for inflation.

With that being said, we strongly support the existing fee structure that considers the size of the business in calculating the fees to be paid. We would oppose any major revision of the existing fee structure to, for example, a flat fee structure. / Written Comment # 13 E

Thank you for considering our input.

Sincerely,


Kendal A. Smith
Vice President



Document #6



AUTOMOTIVE RECYCLERS of WASHINGTON

PO Box 2515 Issaquah, WA 98027
425-557-2481 / Fax 208-575-6499 / lois@associationbiz.com

March 9, 2006

Bev Poston
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Department of Ecology
Water Quality Program
MAR 14 2006

Dear Ms. Poston:

On behalf of the Automotive Recyclers of Washington, we reluctantly accept the proposed fee increases for general industrial stormwater permits. We say reluctantly because our industry continues to decline in number of firms due to the ever-increasing costs to operate our businesses. For every \$10 in increased fees, our firms will have to produce \$500 in increased sales. That is very challenging because sales for our industry are declining when adjusted for inflation.

With that being said, AROW strongly supports the existing fee structure that considers the size of the business in calculating the fees to be paid. AROW would oppose any major revision of the existing fee structure to, for example, a flat fee structure. / *Written Comment #13E*

Thank you for considering our input. Please feel free to contact me if you have any questions. You may call the AROW office, and staff will reach me to return your call.

Sincerely,

Donald R. Phelps
President

Document #7

Poston, Bev

From: SwansonD@us.panasonic.com
Sent: Tuesday, March 14, 2006 8:17 AM
To: Poston, Bev
Subject: Comments

Dear Ms. Poston.

I am concerned that the Dept of Ecology wants to increase Wastewater Discharge Fees based upon the company's gross sales. This is extremely unfair to the larger companies that are trying to do the correct thing for the environment. I think that Ecology has taken a step backwards using this method.

Dale Swanson
Environmental Engineer/ISO 14001 Representative
Panasonic Shikoku Electronics Corp. of America
Swansond@US.Panasonic.com
(360)-567-0341 Direct
(360)-694-8062 Fax

Please note new e-mail address, as after Feb, old address will be undeliverable.

*Written Comment
#14 E*

Document #8

PAT RABEY TRUCKING, INC.

410 South Adams St.
P.O. Box 548
Hoquiam, WA 98541
(360) 532-2156
Fax (360) 532-5845

Department of Ecology
Water Quality Program
MAR 14 2006

March 13, 2006

Department of Ecology
Attn: Bev Poston
P.O. Box 47600
Olympia, WA 98504-7600

Dear Ms. Poston,

I am writing in response to the proposed amendments to the wastewater discharge permit fees.

I have had some trouble finding information on the proposal and what it would mean for our company. I can only assume that the proposal is for a rate increase. Are changes being made to how fees will be charged or is this proposal for a general rate increase? I was unable to find the answers to my questions on the web site and have not received any mailings explaining the amendments.

Written
Comment
#15 E

In the event that rate increases are imminent, I would like to address this. I understand that funding for the ecology department has to come from somewhere. However, I also believe that in our case the fees have not been proportionate to the contamination risk. We are running a trucking business that aside from an accident, is not an environmental threat to the water system. We have done everything possible to assure that we conduct our business in such a way that we are not exposing contaminates to the environment. The expenses that we have incurred over the past few years to insure that there is no exposure have been extremely difficult for us to absorb as the trucking industry has not been profitable for us for some time.

Written
Comment
#16 E

Our company is in financial distress at this time, consequently we disagree that revenue generated is an accurate way to measure fee charges. In all fairness, perhaps rates should be determined by actual exposure of contaminates as determined by our water sampling or by our potential for exposure. Revenue generated by a business can help determine the scale of a company but it does not determine environmental exposure or ability to pay. While we may not be exempt from fees because of hardship, we believe that the expense that we have already incurred and the care that we take with this issue qualifies us for at least reduced rates and we would opposed to any rate increase.

Written
Comment
#17 E

We also understand that some businesses in like operations are not paying wastewater or stormwater fees or being made to conduct water sampling. Are some companies not being honest about their exposure or is there a particular issue that relieves some businesses from this regulation?

Written
Comment
#18 E

I would appreciate your comments on this subject.

Sincerely,
Jolene Rabey

Document #9



EASTMONT METROPOLITAN PARK DISTRICT Parks and Recreation

255 North Georgia Avenue
East Wenatchee, WA 98802

Office: (509) 884-8015
Fax: (509) 884-4637

March 13, 2006

Washington Department of Ecology
Water Quality Program
Municipal Storm Water Permits
PO Box 47696
Olympia, WA. 98504-7696

Department of Ecology
Water Quality Program
MAR 20 2006

RE: Phase II Permit for Eastern Washington

I attended the Workshop yesterday in Ellensburg for the Municipal Separate Storm Sewer System program. I am writing this letter in an effort for the DOE to reconsider the annual permit fee that will be assessed.

It is my understanding that a process was established for cities by using population as the key indicator for establishing the permit fee for Phase I. This will proportionally set the fee by the size of the city, the larger the city, the larger the fee.

This same type of logic should be used in setting fees for ports, prison complexes, parks & recreation districts, universities, or dike and drainage districts and others that own or operate a storm water system. There is a big difference between WSU and the Eastmont Metropolitan Park District. There is a big difference between King County Parks and the Eastmont Metropolitan Park District also. To charge us the same as a University and or the King County Park department is unrealistic. *Written Comment #.19 F*

I would suggest the same thought process that went in to establishing the cities fee structure should be developed to assess fees for other entities.

Respectfully

David Schwab
Director of Parks



Document #10

Department of Ecology
Attn: Bev Poston
PO Box 47600
Olympia, WA 98504-7600

Department of Ecology
Water Quality Program
APR 03 2006

Ref: Chapter 173-224 – Wastewater Discharge fees

Dear Ms Poston;

This letter is written to express the concern of Troutlodge, Inc management in regard to potential fee increases related to the above cited discharge permits. We base our objection to any increase on the following.

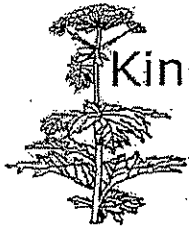
- Fish hatchery use is non-consumptive use and in most situations the quality of the discharge from a hatchery is equal to or better then the water it receives. The discharge levels are regulated by the NPDES permit levels and water rights. They have stayed constant and stable over the last few years. .
- The hatchery owner is responsible for water quality test and not the Department of Ecology. The cost of testing has escalated over the permit period and we the owners are bearing the burden. The additional test the department has required under the Individual permit requirements has added additional burdens on the owners; not the DOE.
- The proposed fee increases are significantly higher then the projected inflation rate and therefore can only be seen as revenue enhancing for the DOE. / *Written Comment #20 B*

We encourage the Department to finds innovative ways to reduce cost as we must to compete rather than taking the simplistic approach of fee increases. In this ever changing global economy in which we deal, regulatory cost in the USA and the State of Washington do nothing to help us become cost competitive. We hope you and others in the Department understand the regulatory cost imposed on business like ours gives an unfair advantage to our international competition where the cost, if any, for regulations is minimal. / *Written Comment #21 B*

Regards,



Jim Barfoot
President



King County Noxious Weed Control Board

Department of Ecology
Attn. Bev Poston
P.O. Box 47600
Olympia, WA 98504-7600

April 4, 2006

Dear Ms. Poston:

/ Residents of King County should not have to pay fees to the Department of Ecology in order to remain in compliance with the state's noxious weed control laws RCW17.10 and 16-750 WAC. / *Written Comment #1C*

Chapter 17.10 of the Revised Code of Washington and Chapter 16-750 of the Washington Administrative Code require property owners to control Class A and Class B-Designate noxious weeds, including some aquatic noxious weeds. On occasion, in accordance with the principles of Integrated Pest Management as defined in Chapter 17.15 of the Revised Code of Washington, herbicides are used.

/ The Department of Ecology's newly adopted Aquatic Plant and Algae Management permit has an associated cost of approximately \$330. This type of fee for aquatic noxious weed control has never been assessed in any of the prior DOE permits administered for this type of work. It places an unfair burden on property owners complying with state law and, in effect, fines people for complying with the law. / *Written Comment #4C*

/ I understand that the Legislature allows state agencies to recoup their costs for administering permits. However, is the Legislature aware that these costs are being passed along to property owners who are responding to mandated weed control? Previously, the Legislature has found that these permit costs to be burdensome "...The legislature finds that the costs associated with the issuance of the national pollutant discharge elimination system permit now required by the department of ecology as a result of the federal decision is burdensome to the affected individuals and organizations. The legislature intends to temporarily reduce the burden of the federal decision on those individuals and organizations." [2002 c 361 § 1.] (RCW 90.48.465). At a minimum, relief from additional costs incurred by property owners to obtain this permit should be available. / *Written Comment #22C*

Thank you for the opportunity to comment on this proposed rule change. Please contact me or Steven Burke, King County Noxious Weed Control Program Manager at 206-296-0290 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Moore", with a long horizontal flourish extending to the right.

Scott Moore, Chair
King County Noxious Weed Control Board

**WASHINGTON
TOXICS
COALITION**

4849 Sunnyside Ave N #540E
Seattle, Washington 98103
(206) 632-1545 Fax 632-8661
E-mail info@watoxics.org
http://www.watoxics.org

Document # 12

FAX COVER

TO: Bev Poston
Dept of Ecology

VOICE # _____
FAX # 360-407-7151

FROM: Angela Storey

OF PAGES INCLUDING COVER 3

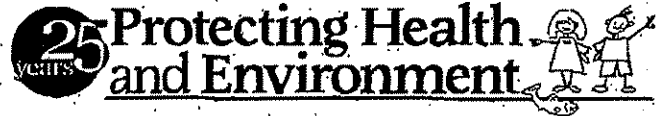
MESSAGE:

Comments on proposed revision
to Ch 173.224 Wastewater
Discharge permit fees.

Also being submitted via
email.

Angela Storey
WTC
T: 206 632 1545 x111

**WASHINGTON
TOXICS
COALITION**



April 6, 2006

Department of Ecology
Attn: Bev Poston
PO Box 47600
Olympia WA 98504-7600

Re: Comments on proposed revision to Chapter 173-224 WAC, Wastewater Discharge Permit Fees Rule Revision

Ms. Poston,

Please consider the following as the comments from the Washington Toxics Coalition on the proposed revision to Chapter 173-224 WAC – Wastewater Discharge Permit Fees.

Ecology continues to underestimate the expenses of the permit process, including applications, monitoring, compliance, outreach, and other related activities. The proposed fees should be further raised to cover the costs of a permit and planning process that complies with legal requirements, as per RCW 90.48.465. *Written Comment #23 A*

All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

Specifically in the case of coverage under the Aquatic Plant and Algae Management General Permit, empirical evidence seems to clearly suggest that there are insufficient funds to cover the necessary permit processing and compliance work. *Written Comment #23 B*

In addition, the fees charged for the Aquatic Plant and Algae Management permit should more heavily encourage the "reduction of the quantity of pollutants." In the past few years, coverage under these permits has been granted to many lakes where non-chemical solutions to vegetation problems are possible, economical, and potentially more effective than the use of pesticides. However, the permit applications continue to come in and Ecology continues to grant them. The permit *Written Comment #24 C*

fees must then currently not be significant enough to encourage the use of less polluting technologies.

Some clarifying questions:

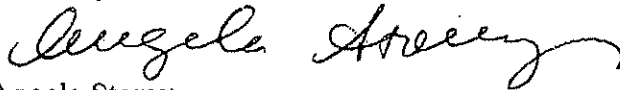
- o What is the calculated cost for managing each permit or coverage granted?
- o What activities exactly are supposed to be covered by the permit fees?
- o How do the permit fees cover these items?

Written Comment # 25 A

Written Comment # 26 A

Ecology should follow the letter of the law and increase the permit fees to cover the costs of the process and reduce the quantity of pesticide pollutants being intentionally discharged into our waterways.

Sincerely,



Angela Storey
Pesticides Organizer
Washington Toxics Coalition

Document #13

April 7, 2006

Washington Department of Ecology
Attn: Ms. Bev Poston
P.O. Box 47600
Olympia, WA 98504-7600

RE: Proposed Amendments to Chapter 173-224 WAC
Wastewater/Stormwater Discharge Permit Fees

Dear Ms. Poston,

The Western Washington Agricultural Association (WWAA) appreciates the opportunity to comment on the proposed changes to Chapter 173-224 WAC, Wastewater/Stormwater Discharge Permit Fees. Our comments are being transmitted electronically on the date of this letter and a signed copy will follow via U.S. Mail.

The WWAA is a non-profit grower-based membership organization established in 1944 to serve businesses and individuals engaged in agriculture and our allied industries. Our mission is to interact with the agricultural community and seek out and develop opportunities for the future of agriculture in Western Washington. We represent agricultural interests in dealing with many marketplace and economic issues as well as land use, environmental and regulatory programs.

We appreciate that the costs of managing the NPDES/Discharge Permit program should, in part, be borne by the permit holders served by the program, and we are generally supportive of the permit fee structure. However, we are concerned and would like to address the need for designing more appropriate permit fees for "secondary permittees" which are coming under the recently initiated NPDES Stormwater Phase II program. It is our understanding that agricultural drainage districts will be subject to this program if they meet certain criteria. As an example, in the Skagit County area, there are 15 drainage districts, of which a few may be subject to these new permit requirements which would require filing a notice of intent and, development and implementation of a Stormwater Management Plan. The typical drainage district is managed by locally elected Commissioners who volunteer their time, have no paid employees, and operate on a very limited and austere budget. The intent of the permit fee rule, as explained to us, is to categorize the districts under WAC 173-224-040(5)(c) which specifies a flat \$1,500

Written
Comment
#27 A

annual permit fee for all "Other entities" not otherwise listed in the rule, including drainage districts. We have the following concerns:

1. The category of "Other entities" casts too wide a net over many possible facilities and operators of different size, purpose, income and revenue, and varying discharges. There is no definition of "other entities" contained in this administrative chapter. Big and small are treated the same, required to pay the same fee, and this raises the issue of fairness and equity. We suggest that more work is now needed in this rule to discriminate between and more carefully define "other entities" given the recent expansion by WDOE of the Stormwater Program into Phase II permitting activity. / *Written Comment # 28 F*
2. The proposed rule provides no explanation and no supporting documentation to illustrate how the \$1,500 annual fee amount was derived. A casual look at the fees specified for the other facility categories suggest to this reviewer that the \$1,500 fee has no calculated basis. It does not appear to fit in any general fee profile or pattern within the proposed rule. In context with the drainage districts the amount seems extraordinarily excessive. We recommend a comparative look at drainage districts and the other categories, and we believe a significantly reduced fee for drainage districts in the range of \$250-\$500 is more appropriate. / *Written Comment # 29 F*

For another approach, consideration could be given in the rule to diversifying the Small Business/Extreme Hardship Fee Reduction provision so that it will apply to small special purpose districts such as drainage districts. Another alternative would be to allow these districts, were they serve in vicinity to each other, to file jointly for permit coverage and share the cost of a single annual permit fee. / *Written Comment # 30 F*

Again, thank you for the opportunity to comment on the proposed permit fee changes. If you have any questions, please contact our office at (360) 424-7327.

Sincerely,

Mike Shelby
Executive Director

Document #14

Poston, Bev

From: Ron Bailey [Ron.Bailey@wwu.edu]
Sent: Friday, April 07, 2006 4:28 PM
To: Poston, Bev
Subject: MS4 Permit Fee Comment

Regarding the Permit Fee for Western Washington Secondary MS4 Permittees:

- o Will any consideration be given for reduced/adjusted fee if co-applying with another entity to meet the requirements of the permit? *Written Comment #31F*
- o Will one permit fee apply if we submit one application/SWMP to cover multiple locations (i.e. main campus in Bellingham as well as off campus sites located in Bellingham, on lake Whatcom, and at Shannon Point in Anacortes)? *Written Comment #32F*

Ronald L. Bailey
Facilities Management
Western Washington University
(360) 650-4917

4/11/2006

Yakima County Comments on

**Proposed Wastewater/Stormwater Discharge Permit Fees
(WAC 173-224-040)**

Point of Contact:
Terry Keenhan, P.E.
(509)-574-2300
Surface Water Manager
terry.keenhan@co.yakima.wa.us

Yakima County would like to thank the Department of Ecology for the opportunity to comment on the proposed permit fee schedule for municipalities and other agencies who are required to obtain coverage under a municipal stormwater general permit (amendatory section WAC 173-224-040).

Specific Comments to Proposed Permit Fee Schedule

Section (5), subsection (b) and (c), page 19

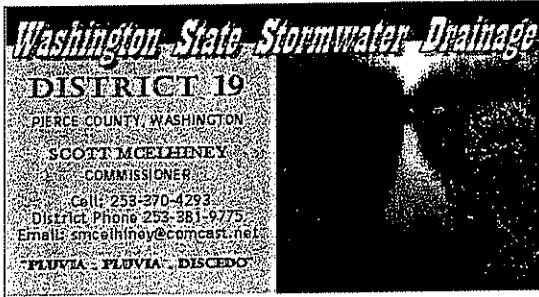
Subsection (b) describes municipal stormwater general permit fees for cities and counties. Subsection (c) applies to entities other than cities and counties that are required to have permit coverage under a municipal stormwater general permit. Our concern is that there will be a duplication of required permits (stormwater general permits for municipalities and other entities) and associated permit fees, especially for municipally owned special purpose districts (Drainage Improvement Districts or Flood Control Zone Districts) that lie within the census defined urbanized area of a city or county. We are of the opinion that an entity (special purpose district) within an NPDES Phase II permitted city or county does not need to apply for a separate stormwater permit nor pay a separate stormwater permit fee. The stormwater management program activities required as part of an NPDES Phase II permit will cover the activities of both the municipality and those of any entities (special purpose districts) that lie within a city or county. Residents should not be responsible to pay fees under two separate permits, especially if the permits will require the same activities of the city or county under either permit. / *Written Comment #33 F*

Section (5), subsection (c), page 19

The proposed minimum fee of \$1,500 for small entities such as drainage improvement districts, diking improvement districts, etc., is too high. Annual assessments for many of our smaller special purpose districts are under \$1,000 and the proposed permit fees will more than double the annual assessment for the residents in these districts. / *Written Comment #34 F*

Document # 16

10306 Golden Given Road East
Tacoma, WA 98445



April 11, 2006

Department of Ecology
Attn. Bev Poston
PO Box 47600
Olympia, WA 98504-7600

Dear Sir or Madam:

I am writing this letter to express concern over the proposed secondary Municipal Stormwater Discharge Permit Fee. This fee if left at the arbitrary \$1500 level for secondary permittees could consume 5-10% of the fees taken in by Drainage Districts such as DD19 and DD14. This would impose a burden on our ability to do our mandated job of maintaining the district ditch systems. I noticed that cities and counties fees range from \$750- \$30,000 based on housing units. Our particular district's income is based on acreage of parcels inside our boundaries. Because of this we track the number of parcels along with size. A formula comparable to the housing unit one using the number of parcels may be a better solution in that we could actually track and link with something real world. Thank you for taking our comments.

Sincerely,

Scott McElhiney
Commissioner

Written Comment
35 F



Document #17

INLAND EMPIRE PAPER COMPANY

3320 N. ARGONNE
SPOKANE, WASHINGTON 99212-2099

PHONE 509/924-1911
FAX 509/927-8461

Department of Ecology
Water Quality Program
APR 10 2006

April 7, 2006

Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Attention: Ms. Bev Poston

Subject: Comments to DOE's proposed changes to Wastewater Discharge Permit Fees

Dear Ms. Poston:

The enclosed information is submitted by Inland Empire Paper Company (IEP) in response to Washington State Department of Ecology's proposed changes to Chapter 173-224 WAC - Wastewater Discharge Permit Fees.

IEP suggests that a variable fee structure be applied to the Industrial Facility Category of "Pulp, Paper and Paper Board", Item C. "Groundwood Pulp Mills" based on groundwood production capacity. The current fee structure is too restrictive with only two categories specified as less than or greater than 300 tons/day of production capacity. This restrictive fee structure places an unfair burden on the smaller mills. The variable fee structure is used to describe many of the other Industrial Facility Categories, and should be applied to the pulp and paper industry as well. IEP suggests the following variable fee schedule, similar to that used for many of the other Industrial Facility Categories:

Written
Comment
#36 H

at

Groundwood Production

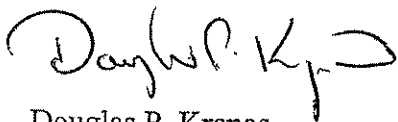
- 0 to 300 tons/day
- 300 to 600 tons/day
- 600 to 900 tons/day
- 900 to 1,200 tons/day
- 1,200 to 1,500 tons/day
- 1,500 tons/day and greater

nd Empire Paper Company

Ms. Poston
Page 2
April 7, 2006

We appreciate the opportunity to comment on this matter and are hopeful that you will consider the suggested modifications. Please contact me should you have any questions or required further information.

Regards,



Douglas P. Krapas
Environmental Compliance Engineer

Cc: Wayne Andresen
Rick Fink
Kevin Rasler

Wastewater Permit Fee
Public Hearing
March 6, 2006

Let the records show that it is 2:30 PM on March 6, 2006, and this public hearing is being held at the Ecology headquarters building auditorium, 300 Desmond Drive, Lacey, Washington.

The primary purpose of this hearing is to receive public comments on the proposed changes to WAC 173 -224, Wastewater Discharge Permit Fees. The legal notice of this hearing was published in the Washington State Register, Issue No. 0603093 on February 1, 2006. Approximately 4700 permit holders were directly mailed hearing notices on February 6th, 2006.

In addition, 200 notices were mailed to potential permit holders and other interested parties on February 7, 2006.

When I call your name, please step up to the microphone, have a seat in the chair and give your name, address and who you are representing and then you can provide your comments for the record.

First I'd like to call Jack Field who'll be followed by Jim Zimmerman.

Document # 18

For the record, my name is Jack Field. I'm the executive vice president of the Washington Cattlemen's Association. We're located in Ellensburg, Washington with members throughout the state. Here for participation in the hearing today to learn a little bit more and to have a few comments and questions to ask and submit into the record. #1 we would oppose the increase in permit fees, as many of our members for the first time are now being faced with the NPDES permit, as we're not certain how the effects of the second circuit would be, but we would hopefully like to see the permit fees stay as low as possible for those that are included onto the permit to allow them to participate and meet the requirements of both the state and federal clean water acts at the lowest and most economical price level, thus allowing them to remain competitive within their segment of the market and also to perform sound stewardship and meet the criteria set forth by the state. We would be very much interested in any further questions or contacts that might need to be made in terms of industry or outreach that we might be able to play in terms of trade organizations trying to interface with the department. And, if there are any other questions, we will be available afterwards. Thank you.

*Oral
Comment
37 D*

Thank you.

Jim Zimmerman, and then Steve.

Document # 19

Jim Zimmerman, Executive Director of Washington Fish Growers Association, PO 5, Pateras, Washington, 98846. Our membership is in opposition to the fee increase for 2007 and for 2008 in the category on page 2, fin fish hatching and rearing facilities individual permits and fin fish hatching and rearing facilities the general permit covered. The reason that we are in opposition to these fees is that we see no change in what we do so we see no change in what you do. We provide a stable discharge. It's always the same. And, our loading capacities and the like are determined by the permit so we can't violate those. So, again, our discharge is a stable discharge. On a number of occasions, our hatcheries receive water that is not as clean as what we discharge. So, we're actually discharging cleaner water than what we receive. For those hatcheries that have well water that they run on, they're discharging waters that have no algae in them, they add coolant to the state's waters, and they also contribute to the flow and the general improved water quality. I'd like to also remind the department that we pay our own testing fees and this was established some years ago, and our industry was the industry that by legislation developed the general permit and we served as a pilot for the first general permit. Taking all these in aggregate again, we oppose the proposed fee increase and would like to have a very careful review made by the department of the type of discharge that we provide and recognize that we are contributors to clean water. Thank you.

Oral Comment
38 B

Oral Comment
39 B

Thank you.

Document # 2

Steve McGonigal. I'm the Executive Secretary of the Washington State Noxious Weed Control Board. The State Noxious Weed Control Board is made up of 15 volunteer appointed and elected experts from different areas of the state and they make state noxious weed policy. We feel very strongly that citizens should not have to pay any fee at all to the department of Ecology to obey state noxious weed law. These laws are Chapter 1710 of the Revised Code of Washington and Chapter 16-750 of the Washington Administrative Code. And, under those, citizens are required to control certain weeds on their land in their waters including some aquatic weeds. And, they do it within the description of Integrated Pest Management as codified in Revised Code of Washington section 1715. By combining noxious weed control with other activities in the aquatic plant and algae management general permit, the Department of Ecology has set up a situation where the following three things are going to happen in the upcoming weed control season. First of all, many entities, citizens, and other entities that are obeying state weed law are going to be hit with these fees for the very first time ever, having been covered under other programs in the past. Secondly, they're going to be hit with two fees in a single treatment season, because the weed control season, as you might imagine, involves spring, summer and fall, and that crosses the period from June to July and two of Ecology's fiscal years. And, thirdly, the fee is going to increase during that single control season under the proposal in front of the hearing today. Many of these folks are going to be surprised, and naturally pretty unhappy about that. Now, I know that in response to the comments, I'm going see that legislation requires that these fees cover the cost of the programs to issue the permits. And, I've heard the theory that that's under the theory of Polluter Pays. But, the actions of the Department of Ecology as I outlined earlier are putting us in the situation where it's not Polluter Pays, it's Law Abider pays. And, giving

Oral Comment
3 C

Oral Comment
5 C

Oral Comment
6 C

Oral Comment
7 C

more people more reasons to attempt not to comply with state noxious weed law. Also I note that there were no such fees paid by many of these people obeying the state weed laws in 2005, and there has not been new legislation in this area since then. So, the concept that it's required by legislation is difficult or impossible to understand for many people. I would ask if the Department of Ecology warned the State Legislature that this combination of its actions were going to set up this situation where these people obeying the state weed law are being hit by these fees for the first time, two fees in a year and fees increasing. And if not, why not? I would think that the state legislature as representative of citizenry would want to have been alerted by the Department of Ecology before this occurs. I do know that if this goes forward and it impacts the 2006 weed season, the legislature will hear from others outside of Ecology about the impact of Ecology's actions. Might have been better if Ecology had been proactive in giving the legislature the heads up. So, we'd prefer to see an exemption for noxious weed control, not only from the fee increase, but from any fee and in fact from the permit itself. We'll send some written comments before the deadline. Thank you.

*Oral
Comment
#8C*

Thank you.

Next _____]

Let the record show that at this time there is no one else that wants to give testimony. All testimony presented at this hearing, as well as any written comments received are part of the official public record for this proposal, and will be given equal weight in the decision making process. The public comment period ends on April 7th, 2006. Written comments must be received by 5 PM on April 7th. Please submit written comments to Bev Poston, Water Quality Program, Department of Ecology, PO Box 47600, Olympia, Washington, 98504-7600. You may submit comments by email to BPOS461@ecy.wa.gov or they may be sent by fax to 360.407.7151.

All written comments and oral testimony received will be responded to in a document called Response to Comments Summary that will state Ecology's official position on the issues and concerns raised. That document will automatically be mailed out to everyone who provided oral or written testimony. It will also be posted on the permit fee webpage as soon as it is available. The ultimate decision on whether or not to adopt the proposed rule amendments will be made by Ecology Director Jay Manning. His decision is expected to occur no later than May 30th, 2006. If adopted, the proposed changes would become effective July 1, 2006.

On behalf of the Department of Ecology, thank you for coming. Let the record show that this hearing is adjourned at 2:40 PM. Thank you.

Wastewater Permit Fee Public Hearing
Yakima
March 7, 2006

Hi there. My name is Richard Markley. I'm going to be your hearings officer today. This hearing is the second of 3 public hearings that are being held across the state. Yesterday we had one in Lacey and tomorrow we'll be having another hearing in Spokane.

A brief description of the hearing...here's how it will be run. First, I will call your name. Please come forward and give your oral comments – just come on up here to the podium and speak loudly and clearly so we have your record that can be transcribed. If you have any questions you want answered as a part of the official public response to comments, I strongly encourage you to ask them at the time you give your testimony. However we're not in a question and answer mode per say. Staff will be preparing formal response to your comments that will be at a later date. So we can begin. Let the record show that it is 2:05 PM on March 7, 2006. This public hearing is being held at the Ecology Central Regional Office at 15 W Yakima in the Waterpool Room, in Yakima County, the city of Yakima, Washington. The primary purpose of this hearing is to receive public comments in the proposed changes to WAC 173-224, Rates for the Discharge Permit Fees. The legal notice of this hearing was published in the Washington State Register, Issue No. 0603093 on February 1, 2006. Approximately 4700 permit holders were direct mailed hearing notices on February 6 of 2006. In addition, 200 notices were mailed to potential permit holders and other interested parties were direct mailed notice of the public hearing on February 7th, 2006. When I call your name, please step forward up to the microphone and give your comments like I mentioned before. First up, we have David Meek with DelMonte Inc.

Document # 20

Again, David Meek with DelMonte Foods. I'm representing the Yakima facility and really what I came here to say is that obviously we're concerned with any increase in prices or cost of operating and doing business. DelMonte Foods is a canner of fruits and vegetables. It's an industry that is not necessarily cutting edge when you look at putting food in a tin can and competing in foreign markets and local markets. Quite honestly have one too many pear producers in the valley. /And, increase in our cost of business is significant to us. We pay tens of thousands of dollars in permit fees between a direct permit with Ecology and our indirect one with the city of Yakima for our wastewater, but I believe that is still originating here with Ecology /And, that doesn't mention sampling costs, and discharge costs relative to treating our waste. So, it's very significant to us, the two or three percent that's proposed may not sound like a lot, but it's thousands of dollars for a business. /And obviously that's a concern for us. That being said, certainly DelMonte wants to be a good environmental neighbor, if you will, in the community. We try to do the right thing. We have a significant corporate staff and local staff to handle any environmental needs/issues for us. So, understanding all that our big concern is cost. And I'd like to follow up with the written. Thank you.

Oral
Comment
#40 G
Oral
Comment
#41 G

Document # 21

Next commenter is Rick Deecroft, with Monson Fruit. I didn't know we were going to have a little speech or anything, so I was completely unprepared. But, I will say basically I'm very much in agreement with the gentleman from DelMonte. / We're here to basically strongly oppose any increase in fees or costs associated with our stormwater program. Basically to reiterate what the gentleman from DelMonte said, again, we are also a company that's very concerned with ecology and the wastewater and stormwater and the various things, but don't feel that at this time that it's necessary for there to be an increase in the fees and _____ for our companies. / And, I will also follow it up with a written comment that I'll mail in.

Oral
Comment
426

And, Robert Clemson, of DelMonte.

It's 2:10. Unless someone else comes in. I'll be shutting the tape recorder off at 2:10. It's April 7, 2006. It's 2:33, and the meeting is adjourned. Thank you.

**Wastewater Permit Fee
Public Hearing
March 8, 2006**

And I'll just go through my little speal here that for the record it is 2:28 pm on March 8th and this hearing is being held at the Department of Ecology Regional office north 4601 Monroe 1st floor meeting room. The primary purpose of this hearing is to receive public comment on the proposed changes to WAC 173-224 which is the wastewater discharge permit fee WAC. The legal notice of this hearing was published in the Washington state register issue number 06-03-093 on February 1st, 2006. Approximately 4,700 permit holders were directly mailed hearing notices on February 6, 2006. In addition, 200 notices were mailed to potential hearings or permit holders and other interested parties on February 7, 2006. And as I stated before, um I have a sign-in sheet you guys signed in and indicated whether you'd like to testify so for the record I'll ask if there is anybody that would like to give public comment?

And if there is not, then um I'll adjourn this meeting at 2:29 and thank you for coming out today we appreciate you taking the time to come listen.

APPENDIX C

Public Notices



Hearing Notice

Public Hearings on Wastewater/Stormwater Discharge Permit Fees

from Ecology's Water Quality Program

Workshops will begin at 2:00 p.m. on the following dates:

March 6, 2006

Ecology Headquarters Building
Auditorium
300 Desmond Drive
Lacey

March 7, 2006

Ecology Central Regional Office
Waterfall Room
15 West Yakima Avenue
Yakima

March 8, 2006

Ecology Eastern Regional Office
2nd Floor Meeting Room
4601 N. Monroe Street
Spokane

Background

The Washington State Department of Ecology (Ecology) administers state and federal permits to regulate wastewater and stormwater discharges into Washington's waters. In accordance with state water-pollution control law (RCW 90.48.465), all permit holders are required to pay annual permit fees. Ecology uses the fee money to help fund Ecology's wastewater discharge permit program.

Every two years, Ecology amends the permit fee regulation as needed to continue funding the wastewater permit fee program. Ecology is proposing to make the following changes to the permit fee rule, Chapter 173-224 WAC – Wastewater Discharge Permit Fees:

- Increase the annual permit fees for all permit holders by 3.38 percent for Fiscal Year 2007 (July 1, 2006, through June 30, 2007) and 5.49 percent for Fiscal Year 2008 (July 1, 2007, through June 30, 2008).
- Combine the existing fee subcategories for nuisance and noxious weed control into one fee subcategory and setting one fee amount that will cover one or both coverages.
- Create a new fee category for invasive moth control.

Public Hearing Schedule

Ecology will hold a short workshop that will immediately be followed by a public hearing at the following locations, dates and times:

Date/Time	City	Location
March 6, 2006, 2:00 p.m.	Lacey	Ecology Headquarters Building 300 Desmond Drive Auditorium
March 7, 2006, 2:00 p.m.	Yakima	Ecology Central Regional Office 15 West Yakima Waterfall Room
March 8, 2006, 2:00 p.m.	Spokane	Ecology Eastern Regional Office 4601 N. Monroe Street 2 nd Floor Meeting Room

Ecology will accept written comments on the proposed changes until 5:00 pm. on March 22, 2006.
Comments may be sent to:

Department of Ecology
Attn: Bev Poston
PO Box 47600
Olympia WA 98504-7600
The fax number is (360) 407-7151
The e-mail address for comments is bpos461@ecy.wa.gov

Following the public comment period, Ecology will review and consider all comments received. Ecology proposes to adopt the final rule on May 30, 2006. The rule would then become effective July 1, 2006.

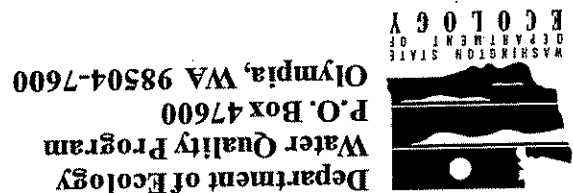
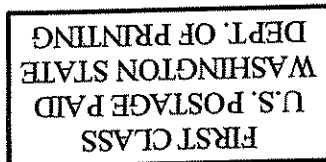
The proposed rule language is available for review on Ecology's website at:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

For more information:

If you would like more information about the proposed hearings or the proposed changes, or would like a copy of the file changes mailed to you, please contact Bev Poston at (360) 407-6425 or send an e-mail to bpos461@ecy.wa.gov.

If you need special accommodations or require this information in an alternate format, please contact Bev Poston at (360) 407-6425 (voice). Those with speech or hearing impairments may call 711 for relay service or 800-833-6388 for TTY.





**NOTICE TO ALL WASTEWATER/STORMWATER
PERMIT HOLDERS AND
OTHER INTERESTED PARTIES**

The Department of Ecology is extending the public comment period from March 22, 2006 to April 7, 2006 for the proposed rule amendments to Chapter 173-224 - Wastewater Discharge Permit Fees. Written comments must be received no later than 5:00 p.m.

Please send comments to:

Department of Ecology
Attn: Bev Poston
PO Box 47600
Olympia, WA 98504-7600

Comments can be faxed to (360) 407-7151 or email your comments to bpos461@ecy.wa.gov. For more information on the proposed fee rule changes, visit our website at:

http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

APPENDIX D

Final Language for Chapter 173-224 WAC Wastewater Discharge Permit Fees

AMENDATORY SECTION (Amending WSR 04-15-046, filed 7/13/04, effective 8/13/04)

WAC 173-224-040 Permit fee schedule. (1) APPLICATION FEE In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) INDUSTRIAL FACILITY CATEGORIES

INDUSTRIAL FACILITY CATEGORIES	FY ((2005))	FY ((2006))
	<u>2007</u>	<u>2008</u>
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
Aluminum Alloys	(((\$14,145.00)) <u>\$15,007.00</u>	(((\$14,516.00)) <u>\$15,831.00</u>
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	((83,417.00)) <u>88,496.00</u>	((85,603.00)) <u>93,354.00</u>
b. State Permit	((41,710.00)) <u>44,250.00</u>	((42,803.00)) <u>46,679.00</u>
Aluminum Forming	((42,435.00)) <u>45,019.00</u>	((43,547.00)) <u>47,491.00</u>
Aggregate Production - Individual Permit Coverage		
a. Mining Activities		
1. Mining, Screening, Washing and/or Crushing	((2,434.00)) <u>2,582.00</u>	((2,498.00)) <u>2,724.00</u>
2. Nonoperating Aggregate Site (fee per site)	((100.00)) <u>106.00</u>	((103.00)) <u>112.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	((1,014.00)) <u>1,076.00</u>	((1,041.00)) <u>1,135.00</u>
2. 50,000 - < 300,000 tons/yr.	((2,435.00)) <u>2,583.00</u>	((2,499.00)) <u>2,725.00</u>
3. 300,000 tons/yr. and greater	((3,045.00)) <u>3,231.00</u>	((3,125.00)) <u>3,408.00</u>
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	((1,014.00)) <u>1,076.00</u>	((1,041.00)) <u>1,135.00</u>

2.	25,000 - < 200,000 cu. yds/yr.	((2,435.00))	((2,499.00))
		<u>2,583.00</u>	<u>2,725.00</u>
3.	200,000 cu. yds/yr. and greater	((3,045.00))	((3,125.00))
		<u>3,231.00</u>	<u>3,408.00</u>

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Operations

1.	Rock Crushing	((2,434.00))	((2,498.00))
		<u>2,582.00</u>	<u>2,724.00</u>
2.	Asphalt	((2,434.00))	((2,498.00))
		<u>2,582.00</u>	<u>2,724.00</u>
3.	Concrete	((2,434.00))	((2,498.00))
		<u>2,582.00</u>	<u>2,724.00</u>

Aggregate Production - General Permit Coverage

a. Mining Activities

1.	Mining, Screening, Washing and/or Crushing	((1,703.00))	((1,748.00))
		<u>1,807.00</u>	<u>1,906.00</u>
2.	Nonoperating Aggregate Site (fee per site)	((71.00))	((73.00))
		<u>75.00</u>	<u>79.00</u>

b. Asphalt Production

1.	0 - < 50,000 tons/yr.	((711.00))	((730.00))
		<u>755.00</u>	<u>796.00</u>
2.	50,000 - < 300,000 tons/yr.	((1,704.00))	((1,749.00))
		<u>1,808.00</u>	<u>1,907.00</u>
3.	300,000 tons/yr. and greater	((2,130.00))	((2,186.00))
		<u>2,260.00</u>	<u>2,384.00</u>

c. Concrete Production

1.	0 - < 25,000 cu. yds/yr.	((711.00))	((730.00))
		<u>755.00</u>	<u>796.00</u>
2.	25,000 - < 200,000 cu. yds/yr.	((1,704.00))	((1,749.00))
		<u>1,808.00</u>	<u>1,907.00</u>
3.	200,000 cu. yds/yr. and greater	((2,130.00))	((2,186.00))
		<u>2,260.00</u>	<u>2,384.00</u>

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Operations

1.	Rock Crushing	((1,704.00))	((1,749.00))
		<u>1,808.00</u>	<u>1,907.00</u>
2.	Asphalt	((1,704.00))	((1,749.00))
		<u>1,808.00</u>	<u>1,907.00</u>
3.	Concrete	((1,704.00))	((1,749.00))
		<u>1,808.00</u>	<u>1,907.00</u>

Aquaculture

a. Finfish Hatching and Rearing - Individual Permit	((4,243.00))	((4,354.00))
	<u>4,501.00</u>	<u>4,748.00</u>
b. Finfish Hatching and Rearing - General Permit Coverage	((2,972.00))	((3,050.00))
	<u>3,153.00</u>	<u>3,326.00</u>
c. Shellfish Hatching	((146.00))	((150.00))
	<u>155.00</u>	<u>164.00</u>

Aquatic Pest Control

a. Irrigation Districts	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>
b. Mosquito Control Districts	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>
c. ((Noxious)) <u>Invasive Moth Control</u>	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>
d. ((Nuisance Weed Control Only)) <u>Aquatic Species Control & Eradication</u>	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>
e. Oyster Growers	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>
f. Rotenone Control	((319.00))	((327.00))
	<u>338.00</u>	<u>357.00</u>

Boat Yards - Individual Permit Coverage

a. With Stormwater-only Discharge	((362.00))	((371.00))
	<u>384.00</u>	<u>405.00</u>
b. All Others	((725.00))	((744.00))
	<u>769.00</u>	<u>811.00</u>

Boat Yards - General Permit Coverage

a. With Stormwater-only Discharge	((252.00))	((259.00))
	<u>268.00</u>	<u>282.00</u>
b. All Others	((509.00))	((522.00))
	<u>540.00</u>	<u>570.00</u>

Coal Mining and Preparation

a. < 200,000 tons per year	((5,655.00))	((5,803.00))
	<u>5,999.00</u>	<u>6,328.00</u>
b. 200,000 - < 500,000 tons per year	((12,731.00))	((13,065.00))
	<u>13,507.00</u>	<u>14,248.00</u>
c. 500,000 - < 1,000,000 tons per year	((22,632.00))	((23,225.00))
	<u>24,010.00</u>	<u>25,328.00</u>
d. 1,000,000 tons per year and greater	((42,435.00))	((43,547.00))
	<u>45,019.00</u>	<u>47,491.00</u>

Combined Industrial Waste Treatment

a. < 10,000 gpd	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>
b. 10,000 - < 50,000 gpd	((7,071.00))	((7,256.00))
	<u>7,501.00</u>	<u>7,913.00</u>

c. 50,000 - < 100,000 gpd	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>
d. 100,000 - < 500,000 gpd	((28,290.00))	((29,031.00))
	<u>30,012.00</u>	<u>31,659.00</u>
e. 500,000 gpd and greater	((42,435.00))	((43,547.00))
	<u>45,019.00</u>	<u>47,491.00</u>
Combined Food Processing Waste Treatment Facilities	((13,542.00))	((13,897.00))
	<u>14,367.00</u>	<u>15,156.00</u>
Combined Sewer Overflow System		
a. < 50 acres	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>
b. 50 - < 100 acres	((7,071.00))	((7,256.00))
	<u>7,501.00</u>	<u>7,913.00</u>
c. 100 - < 500 acres	((8,490.00))	((8,712.00))
	<u>9,007.00</u>	<u>9,501.00</u>
d. 500 acres and greater	((11,316.00))	((11,612.00))
	<u>12,004.00</u>	<u>12,663.00</u>
Commercial Laundry	((362.00))	((371.00))
	<u>384.00</u>	<u>405.00</u>
Concentrated Animal Feeding Operation		
a. < 200 Animal Units	((145.00))	((149.00))
	<u>154.00</u>	<u>162.00</u>
b. 200 - < 400 Animal Units	((362.00))	((371.00))
	<u>384.00</u>	<u>405.00</u>
c. 400 - < 600 Animal Units	((725.00))	((744.00))
	<u>769.00</u>	<u>811.00</u>
d. 600 - < 800 Animal Units	((1,087.00))	((1,115.00))
	<u>1,153.00</u>	<u>1,216.00</u>
e. 800 Animal Units and greater	((1,451.00))	((1,489.00))
	<u>1,539.00</u>	<u>1,624.00</u>
Crop Preparing - Individual Permit Coverage		
a. 0 - < 1,000 bins/yr.	((282.00))	((289.00))
	<u>299.00</u>	<u>315.00</u>
b. 1,000 - < 5,000 bins/yr.	((566.00))	((581.00))
	<u>601.00</u>	<u>634.00</u>
c. 5,000 - < 10,000 bins/yr.	((1,131.00))	((1,161.00))
	<u>1,200.00</u>	<u>1,266.00</u>
d. 10,000 - < 15,000 bins/yr.	((2,265.00))	((2,324.00))
	<u>2,403.00</u>	<u>2,535.00</u>
e. 15,000 - < 20,000 bins/yr.	((3,746.00))	((3,844.00))
	<u>3,974.00</u>	<u>4,192.00</u>
f. 20,000 - < 25,000 bins/yr.	((5,233.00))	((5,370.00))
	<u>5,552.00</u>	<u>5,857.00</u>
g. 25,000 - < 50,000 bins/yr.	((7,001.00))	((7,184.00))
	<u>7,427.00</u>	<u>7,835.00</u>

h. 50,000 - < 75,000 bins/yr.	((7,780.00))	((7,984.00))
	<u>8,254.00</u>	<u>8,707.00</u>
i. 75,000 - < 100,000 bins/yr.	((9,052.00))	((9,289.00))
	<u>9,603.00</u>	<u>10,130.00</u>
j. 100,000 - < 125,000 bins/yr.	((11,316.00))	((11,612.00))
	<u>12,004.00</u>	<u>12,663.00</u>
k. 125,000 - < 150,000 bins/yr.	((14,145.00))	((14,516.00))
	<u>15,006.00</u>	<u>15,830.00</u>
l. 150,000 bins/yr. and greater	((16,974.00))	((17,419.00))
	<u>18,008.00</u>	<u>18,997.00</u>
Crop Preparing - General Permit Coverage		
a. 0 - < 1,000 bins/yr.	((197.00))	((202.00))
	<u>209.00</u>	<u>220.00</u>
b. 1,000 - < 5,000 bins/yr.	((396.00))	((406.00))
	<u>420.00</u>	<u>443.00</u>
c. 5,000 - < 10,000 bins/yr.	((793.00))	((814.00))
	<u>842.00</u>	<u>888.00</u>
d. 10,000 - < 15,000 bins/yr.	((1,585.00))	((1,627.00))
	<u>1,682.00</u>	<u>1,774.00</u>
e. 15,000 - < 20,000 bins/yr.	((2,623.00))	((2,692.00))
	<u>2,783.00</u>	<u>2,936.00</u>
f. 20,000 - < 25,000 bins/yr.	((3,664.00))	((3,760.00))
	<u>3,887.00</u>	<u>4,100.00</u>
g. 25,000 - < 50,000 bins/yr.	((4,900.00))	((5,028.00))
	<u>5,198.00</u>	<u>5,483.00</u>
h. 50,000 - < 75,000 bins/yr.	((5,445.00))	((5,588.00))
	<u>5,777.00</u>	<u>6,094.00</u>
i. 75,000 - < 100,000 bins/yr.	((6,331.00))	((6,497.00))
	<u>6,717.00</u>	<u>7,086.00</u>
j. 100,000 - < 125,000 bins/yr.	((7,922.00))	((8,130.00))
	<u>8,405.00</u>	<u>8,866.00</u>
k. 125,000 - < 150,000 bins/yr.	((9,902.00))	((10,161.00))
	<u>10,504.00</u>	<u>11,081.00</u>
l. 150,000 bins/yr. and greater	((11,881.00))	((12,192.00))
	<u>12,604.00</u>	<u>13,296.00</u>

Dairies \$.50 per Animal Unit, not to exceed ~~((\\$1,015.00))~~
\$1,077.00 for FY ~~((2005))~~ 2007 and ~~((\\$1,042.00))~~ \$1,136.00
for FY ~~((2006))~~ 2008 and beyond

Facilities Not Otherwise Classified - Individual Permit Coverage

a. < 1,000 gpd	((1,415.00))	((1,452.00))
	<u>1,501.00</u>	<u>1,583.00</u>
b. 1,000 - < 10,000 gpd	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>

c.	10,000 - < 50,000 gpd	((7,072.00))	((7,257.00))
		<u>7,502.00</u>	<u>7,914.00</u>
d.	50,000 - < 100,000 gpd	((11,316.00))	((11,612.00))
		<u>12,004.00</u>	<u>12,663.00</u>
e.	100,000 - < 500,000 gpd	((22,519.00))	((23,109.00))
		<u>23,890.00</u>	<u>25,202.00</u>
f.	500,000 - < 1,000,000 gpd	((28,289.00))	((29,030.00))
		<u>30,011.00</u>	<u>31,659.00</u>
g.	1,000,000 gpd and greater	((42,435.00))	((43,547.00))
		<u>45,019.00</u>	<u>47,490.00</u>
Facilities Not Otherwise Classified - General Permit Coverage			
a.	< 1,000 gpd	((992.00))	((1,018.00))
		<u>1,052.00</u>	<u>1,110.00</u>
b.	1,000 - < 10,000 gpd	((2,052.00))	((2,106.00))
		<u>2,177.00</u>	<u>2,297.00</u>
c.	10,000 - < 50,000 gpd	((4,952.00))	((5,082.00))
		<u>5,254.00</u>	<u>5,542.00</u>
d.	50,000 - < 100,000 gpd	((7,922.00))	((8,130.00))
		<u>8,405.00</u>	<u>8,866.00</u>
e.	100,000 - < 500,000 gpd	((15,841.00))	((16,256.00))
		<u>16,805.00</u>	<u>17,728.00</u>
f.	500,000 - < 1,000,000 gpd	((19,801.00))	((20,320.00))
		<u>21,007.00</u>	<u>22,160.00</u>
g.	1,000,000 gpd and greater	((29,705.00))	((30,483.00))
		<u>31,513.00</u>	<u>33,243.00</u>
Flavor Extraction			
a.	Steam Distillation	((145.00))	((149.00))
		<u>154.00</u>	<u>162.00</u>
Food Processing			
a.	< 1,000 gpd	((1,414.00))	((1,451.00))
		<u>1,500.00</u>	<u>1,582.00</u>
b.	1,000 - < 10,000 gpd	((3,605.00))	((3,699.00))
		<u>3,824.00</u>	<u>4,034.00</u>
c.	10,000 - < 50,000 gpd	((6,436.00))	((6,605.00))
		<u>6,828.00</u>	<u>7,203.00</u>
d.	50,000 - < 100,000 gpd	((10,113.00))	((10,378.00))
		<u>10,729.00</u>	<u>11,318.00</u>
e.	100,000 - < 250,000 gpd	((14,145.00))	((14,516.00))
		<u>15,007.00</u>	<u>15,830.00</u>
f.	250,000 - < 500,000 gpd	((18,602.00))	((19,089.00))
		<u>19,734.00</u>	<u>20,817.00</u>
g.	500,000 - < 750,000 gpd	((23,338.00))	((23,949.00))
		<u>24,758.00</u>	<u>26,117.00</u>
h.	750,000 - < 1,000,000 gpd	((28,289.00))	((29,030.00))
		<u>30,011.00</u>	<u>31,659.00</u>

i.	1,000,000 - < 2,500,000 gpd	((34,852.00))	((35,765.00))
		<u>36,974.00</u>	<u>39,003.00</u>
j.	2,500,000 - < 5,000,000 gpd	((38,898.00))	((39,917.00))
		<u>41,266.00</u>	<u>43,532.00</u>
k.	5,000,000 gpd and greater	((42,435.00))	((43,547.00))
		<u>45,019.00</u>	<u>47,491.00</u>
Fuel and Chemical Storage			
a.	< 50,000 bbls	((1,415.00))	((1,452.00))
		<u>1,501.00</u>	<u>1,583.00</u>
b.	50,000 - < 100,000 bbls	((2,829.00))	((2,903.00))
		<u>3,001.00</u>	<u>3,166.00</u>
c.	100,000 - < 500,000 bbls	((7,071.00))	((7,256.00))
		<u>7,501.00</u>	<u>7,913.00</u>
d.	500,000 bbls and greater	((14,145.00))	((14,516.00))
		<u>15,007.00</u>	<u>15,831.00</u>
Hazardous Waste Clean-up Sites			
a.	Leaking Underground Storage Tanks (LUST)		
1.	State Permit	((3,710.00))	((3,807.00))
		<u>3,936.00</u>	<u>4,152.00</u>
2.	NPDES Permit Issued Pre-7/1/94	((3,710.00))	((3,807.00))
		<u>3,936.00</u>	<u>4,152.00</u>
3.	NPDES Permit Issued Post-7/1/94	((7,420.00))	((7,614.00))
		<u>7,871.00</u>	<u>8,303.00</u>
b.	Non-LUST Sites		
1.	1 or 2 Contaminants of Concern	((7,254.00))	((7,444.00))
		<u>7,696.00</u>	<u>8,118.00</u>
2.	> 2 Contaminants of Concern	((14,508.00))	((14,888.00))
		<u>15,391.00</u>	<u>16,236.00</u>
Ink Formulation and Printing			
a.	Commercial Print Shops	((2,176.00))	((2,233.00))
		<u>2,308.00</u>	<u>2,435.00</u>
b.	Newspapers	((3,628.00))	((3,723.00))
		<u>3,849.00</u>	<u>4,060.00</u>
c.	Box Plants	((5,803.00))	((5,955.00))
		<u>6,156.00</u>	<u>6,494.00</u>
d.	Ink Formulation	((7,254.00))	((7,444.00))
		<u>7,696.00</u>	<u>8,119.00</u>
Inorganic Chemicals Manufacturing			
a.	Lime Products	((7,071.00))	((7,256.00))
		<u>7,501.00</u>	<u>7,913.00</u>
b.	Fertilizer	((8,513.00))	((8,736.00))
		<u>9,031.00</u>	<u>9,527.00</u>
c.	Peroxide	((11,316.00))	((11,612.00))
		<u>12,004.00</u>	<u>12,663.00</u>

d. Alkaline Earth Salts	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>
e. Metal Salts	((19,800.00))	((20,319.00))
	<u>21,006.00</u>	<u>22,159.00</u>
f. Acid Manufacturing	((28,284.00))	((29,025.00))
	<u>30,006.00</u>	<u>31,653.00</u>
g. Chlor-alkali	((56,580.00))	((58,062.00))
	<u>60,024.00</u>	<u>63,319.00</u>
Iron and Steel		
a. Foundries	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>
b. Mills	((28,315.00))	((29,057.00))
	<u>30,039.00</u>	<u>31,688.00</u>
Metal Finishing		
a. < 1,000 gpd	((1,696.00))	((1,740.00))
	<u>1,799.00</u>	<u>1,898.00</u>
b. 1,000 - < 10,000 gpd	((2,828.00))	((2,902.00))
	<u>3,000.00</u>	<u>3,165.00</u>
c. 10,000 - < 50,000 gpd	((7,070.00))	((7,255.00))
	<u>7,500.00</u>	<u>7,912.00</u>
d. 50,000 - < 100,000 gpd	((14,144.00))	((14,515.00))
	<u>15,006.00</u>	<u>15,830.00</u>
e. 100,000 - < 500,000 gpd	((28,288.00))	((29,029.00))
	<u>30,010.00</u>	<u>31,657.00</u>
f. 500,000 gpd and greater	((42,433.00))	((43,545.00))
	<u>45,017.00</u>	<u>47,488.00</u>
Noncontact Cooling Water With Additives - Individual Permit Coverage		
a. < 1,000 gpd	((885.00))	((908.00))
	<u>939.00</u>	<u>991.00</u>
b. 1,000 - < 10,000 gpd	((1,235.00))	((1,267.00))
	<u>1,310.00</u>	<u>1,382.00</u>
c. 10,000 - < 50,000 gpd	((2,654.00))	((2,724.00))
	<u>2,816.00</u>	<u>2,971.00</u>
d. 50,000 - < 100,000 gpd	((6,190.00))	((6,352.00))
	<u>6,567.00</u>	<u>6,928.00</u>
e. 100,000 - < 500,000 gpd	((10,606.00))	((10,884.00))
	<u>11,252.00</u>	<u>11,870.00</u>
f. 500,000 - < 1,000,000 gpd	((15,031.00))	((15,425.00))
	<u>15,946.00</u>	<u>16,821.00</u>
g. 1,000,000 - < 2,500,000 gpd	((19,451.00))	((19,961.00))
	<u>20,636.00</u>	<u>21,769.00</u>
h. 2,500,000 - < 5,000,000 gpd	((23,867.00))	((24,392.00))
	<u>25,216.00</u>	<u>26,600.00</u>
i. 5,000,000 gpd and greater	((28,289.00))	((29,030.00))
	<u>30,011.00</u>	<u>31,659.00</u>

Noncontact Cooling Water With Additives - General Permit Coverage

a. < 1,000 gpd	((620.00))	((636.00))
	<u>657.00</u>	<u>694.00</u>
b. 1,000 - < 10,000 gpd	((1,237.00))	((1,269.00))
	<u>1,312.00</u>	<u>1,384.00</u>
c. 10,000 - < 50,000 gpd	((1,858.00))	((1,907.00))
	<u>1,971.00</u>	<u>2,079.00</u>
d. 50,000 - < 100,000 gpd	((4,334.00))	((4,448.00))
	<u>4,598.00</u>	<u>4,850.00</u>
e. 100,000 - < 500,000 gpd	((7,425.00))	((7,620.00))
	<u>7,878.00</u>	<u>8,310.00</u>
f. 500,000 - < 1,000,000 gpd	((10,522.00))	((10,798.00))
	<u>11,163.00</u>	<u>11,776.00</u>
g. 1,000,000 - < 2,500,000 gpd	((13,615.00))	((13,972.00))
	<u>14,444.00</u>	<u>15,237.00</u>
h. 2,500,000 - < 5,000,000 gpd	((16,707.00))	((17,145.00))
	<u>17,725.00</u>	<u>18,698.00</u>
i. 5,000,000 gpd and greater	((19,801.00))	((20,320.00))
	<u>21,007.00</u>	<u>22,160.00</u>

Noncontact Cooling Water Without Additives - Individual Permit Coverage

a. < 1,000 gpd	((709.00))	((728.00))
	<u>753.00</u>	<u>794.00</u>
b. 1,000 - < 10,000 gpd	((1,415.00))	((1,452.00))
	<u>1,501.00</u>	<u>1,583.00</u>
c. 10,000 - < 50,000 gpd	((2,123.00))	((2,179.00))
	<u>2,253.00</u>	<u>2,377.00</u>
d. 50,000 - < 100,000 gpd	((4,952.00))	((5,082.00))
	<u>5,254.00</u>	<u>5,542.00</u>
e. 100,000 - < 500,000 gpd	((8,490.00))	((8,712.00))
	<u>9,006.00</u>	<u>9,501.00</u>
f. 500,000 - < 1,000,000 gpd	((12,022.00))	((12,337.00))
	<u>12,754.00</u>	<u>13,454.00</u>
g. 1,000,000 - < 2,500,000 gpd	((15,498.00))	((15,904.00))
	<u>16,442.00</u>	<u>17,344.00</u>
h. 2,500,000 - < 5,000,000 gpd	((19,095.00))	((19,595.00))
	<u>20,257.00</u>	<u>21,369.00</u>
i. 5,000,000 gpd and greater	((22,632.00))	((23,225.00))
	<u>24,010.00</u>	<u>25,328.00</u>

Noncontact Cooling Water Without Additives - General Permit Coverage

a. < 1,000 gpd	((496.00))	((509.00))
	<u>526.00</u>	<u>555.00</u>
b. 1,000 - < 10,000 gpd	((992.00))	((1,018.00))
	<u>1,052.00</u>	<u>1,110.00</u>

c. 10,000 - < 50,000 gpd	((1,486.00))	((1,525.00))
	<u>1,577.00</u>	<u>1,664.00</u>
d. 50,000 - < 100,000 gpd	((3,466.00))	((3,557.00))
	<u>3,677.00</u>	<u>3,879.00</u>
e. 100,000 - < 500,000 gpd	((5,941.00))	((6,097.00))
	<u>6,303.00</u>	<u>6,649.00</u>
f. 500,000 - < 1,000,000 gpd	((8,417.00))	((8,637.00))
	<u>8,929.00</u>	<u>9,419.00</u>
g. 1,000,000 - < 2,500,000 gpd	((10,892.00))	((11,177.00))
	<u>11,555.00</u>	<u>12,189.00</u>
h. 2,500,000 - < 5,000,000 gpd	((13,367.00))	((13,717.00))
	<u>14,181.00</u>	<u>14,960.00</u>
i. 5,000,000 gpd and greater	((15,841.00))	((16,256.00))
	<u>16,805.00</u>	<u>17,728.00</u>
Nonferrous Metals Forming	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>
Ore Mining		
a. Ore Mining	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>
b. Ore Mining with Physical Concentration Processes	((5,656.00))	((5,804.00))
	<u>6,000.00</u>	<u>6,329.00</u>
c. Ore Mining with Physical and Chemical Concentration Processes	((22,632.00))	((23,225.00))
	<u>24,010.00</u>	<u>25,328.00</u>
Organic Chemicals Manufacturing		
a. Fertilizer	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>
b. Aliphatic	((28,289.00))	((29,030.00))
	<u>30,011.00</u>	<u>31,659.00</u>
c. Aromatic	((42,435.00))	((43,547.00))
	<u>45,019.00</u>	<u>47,491.00</u>
Petroleum Refining		
a. < 10,000 bbls/d	((28,289.00))	((29,030.00))
	<u>30,011.00</u>	<u>31,659.00</u>
b. 10,000 - < 50,000 bbls/d	((56,089.00))	((57,558.00))
	<u>59,503.00</u>	<u>62,770.00</u>
c. 50,000 bbls/d and greater	((113,164.00))	((116,129.00))
	<u>120,054.00</u>	<u>126,645.00</u>
Photofinishers		
a. < 1,000 gpd	((1,131.00))	((1,161.00))
	<u>1,200.00</u>	<u>1,266.00</u>
b. 1,000 gpd and greater	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>
Power and/or Steam Plants		

a. Steam Generation - Nonelectric	((5,655.00))	((5,803.00))
	<u>5,999.00</u>	<u>6,328.00</u>
b. Hydroelectric	((5,655.00))	((5,803.00))
	<u>5,999.00</u>	<u>6,328.00</u>
c. Nonfossil Fuel	((8,489.00))	((8,711.00))
	<u>9,005.00</u>	<u>9,499.00</u>
d. Fossil Fuel	((22,632.00))	((23,225.00))
	<u>24,010.00</u>	<u>25,328.00</u>
Pulp, Paper and Paper Board		
a. Fiber Recyclers	((14,143.00))	((14,514.00))
	<u>15,005.00</u>	<u>15,829.00</u>
b. Paper Mills	((28,289.00))	((29,030.00))
	<u>30,011.00</u>	<u>31,659.00</u>
c. Groundwood Pulp Mills		
1. < 300 tons per day	((42,435.00))	((43,547.00))
	<u>45,019.00</u>	<u>47,491.00</u>
2. > 300 tons per day	((84,869.00))	((87,093.00))
	<u>90,037.00</u>	<u>94,980.00</u>
d. Chemical Pulp Mills		
w/o Chlorine Bleaching	((113,157.00))	((116,122.00))
	<u>120,047.00</u>	<u>126,638.00</u>
e. Chemical Pulp Mills		
w/Chlorine Bleaching	((127,301.00))	((130,636.00))
	<u>135,051.00</u>	<u>142,465.00</u>
Radioactive Effluents and Discharges (RED)		
a. < 3 waste streams	((27,362.00))	((28,079.00))
	<u>29,028.00</u>	<u>30,626.00</u>
b. 3 - < 8 waste streams	((47,524.00))	((48,769.00))
	<u>50,417.00</u>	<u>53,185.00</u>
c. 8 waste streams and greater	((78,274.00))	((80,325.00))
	<u>83,040.00</u>	<u>87,599.00</u>
RCRA Corrective Action Sites	((19,882.00))	((20,403.00))
	<u>21,093.00</u>	<u>22,251.00</u>
Seafood Processing		
a. < 1,000 gpd	((1,415.00))	((1,452.00))
	<u>1,501.00</u>	<u>1,583.00</u>
b. 1,000 - < 10,000 gpd	((3,605.00))	((3,699.00))
	<u>3,824.00</u>	<u>4,034.00</u>
c. 10,000 - < 50,000 gpd	((6,436.00))	((6,605.00))
	<u>6,828.00</u>	<u>7,203.00</u>
d. 50,000 - < 100,000 gpd	((10,113.00))	((10,378.00))
	<u>10,729.00</u>	<u>11,318.00</u>
e. 100,000 gpd and greater	((14,145.00))	((14,516.00))
	<u>15,007.00</u>	<u>15,831.00</u>

Shipyards

a. Per Crane, Travel Lift, Small Boat Lift	<u>((2,829.00))</u>	<u>((2,903.00))</u>
	<u>3,001.00</u>	<u>3,166.00</u>
b. Per Dry Dock under 250 ft. in Length	<u>((2,829.00))</u>	<u>((2,903.00))</u>
	<u>3,001.00</u>	<u>3,166.00</u>
c. Per Graving Dock	<u>((2,829.00))</u>	<u>((2,903.00))</u>
	<u>3,001.00</u>	<u>3,166.00</u>
d. Per Marine Way	<u>((4,243.00))</u>	<u>((4,354.00))</u>
	<u>4,501.00</u>	<u>4,748.00</u>
e. Per Sycrolift	<u>((4,243.00))</u>	<u>((4,354.00))</u>
	<u>4,501.00</u>	<u>4,748.00</u>
f. Per Dry Dock over 250 ft. in Length	<u>((5,656.00))</u>	<u>((5,804.00))</u>
	<u>6,000.00</u>	<u>6,329.00</u>
g. In-water Vessel Maintenance	<u>((5,656.00))</u>	<u>((5,804.00))</u>
	<u>6,000.00</u>	<u>6,329.00</u>

The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.

Solid Waste Sites (non-stormwater)

a. Non-putrescible	<u>((5,656.00))</u>	<u>((5,804.00))</u>
	<u>6,000.00</u>	<u>6,329.00</u>
b. < 50 acres	<u>((11,315.00))</u>	<u>((11,611.00))</u>
	<u>12,003.00</u>	<u>12,662.00</u>
c. 50 - < 100 acres	<u>((22,632.00))</u>	<u>((23,225.00))</u>
	<u>24,010.00</u>	<u>25,328.00</u>
d. 100 - < 250 acres	<u>((28,289.00))</u>	<u>((29,030.00))</u>
	<u>30,011.00</u>	<u>31,659.00</u>
e. 250 acres and greater	<u>((42,435.00))</u>	<u>((43,547.00))</u>
	<u>45,019.00</u>	<u>47,491.00</u>
Textile Mills	<u>((56,580.00))</u>	<u>((58,062.00))</u>
	<u>60,024.00</u>	<u>63,319.00</u>

Timber Products

a. Log Storage	<u>((2,829.00))</u>	<u>((2,903.00))</u>
	<u>3,001.00</u>	<u>3,166.00</u>
b. Veneer	<u>((5,656.00))</u>	<u>((5,804.00))</u>
	<u>6,000.00</u>	<u>6,329.00</u>
c. Sawmills	<u>((11,316.00))</u>	<u>((11,612.00))</u>
	<u>12,004.00</u>	<u>12,663.00</u>
d. Hardwood, Plywood	<u>((19,800.00))</u>	<u>((20,319.00))</u>
	<u>21,006.00</u>	<u>22,159.00</u>
e. Wood Preserving	<u>((27,165.00))</u>	<u>((27,877.00))</u>
	<u>28,819.00</u>	<u>30,401.00</u>

Vegetable/Bulb Washing Facilities

a. < 1,000 gpd	<u>((93.00))</u>	<u>((95.00))</u>
	<u>98.00</u>	<u>104.00</u>

b. 1,000 - < 5,000 gpd	((189.00))	((194.00))
	<u>201.00</u>	<u>212.00</u>
c. 5,000 - < 10,000 gpd	((372.00))	((382.00))
	<u>395.00</u>	<u>417.00</u>
d. 10,000 - < 20,000 gpd	((750.00))	((770.00))
	<u>796.00</u>	<u>840.00</u>
e. 20,000 and greater	((1,240.00))	((1,272.00))
	<u>1,315.00</u>	<u>1,387.00</u>
Vehicle Maintenance and Freight Transfer		
a. < 0.5 acre	((2,829.00))	((2,903.00))
	<u>3,001.00</u>	<u>3,166.00</u>
b. 0.5 - < 1.0 acre	((5,656.00))	((5,804.00))
	<u>6,000.00</u>	<u>6,329.00</u>
c. 1.0 acre and greater	((8,489.00))	((8,711.00))
	<u>9,005.00</u>	<u>9,499.00</u>
Water Plants - Individual Permit Coverage	((3,537.00))	((3,630.00))
	<u>3,753.00</u>	<u>3,959.00</u>
Water Plants - General Permit Coverage	((2,476.00))	((2,541.00))
	<u>2,627.00</u>	<u>2,771.00</u>
Wineries		
a. < 500 gpd	((288.00))	((296.00))
	<u>306.00</u>	<u>323.00</u>
b. 500 - < 750 gpd	((579.00))	((594.00))
	<u>614.00</u>	<u>648.00</u>
c. 750 - < 1,000 gpd	((1,158.00))	((1,188.00))
	<u>1,228.00</u>	<u>1,295.00</u>
d. 1,000 - < 2,500 gpd	((2,314.00))	((2,375.00))
	<u>2,455.00</u>	<u>2,590.00</u>
e. 2,500 - < 5,000 gpd	((3,692.00))	((3,789.00))
	<u>3,917.00</u>	<u>4,132.00</u>
f. 5,000 gpd and greater	((5,067.00))	((5,200.00))
	<u>5,376.00</u>	<u>5,671.00</u>

(a) Facilities other than those in the aggregate production, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the Department certifying annual production (calendar year) or unit processes. When required, the Department will send the information form to the permit holder. The permit holder shall complete and return the information form to the Department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The Department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the Department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the Department.

(f) Hazardous waste clean-up sites and EPA authorized RCRA corrective action sites with whom the Department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of non-operating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed.

This non-operating mode must be verified by the appropriate Ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities that commit to the minimum eighteen-month non-operating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

Residential Equivalents (RE)	FY ((2005)) <u>2007</u> Annual Permit Fee	FY ((2006)) <u>2008</u> Annual Permit Fee and Beyond
<250,000	\$ ((1.73)) <u>1.80</u>	\$ ((1.78)) <u>1.80</u>
>250,000	((1.05)) <u>1.12</u>	((1.08)) <u>1.18</u>

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	FY ((2005))	FY ((2006))
	<u>2007</u> Annual Permit Fee	<u>2008</u> Annual Permit Fee and Beyond
.1 MGD and Greater	\$((7,071.00)) <u>7,501.00</u>	\$((7,256.00)) <u>7,913.00</u>
.05 MGD to <.1 MGD	((2,829.00)) <u>3,001.00</u>	((2,903.00)) <u>3,166.00</u>
.0008 MGD to <.05 MGD	((1,415.00)) <u>1,501.00</u>	((1,452.00)) <u>1,583.00</u>
<.0008 MGD	((426.00)) <u>452.00</u>	((437.00)) <u>477.00</u>

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the Department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete

set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the Department within thirty days after it is mailed to the permit holder by the Department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The Department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORMWATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

	FY ((2005)) <u>2007</u> Annual Permit Fee	FY ((2006)) <u>2008</u> Annual Permit Fee and Beyond
a. Individual Construction or Industrial Stormwater Permits		
1. < 50 acres	(((\$2,829.00)) <u>\$3,001.00</u>)	(((\$2,903.00)) <u>\$3,166.00</u>)
2. 50 -< 100 acres	(((\$5,655.00)) <u>\$5,999.00</u>)	(((\$5,803.00)) <u>\$6,328.00</u>)
3. 100 -< 500 acres	(((\$8,489.00)) <u>\$9,005.00</u>)	(((\$8,711.00)) <u>\$9,499.00</u>)
4. 500 acres and greater	(((\$11,316.00)) <u>\$12,004.00</u>)	(((\$11,612.00)) <u>\$12,663.00</u>)
b. Facilities Covered Under the Industrial Stormwater General Permit		
1. Municipalities and state agencies	(((\$650.00)) <u>\$982.00</u>)	(((\$950.00)) <u>\$1,036.00</u>)
2. New permit holders without historical gross revenue information	(((\$375.00)) <u>\$517.00</u>)	(((\$500.00)) <u>\$545.00</u>)
3. The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year Gross Revenue		
Less than \$100,000	\$100.00	(((\$105.00)) <u>\$100.00</u>)
\$100,000 -< \$1,000,000	(((\$375.00)) <u>\$414.00</u>)	(((\$500.00)) <u>\$437.00</u>)
\$1,000,000 -< \$2,500,000	(((\$375.00)) <u>\$496.00</u>)	(((\$600.00)) <u>\$523.00</u>)
\$2,500,000 -< \$5,000,000	(((\$540.00)) <u>\$827.00</u>)	(((\$1,000.00)) <u>\$872.00</u>)
\$5,000,000 -< \$10,000,000	(((\$745.00)) <u>\$1,241.00</u>)	(((\$1,500.00)) <u>\$1,309.00</u>)
\$10,000,000 and greater	(((\$905.00)) <u>\$1,499.00</u>)	(((\$1,800.00)) <u>\$1,581.00</u>)

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the Department. The documentation shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

The Department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

c. Construction Activities Covered Under the Construction Stormwater General Permit(s)

1. Less than 5 acres disturbed area	(\$350.00)	(\$375.00)
	<u>\$388.00</u>	<u>\$409.00</u>
2. 5 -< 7 acres of disturbed area	(\$400.00)	(\$610.00)
	<u>\$631.00</u>	<u>\$666.00</u>
3. 7 -< 10 acres of disturbed area	(\$550.00)	(\$825.00)
	<u>\$853.00</u>	<u>\$900.00</u>
4. 10 -< 20 acres of disturbed area	(\$750.00)	(\$1,125.00)
	<u>\$1,163.00</u>	<u>\$1,227.00</u>
5. 20 acres and greater of disturbed area	(\$925.00)	(\$1,400.00)
	<u>\$1,447.00</u>	<u>\$1,526.00</u>

(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

(a) Except as provided for in (d) of this subsection, the municipal stormwater permit annual fee for the entities listed below will be:

Name of Entity	FY ((2005))	FY ((2006))
	<u>2007</u>	<u>2008</u>
	Annual Permit Fee	Annual Permit Fee and Beyond
King County	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Snohomish County	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Pierce County	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Tacoma, City of	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Seattle, City of	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Washington Department of Transportation	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>
Clark County	(\$32,220.00)	(\$33,064.00)
	<u>\$34,182.00</u>	<u>\$36,059.00</u>

(b) Municipal stormwater general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: For fiscal year 2007, Ecology will charge \$1.00 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.50 per housing unit inside the geographic area covered by the permit. For fiscal year 2008, Ecology will charge \$1.05 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.53 per housing unit inside the geographic area covered by the permit. Fees ((for these entities will begin in fiscal year 2006 and)) will not exceed ((\$33,064.00)) \$34,182.00 for fiscal year 2007 and \$36,059.00 for fiscal year 2008 and beyond. The minimum annual fee will not be lower than \$1,500.00 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling \$.50 per housing unit.

(c) Other entities required to have permit coverage under a municipal stormwater general permit will pay an annual fee beginning in fiscal year ((2006 totaling \$1,500.00)) 2007. The annual fee shall be based on the entities' previous year's annual operating budget as follows:

Annual Operating Budget	FY 2007 Annual Permit Fee	FY 2008 Annual Permit Fee and Beyond
<u>Less than \$100,000</u>	<u>\$100.00</u>	<u>\$105.00</u>
<u>\$100,000 -< \$1,000,000</u>	<u>\$400.00</u>	<u>\$422.00</u>
<u>\$1,000,000 -< \$5,000,000</u>	<u>\$1,000.00</u>	<u>\$1,055.00</u>
<u>\$5,000,000 -< \$10,000,000</u>	<u>\$1,500.00</u>	<u>\$1,582.00</u>
<u>\$10,000,000 and greater</u>	<u>\$2,500.00</u>	<u>\$2,637.00</u>

For the purposes of determining the annual permit fee category, the annual operating budget shall be the entities' annual operating budget for the entities' previous fiscal year and shall be determined as follows:

(i) For diking, drainage, irrigation, and flood control districts, the district's annual operating budget.

(ii) For ports, the annual operating budget for the port district.

(iii) For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.

(iv) For state agencies, the annual operating budget for the site or sites subject to the permit.

(v) For other entities not listed, Ecology will consider annual revenue, and the noncapital operating budget for the site subject to the permit.

(d) Municipal stormwater permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties for which the median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit fee or \$30,000. For municipalities for which the median household income is less than the state average, the fee shall be the higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal stormwater general permit as determined in (c) of this subsection, the fiscal year ((2006)) 2007 annual fee for a permit written for a specific entity shall be \$7,500. For fiscal year 2008 and beyond, the annual fee will be \$7,912.

(e) Ecology will assess a single permit fee for entities which apply only as co-permittees or co-applicants. The permit fee shall be equal to the highest single permit fee which would have been assessed if the co-permittees had applied separately.

APPENDIX E

RCW 90.48.465 – Water Pollution Control

Appendix E - RCW 90.48.465 - Water Pollution Control

RCW 90.48.465

Water discharge fees.

(1) The Department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the Department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system.

(3) The Department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the Department.

(4) In establishing fees, the Department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for stormwater runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent*

Irrigation District, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the Department shall take appropriate action to rescind or modify these permits.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Monies in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

(8) The Department shall present a biennial progress report on the use of moneys from the account to the Legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

[2002 c 361 § 2; 1998 c 262 § 16; 1997 c 398 § 2; 1996 c 37 § 3; 1992 c 174 § 17; 1991 c 307 § 1; 1989 c 2 § 13 (Initiative Measure No. 97, approved November 8, 1988).]