



DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

Chapter 173-224 WAC

Wastewater Discharge Permit Fees

Summary of rule making and response to comments

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Publication and Contact Information

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For more information contact:

Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Phone: 360-407-6600

Washington State Department of Ecology - www.ecy.wa.gov

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Yakima 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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Concise Explanatory Statement

Chapter 173-224 WAC Wastewater Discharge Permit Fees

Water Quality Program
Washington State Department of Ecology
Olympia, Washington 98504-7600

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on the Department of Ecology's (Ecology) rule adoption for:

Title: Wastewater Discharge Permit Fees
WAC Chapter(s): Chapter 173-224 WAC
Adopted date: September 20, 2011
Effective date: October 21, 2011

To see more information related to this rule making or other Ecology rule makings, please visit our web site: www.ecy.wa.gov/lawsandrules

Reasons for Adopting the Rule

State law (Chapter 90.48 RCW – Water Pollution Control) requires Ecology to fund its wastewater and stormwater permit programs through fees to permit holders. Wastewater and stormwater permits are tools used by Ecology to ensure that man-made activities that discharge into the various water bodies of the state are discharged at a level where they will not impair the uses of the water. Management of wastewater and stormwater are top priorities of the agency.

Because fee amounts already established will not recover a portion of Ecology's expenses in operating and managing the wastewater and stormwater permit programs, the 2011-13 Biennial agency budget, passed by the Washington State Legislature, contained language authorizing Ecology to increase fees as necessary to meet the actual costs of conducting business. The fee increase for wastewater and stormwater discharge permits can be no more than 4.34 percent for Fiscal Year 2012 (FY 2012) and 4.62 percent for Fiscal Year 2013 (FY 2013).

The specific fee categories being increased are those where the current fee assessment is not covering the costs for management of the permit. The permittees in those specific categories will see an increase of their annual fee for FY 2012 and FY 2013. These categories are: aquatic pest control, boatyards, concentrated animal feeding operations, dairies, construction stormwater individual and general permits, industrial stormwater individual and general permits, municipal domestic wastewater (includes private and government owned domestic wastewater), municipal stormwater, and water treatment plants.

Differences between the Proposed Rule and Adopted Rule

RCW 34.05-325(5)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on July 19, 2011, and the adopted rule filed after September 20, 2011.

Response to Comments

There are several ways to organize the response to comments. According to the APA (RCW 34.05.325), the responses must be organized by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

Ecology reviewed each comment letter and separated out comments from each letter by subject matter. Those comments were paraphrased using as little editing as possible. Each comment is identified by commenter using the Commenter Index below. Responses are directly below each comment. If several comments were related and on the same topic, then one response was used and provided below all of the related comments. Appendix A of this document contains all of the comments received during the public comment period in their original form.

Ecology accepted comments between July 19, 2011, and September 1, 2011.

Commenter Index

Commenter identification:

The table below lists the names of individuals or organizations who submitted a comment on the rule proposal and where you can find Ecology’s response to the comment(s). Commenter’s are arranged in the order that the comments were received. Identification codes beginning with “W” were submitted in writing. There were no oral comments received at any of the public hearings. The “Responses by Subject” column lists each subject that contains a response to the commenter.

Commenter	Identification Code	Responses by Subject
Bill Bradbrooke	W-1	Comments concerning proposed fee increases in general
Linda Dennis	W-2	Comments concerning proposed fees for concentrated animal feeding operations
Lloyd Ludtke, Ludtke-Pacific Trucking	W-3	Comments concerning proposed fee increases in general
Kevin DeVries, Exxel Pacific	W-4	Comments concerning proposed fee increases in general
Scott Pearson, Raymond Public Works Department	W-5	Comments concerning proposed fee increases in general
Gerry Lane, Allen Logging Company	W-6	Comments concerning proposed fee increases in general
Brian Shay, City of Hoquiam	W-7	Comments concerning proposed fee increases for water treatment plants
John Axford, Ducks Unlimited Inc	W-8	Comments concerning proposed fee increases for stormwater permits in general
Jim Eichner	W-9	Comments concerning proposed fee increases in general
Bill Terhaar, Goodfellow Bros Inc.	W-10	Comments concerning sand and gravel permit fees
Donald & Marilyn O’Malley	W-11	Comments concerning proposed fee increases in general
Arlene Carter, City of Yakima	W-12	Comments concerning municipal wastewater treatment plant permit fees
Darren Talley, Talley Financial	W-13	Comments concerning proposed fee increases in general
Jeff Dean, James Dean Construction Inc	W-14	Comments concerning proposed fee increases in general
Tim McCarty	W-15	
Courtney Norris	W-16	Comments concerning proposed fee increases in general
Gerry Millman, Great Western Lumber Company	W-17	Comments concerning proposed fee increases in general
John Brumfield, Brumfield Construction Inc.	W-18	Comments concerning proposed fee increases in general
Kathy Myron	W-19	Comments concerning proposed fee increases in general

Commenter	Identification Code	Responses by Subject
Tom Haworth, Adams Co Mosquito Control District	W-20	Comments concerning proposed fee increases for aquatic pest control
Darrell Webster, Commencement Bay Corrugated	W-21	Comments concerning proposed fee increases in general
Gordon Bruchner, City of Anacortes	W-22	Comments concerning municipal wastewater treatment plant permit fees
Dave Henline, Tarragon	W-23	Comments concerning proposed fee increases in general
Steve, J A Jack & Sons Inc	W-24	Comments concerning proposed fee increases in general
Russ Connole	W-25	Comments concerning proposed fee increases for municipal stormwater
Angela Beehler, Benton County Mosquito Control	W-26	Comments concerning proposed fee increases for aquatic pest control
John Harris, Sunrise Trucking & Contracting Inc	W-27	Comments concerning proposed fee increases in general
Anton Cebe	W-28	Comments concerning proposed fee increases in general
James Essig, Granite Inc	W-29	Comments concerning sand and gravel permit fees
Roger Strand, Strand Apples	W-30	Comments concerning proposed fee increases in general
Jon DeVaney, Yakima Valley Growers-Shippers Association	W-31	Comments concerning proposed fee increases in general
Van McKay, City of Kelso	W-32	Comments concerning proposed fee increases for municipal stormwater

Comments and Responses

Ecology accepted comments between July 19, 2011, and September 1, 2011. This section responds to the comments received during the public comment period. They are grouped by subject. (RCW 34.05.325(6)(a)(iii))

Comments concerning proposed fee increases in general

Comment W-1

July 22, 2011. This is being called the **Second Great Depression**. It is no time for the Department of Ecology to increase fees for the discharge of stormwater and wastewater. Now is the time for the DOE to **REDUCE** stormwater and wastewater discharge fees. Trust in government is at a low ebb and proposals to increase the fees only exacerbate this distrust. Such proposals are thoughtless and overbearing. I call on the Department of Ecology and every one of the employees to become a thinking, caring member of the community they serve. Reduce the cost of regulation.

Comment W-2

I am opposed to such a large increase; 10% over two years is absurd. The Legislature originally enacted and funded the Department of Ecology to perform certain tasks. These tasks have grown to encompass a much broader range of activities; regulating just about every facet of life, often times to the point of inactivity. I support regulations to protect the safety and welfare of the

public. But I find that the regulations have often times become too strict and that this overregulation has driven up operating costs. The Department needs to operate within its budget rather than increasing permit fees, of which in most cases there is no choice but to pay whatever the fee is. The Department should cut spending by 6% over two years and increase said permit fees by 2% for each year for a total of 4% to keep up with inflation-despite the fact that economists say inflation has been flat-lined for two years. A 10% increase would not receive my approval.

Comment W-3

Unfortunately this email as testimony will fall on deaf ears as I have said the same things before and the rate increases continue. You are now asking for more when everyone else is doing with less. Where does the DOE get their right to just increase every year when the people they serve (that's us) cannot do the same as we must compete for our business with others that do the same thing. Give us a break and help control the spiraling costs of everything we do due to folks like yourselves who have figure out a way to increase rates because they have no competition and some rule or regulation allows it to happen.

Comment W-4

I just want to say that I strongly oppose your increase in fees. This state is in serious trouble and to think we can continually raise fees to buy our way out is ridiculous and an insult. You want to know how ridiculous it is? Let me give you an example. When permits, fees and services for a project exceed the value of raw land, we have a serious problem. Housing will never be affordable. Time for me to get back to work.

Comment W-5

I am opposed to such a large increase; 10% over two years is absurd. The Legislature originally enacted and funded the Department of Ecology to perform certain tasks. These tasks have grown to encompass a much broader range of activities; regulating just about every facet of life, often times to the point of inactivity. I support regulations to protect the safety and welfare of the public. But I find that the regulations have often times become too strict and that this overregulation has driven up operating costs. The Department needs to operate within its budget rather than increasing permit fees, of which in most cases there is no choice but to pay whatever the fee is. The Department should cut spending by 6% over two years and increase said permit fees by 2% each year for a total of 4% to keep up with inflation-despite the fact economists say inflation has been flat-lined for two years. A 10% increase would not receive my approval.

Comment W-6

It is outrageous that you even consider increasing fees in our current economic environment. Private manufacturing facilities that operate in a competitive world do not have that luxury. WE employ 35 souls, we are barely keeping our head above water, and DOE is not the only public regulatory agency that extracts "fees" from us and companies like us. The proposed fee increase simply increases our cost of operation with no demonstrable benefit. I find it almost funny that the same notice you sent to us not only asks for public comment but states the date on which DOE "expects to adopt" the increase. I have very little confidence that "public comment periods" do little more than fulfill a well intended legislative mandate. Please find a way to decrease your operating costs, as we have to, and do not increase the Discharge Permit Fees.

Comment W-9

I am not in favor of raising permit fees and rates. I am in favor of economic incentives in the form of lower fees for those who are innovating and improving water quality issues. More revenue won't fix our water problems. It will just grow bureaucracy.

Comment W-11

The Dept. of Ecology, Gov Gregoire, and all the Western Washington Tree Huggers are out of their minds. Enough is enough! We, in this little Eastern Washington County of Asotin with a population of less than 22,000 men, women and children and no commercial industry or income (over 3500 families on welfare) cannot continue to play this game or pay for a bunch of touché, feeley stuff like "process applications, monitor compliance, conduct inspections, support overhead expenses" etc. 4%+ increases are nuts with this country in the tank. I am a little guy in an area where my vote doesn't mean a hill of beans, but I want you to know how fed up I am with the DOE and their actions. Go ahead and sue me, fine me or hang me, but be aware that I'm done trying to work with the Washington State DOE!

Comment W-13

Regarding fee increase Chapter 173-224 WAC. Please do not increase any fees. If anything during the current economic environmental eliminate fees to Dept of Eco. All together. Cut back your expenses at the Dept. of Eco.

Comment W-14

When I have visited Department of Ecology Headquarters Building several things bothered me... a lot. 1. There were a multitude of newspaper dispensers at the main door. Our employees do not buy a paper and sit and read them at work. Department of Ecology shouldn't either. 2. The building, at Lacey, is a huge waste of space. Consolidate other agencies into that building or something. I hope Department of Ecology never gets big enough to fill that thing. In summary, tighten your belt and do more with less. Show me the Department of Ecology is frugal and well run and I'll support a fee increase. We are not in favor of any fee increases for any sector of business. We've put miles and miles of silt fence in on public and private projects at substantial costs. Condit Dam (in Klickitat County) removal will put 500,000 cubic yard of silt into the Columbia River in 1 day. You could put all the silt fence up on all the projects in Washington State for the next 50 years and never put that much silt into the water systems. This illustrates the Department of Ecology is ineffective. My preference would be to abolish the Department of Ecology.

Comment W-16

I'm writing in regards to the recent rule proposal notice by the Department of Ecology and their plans to raise many of the wastewater discharge permit fees by 4.62%. This is extremely upsetting news that the Department of Ecology believes that continuously increasing the cost of the permits has no bearing on those who are required to obtain them. The entire nation is facing another recession, yet government backed entities continue to take and require more funds from private corporations and individuals who are actually providing jobs. The increases in fees are unnecessary. The Department of Ecology should only be getting more efficient since this rule was implemented, and does not need additional funds to operate. They should be held accountable like any private business and recognize that money does not grow on trees, and these fee increases will

kill jobs. Maybe it will save some jobs at the Department of Ecology for the year, but eventually, they will be lost due to the overall economy not doing anything. Just because they can request a fee increase does not mean they should. They should live/budget within their means and make adjustments accordingly like the rest of us private workers.

Comment W-17

We are opposed to the Department of Ecology proposed wastewater discharge permit fee hikes totaling 8.96% over the next 2 years. Small businesses such as ours are struggling just to stay in business. We have continued to spend money to comply with the permit, but our budgets are being overextended and these fee increases will make things even more difficult. Our business is having to learn how to do with less revenue-our revenues are down, yet our costs are going up. I would suggest that the DOE do the same as more private businesses-learn to do with less revenue. This 9% increase is far too large, and will most definitely be a burden on our small business. I suggest you freeze the permit fees, and work on streamlining your agency, just as us taxpayers are doing.

Comment W-18

I have just received the notice regarding the proposal to raise the fees for Wastewater Discharge permits. I am opposed to any fee increases. In this unstable economy any increase puts a burden on us all.

Comment W-19

I believe the proposed fee increase of 4.34% and 4.62% in 2012 and 2013 are excessive. Many in private industry are struggling to show a profit or even stay in business. Many workers are going 3 or 4 years without raises. Many more are simply unemployed, going on years. I think it is inequitable that a government entity would propose for itself a case infusion that is not in line with the public it is serving. I also think it is offensive to take it out of the pockets of the people who have been under pressure for long enough. I would hope the Dept of Ecology of Washington State will find a way to tighten it's belt and put this increase off until the rest of the economy is in sync.

Comment W-21

From reading the Rule Proposal Notice, it appears to me that the fees will be adopted no earlier than September 20, 2011. Will the comments really affect the proposed rule and fee increase? The Department of Ecology is asking for a fee increase of 4.34% for 2012 and 4.62% for 2013. Why? Everything else has stopped growing or been cut to the bones. Does the DOE really think that operation costs have not gone up for the organizations that are already under the Wastewater Discharge Rules for the State of Washington? Every company and government operation has had to reduce operation costs during this time of tight money, with an economy that is hurting. Asking companies to pay more than the DOE cannot reduce its own costs is not fair and it hurts companies who are not working on or under % margins. I would hope DOE would take another look at what is being proposed and come up with ways to reduce the DOE's own operating costs. This would help companies, municipalities, and other government entities to get through these trying times.

Comment W-22

An increase in permit fees means an increase in wastewater treatment costs and a corresponding user charge increase. This is not acceptable. It's not acceptable for water treatment plants or stormwater permits either, suck it up. Do more with less like so many others have in times like

these. Cost increases for fees are akin to tax increases. They require a super majority or a vote by the citizens. I believe any proposed fee increase should be subject to the same requirements.

Comment W-23

A 4.34% fee increase is out of line and should not be adopted. A fee decrease should be considered and would be more appropriate to align with our current economic climate on both the state and national level.

Comment W-24

While I know it's futile to complain, I'd like to point out that the fee increase is about 1.5% above inflation. There seems to be no incentives for the government to exercise cost controls like the real world must. Just raise fees....I want your life.

Comment W-27

We are commenting on the proposed Rule change Chapter 173-224 WAC that will increase permit fees for wastewater, etc. We are not in favor of this rule change and permit fee increases. As a small business we cannot continue to pay more and more to the state when our sales volume and profits are drastically lower due to the "recession". This is not the time to put an additional financial burden on businesses in Washington-we feel that it should be apparent to DOE that we are all struggling. Cut costs like we have to. At this rate there will be no one left to tax in a few years.

Comment W-28

It was recently brought to my attention that the Department of Ecology (DOE) intends to implement an increase in the fees associated with certain Waste Water Discharge Permit holders. In light of the proposed increased fees, I am compelled to write this letter. As required, please consider this as an official public comment. Every day, the people of this great nation are forced to tighten their belts. Most Americans are struggling with lower incomes – if they have jobs – and the value of the houses and stock portfolios are down. In today's tough economy, business owners are also faced with the difficult task of doing much more with a lot less. Nevertheless, every one of us is asked to pay more for all goods and services. As a result, many local governments have renewed interest in the support of fee increases on their fees. Conversely, raising fees on certain permit fee categories is a bad idea. The economy is too fragile for that. An increase on fees means businesses will be forced to cut back in all areas of doing business. Our local government needs to tighten their belts just like the people of this great state have had to do. It is definite that our federal and local governments are in deep financial trouble. Without a doubt, this trouble is in need of great consideration on what the exact nature of the problem is. Fiscal responsibility is essential to creating a better, stronger, more prosperous nation for the next generation. The choices we make today-or fail to make-will determine what kind of future our children and grandchildren inherit 20 and 40 years from now. Rather than raise fees, our local government also needs to address waste, fraud and abuse as another avenue for our local government to find needed funds. Balancing a budget on the backs of the state's businesses is not the answer!

Comment W-30

We oppose the size of the proposed increase in the annual permit fees. I believe that you have usually been 50% to 100% above the CPI for probably at least 15 years (could you send us the % increases for those years?). When you compound the extra money over time, your fees become

unrealistically high. I assume that the vast percentage of your budget for administering these fees is compensation and utilities (both addressed in the CPI) A 2.00 percent increase would be more appropriate.

Comment W-31

Thank you for the opportunity to comment on the Department of Ecology's (Ecology) proposal to increase permit fees for certain categories of wastewater and stormwater permits. The Yakima Valley Growers-Shippers Association & YVGSA) represents the growers, packers and shippers of apples, pears, cherries and soft-fruits in the Yakima production district of South East Washington State. Our members produce and market fresh tree fruit worth over \$1 billion each year, and have continued to create jobs, exports, economic growth and tax revenue during the recent economic downturn. However, the benefits of this industry to the State should not be taken for granted. With the U.S. market for fruits and vegetables remarkably open to imports and more than a third of Washington State tree fruit exported, our industry is in direct competition with producers from countries with much lower labor and regulatory compliance costs. As a result, we are troubled by Ecology's proposal to significantly increase wastewater and stormwater permit costs over the next two years. Whether assessed directly on our members or passed on through municipal governments, Ecology's proposal will increase base operating costs of fruit packers and shippers with adverse effects on international competitiveness and profitability. Rising operating costs are not unique to the State government and according to the U.S. Bureau of Labor Statistics the consumer price index inflation rate over the previous twelve months was 3.6 percent. However, Ecology's proposed increases of 4.32 percent in 2012 and 4.62 percent in 2013 are significantly higher than this general inflation rate. It is unreasonable to expect that these above-average cost increases should be passed on in full at a time when private industry and local government must find efficiencies to reduce costs. Moreover, Ecology is proposing these above-average increases even as the Legislature has mandated a three percent reduction in salaries of State employees, where these employees are the primary cost of operating a regulatory permit program. In conclusion, the fee increases proposed by Ecology far exceed the general inflation rate, do not reflect the actual decrease in one of the most significant operating costs in State government in the current biennium, and demonstrate no effort to reduce costs and find efficiencies in the delivery of the program. In addition, the proposed increase would have an adverse impact on private sector employers subject to, or served by public agencies subject to, these permits amid growing concerns about the risk of a "double-dip" recession. For these reasons, the Yakima Valley Growers-Shippers Association requests that the proposed fee increases be rejected or at the very least significantly reduced.

Ecology response: Five years ago, several wastewater permit holder types (food processors, fruit packers, pulp mills, sawmills, fish hatcheries, aluminum plants, etc.) requested Ecology to review and evaluate how fees were being assessed because they believed the costs to issue/manage their permits was lower than the fee they were paying.

Ecology developed and implemented a time management system to obtain data on how expenditures matched up with the revenue being received from certain fee category types. It soon became apparent that subsidies between permit categories existed. Ecology time accounting data showed that expenditures for all the stormwater fee categories and a few wastewater permit types were more than the revenues being received.

Using revenue information received from Fiscal Year 2010 (July 1, 2009 through June 30, 2010), the table below shows the permit fee category types where Ecology expenditures were greater than the revenues being received.

FEE CATEGORY	FY2010 FEE REVENUE	EXPENDITURES
Aquatic Pest Control	\$52,597	\$412,949
Boatyards	\$29,013	\$153,600
CAFO's/Dairies	\$18,904	Monies from dairies go directly to the Department of Agriculture with additional monies being provided by Ecology to offset its costs of inspecting these permitted sites.
Construction Stormwater General Permit	\$1,800,000 +/-	\$2,300,000 +/-
Industrial Stormwater General Permit	\$1,400,000 +/-	\$1,700,000 +/-
Municipal Domestic Wastewater/Private & Government Owned	\$3,600,000 +/-	\$4,300,000 +/-
Municipal Stormwater	\$1,200,000 +/-	\$1,800,000 +/-
Water Plants	\$99,777	Ecology is still determining the costs and impacts of permitting and managing water plant permits

Ecology began addressing the subsidy issue taking the following approach:

- a. Ecology organized a permit fee restructuring task force in 2008 consisting of permit holders, government agencies, and environmental groups. The focus of this group is to aid Ecology in developing a new fee structure that will reduce the large number of permit fee categories and subcategories that exist in the current structure and that will eliminate the subsidies between fee categories. Ecology will be presenting information about the work of this task force to permittees at a later date.
- b. Ecology also began addressing the subsidies between fee categories by amending the permit fee regulation over the last four years. These amendments increased fees in a range between four percent and five percent for those categories of permit types whose expenditures exceeded the fee revenues being received. Fees were not increased for those permit fee category types where revenues exceeded their expenditures.

The legislature is aware of the subsidy issue and has been informed about the on-going work by Ecology to address this issue. It included language in the current biennium budget (July 1, 2011, through June 30, 2013) that authorized Ecology to increase fees as necessary to meet the actual costs of conducting business. The Legislature set the permit program budget appropriation level to include the fee increases. The language set fees increases to 4.34 percent for FY 2012 and 4.62 percent for FY 2013 for underpaying fee categories only.

This fee increase proposal will raise fees for only those permit fee types (listed in the table above) where Ecology is not recovering enough fee revenue to pay for the cost of issuing/managing their permits as directed by the Legislature.

Comments concerning proposed fee increases for concentrated animal feeding operations

Comment W-2

Just wanted to let you know that I totally agree with taxing the concentrated animal feeding operations. They are the most vile, evil, greedy things around. Animals there are terribly abused; kept in horrendous living conditions, suffer all their short lives just to be killed in inhumane ways. CAFO's only care about their own profit, they don't care how many animals suffer due to them, or how much they pollute the environment or how much they endanger our food supply. Tax them the most you can! The other proposed taxes I read about with the CAFO's also sound like good ideas. Might as well tax those who hurt animals and the environment the most, I feel. Thank you for reading this. If you have a spare 15 min or so (I'm sure you are very busy), it is so worth it to check out a video called: From Farm to Fridge on the web. The group that produced it is called Mercy for Animals (they are wonderful). It will probably bring tears to your eyes, but it is a huge eye opener as to what goes on behind closed doors at CAFO's. I hope you will check it out, it is totally legit.

Ecology Response: Monies received from the permit holders within the CAFO category does not pay the cost of issuing and managing their permits. Ecology collected approximately \$18,904 in revenue from dairies and concentrated animal feeding operations in Fiscal Year 2010 (July 1, 2009 through June 30, 2010). However, the money collected plus additional monies from the permit fee account goes directly to the Department of Agriculture who is responsible for managing the permits. Ecology writes and issues individual permit coverage and conducts enforcement (which is not a fee eligible action) activities as necessary. However, the Department of Agriculture performs all the other fee-eligible activities such as site inspections, technical assistance, etc.

Comments concerning proposed fee increases for water treatment plants

Comment W-7

I opposed further increases in permit fees for Wastewater and Water Treatment Plants by Ecology. The Consumer Price Index for the last 12 months is -.2%. Current population data from the US Census shows Hoquiam's population has declined by about 100 people in the last decade. Another rate increase is unjustified and only a means for Ecology to balance its budget deficit on the backs of the municipalities.

Ecology Response: Monies received from permit holders within this category does not pay the cost of issuing and managing wastewater treatment plant permits. The fee rate for municipal wastewater treatment permits was established and adjusted by the state legislature. Because of this legislatively established fee rate limiting fees, inflation rate-based increases are appropriate when the base fee already supports the cost of providing the service. The fee rule also contains language that places a cap on fees assessed for water treatment plants that primarily serves residential

customers. The fee amount may not exceed \$3.00 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. The City of Hoquiam has never contacted Ecology to state their annual fee exceeds the fee cap for a Water Treatment Plant.

Comments concerning proposed fee increases for stormwater permits in general

Comment W-8

Is there any particular reason fees for storm water permits are being increased? It seems the increases proposed rather exceed the rate of inflation. I'd oppose fee increases used to help balance the overall state budget. I do support a permit fee structure that covers the administrative and enforcement costs for the relevant regulatory effort.

Ecology Response: Monies received from stormwater permit holders does not pay the cost of issuing and managing their permits. Ecology revenues from State Fiscal Year 2010 (July 1, 2009 through June 30, 2010) show Ecology received approximately \$1.8 million in revenue from construction stormwater general permit holders while expenditures totaled approximately \$2.3 million dollars. Revenues received from industrial stormwater general permit holders totaled approximately \$1.4 million dollars with expenditures totaling approximately \$1.7 million dollars.

Currently, revenues from other wastewater permit holders have been subsidizing the expenditures for the stormwater permit program. Ecology is working toward eliminating the subsidies that occur. While the proposed fee increases will increase revenues received from stormwater permittees, the revenue will still not be enough to eliminate the total subsidies presently occurring.

Comments concerning sand and gravel permit fees

Comment W-10

I am writing to let you know that we are totally against any fee increase as proposed regarding the Wastewater Discharge Permits. Our site is inactive, and has been for over 10 years, and there is no discharge from the site. This proposed fee increase is an attempt to fund your program/office. There is no need for any reports or monitoring other than to fund your office. Enough is enough. Apparently DOE policy is that once you are in the system you can never get out. We want out! Your proposed fee increase is also out of line as it is in excess of the cost of living. I suggest that DOE eliminate the waste and excessive bureaucracy, tighten your belt and live within your means.

Ecology Response: Ecology is not proposing to increase fees for sand and gravel permit holders referenced in the comment. Ecology has not changed the fee rate for this permit type in four years. Currently, the annual fee for an inactive sand and gravel permit totals \$83.00. This fee for an inactive site allows the permit holder to maintain a permit that can go active within ten days of notification to Ecology of a status change. Previously the permittee was required to apply for coverage and wait for Ecology to issue permit coverage which could take several months.

To eliminate the need for permit coverage due to the site having been disturbed for natural resource extraction, the site needs to be reclaimed and/or the Department of Natural Resources

(DNR) bond eliminated. The Ecology sand and gravel permit manager who is responsible for managing this permit coverage can provide information on how this permit coverage can be terminated. The proposed fee increase will fund continuation of activities required to carry out the responsibilities of the Water Quality Program. The Water Quality Program monitors performance of operations that have the potential to impact the waters of the state.

Comment #29

Granite Construction would like to submit comment in regards to the Fee Schedule for the Sand and Gravel General Permit. A fee structure should be developed that considers an operation which is primarily asphalt and/or concrete recycling yard. There are several locations within the industry that are inactive asphalt plants which continue to import asphalt grindings and rubble from construction projects. This material will be utilized to produce new asphalt after it has been crushed and screened accordingly. The processing of the recycled asphalt only occurs on a periodic basis (every 2 to 3 years) as needed. The contractor would mobilize a portable crusher to the site do a major production run and then the processing side of the operation would like dormant for a period of time. So although the site would be considered inactive based on the current definition from DOE since the processing is only occurring on a limited basis, the site typically is active with incoming trucks staging material to be recycled in the future. The current fee schedule does not directly address these types of operations and Granite is in the opinion that there should be an appropriate fee to cover these types of operations. Asphalt recycling will continue to become more and more common as America rebuilds its infrastructure. Although Asphalt Recycling is commonly associated with the operation of an Asphalt plant there are in some cases that an operation will recycle material without actually producing new asphalt at that current location. Although not optimal due to material handling and trucking, asphalt recycling operations have the potential to serve several Asphalt Plants within given vicinity.

Ecology Response:

Asphalt that is cured and crushed and reused in making asphalt is considered crushing materials not otherwise classified. Asphalt production is the actual hot mix asphalt batch plant product – feed stock that goes through the plant and comes out as hot asphalt used as a product. Recycling is asphalt and/or concrete that go through a crusher to be reused. Based on this information, recycling activities belong in the mining, screening, washing, and/or crushing permit fee category.

Comments concerning municipal wastewater treatment plant permit fees

Comment W-12

This email contains written comments regarding the Department of Ecology's proposal to increase annual permit fees. This comment questions Ecology's rationale for basing a Wastewater Treatment Plant's permit fee on Residential Equivalents. A fee calculation based on discharge volume and loading provides an incentive for municipalities to reduce water usage and ultimately, wastewater discharge volumes. The Residential Equivalent calculations are time consuming and complex especially when calculating wholesaling worksheets for multiple municipalities. A more straightforward and equitable approach is to base the permit fees on yearly discharge volume and loading of the Wastewater Treatment Plant.

Ecology Response: State law (RCW 90.48.465 – Water Pollution Control) requires Ecology to assess fees for domestic wastewater facilities using a monetary rate per residential equivalent. In 1988, the first year Ecology established annual fees for municipalities; the fee was based on permitted discharge flow. However, municipalities did not support the structure and met with their Legislators on how fees should be determined. Based on their negotiations, the Legislature amended the state law requiring fees to be determined based on the number of residential equivalents contributing to the municipality’s wastewater stream. Any change on how fees for municipalities are determined would require a change in state law.

Comment W-15

The City of Walla Walla has increased its water and wastewater rates to support the replacement of its aging infrastructure in large part as a response to mandate water leakage standards; it is currently engineering long term water treatment processes at a projected \$20 million cost, also as mandated; it has raised stormwater rates significantly to comply with related mandates; it will be retiring multimillion dollar bonds for upgrading its water and wastewater facilities well into the 2020’s; it is mediating groundwater contamination at its landfill; it is recycling and composting waste. The citizens of the City of Walla Walla, many of them of very modest means, have shouldered the burden of a responsible community in its environment. This proposed increase in fees for water quality permits is not a welcome addition to that burden. Please reconsider.

Ecology Response: Ecology recognizes and appreciates that communities like Walla Walla are incurring costs associated with the implementation of the new Phase II NPDES Stormwater Permit. Ecology has responded by providing grant funds to NPDES Stormwater permit holders to assist in implementation of the new permit. Since November 2006, the City of Walla Walla has received more than \$278,000 in grants from Ecology’s Municipal Stormwater Management Grant Programs. This money is to provide Phase II municipal permit holders with “seed” funds that can be used to meet Phase II Municipal Stormwater requirements. The grant money cannot be used to pay for the actual wastewater/stormwater permit.

Ecology data shows revenues received from municipalities do not match the expenditures for issuance/management of their wastewater/stormwater permits. The table found on pages 15 and 16 list several permit types where revenues being received do not match up with Ecology’s expenditures for that category. The expenditures for these categories are being subsidized by other wastewater permit types and have been for several years. Ecology began addressing this subsidy issue four years ago when it started the process to amend the fee rule (with legislative approval) to increase fees only for those fee category types receiving revenue subsidies and not increasing the fee amounts for the rest of the fee category types.

Ecology recognizes the efforts made by the City to upgrade its aging infrastructure. However, the requirements to maintain a wastewater discharge permit and pay for the cost of the program are still necessary.

Ecology is also aware that increasing fees is not popular with all the fee payers. However, the fee payers who are currently subsidizing other fee category types have made it clear that the subsidy is unfair and cannot continue.

Comments concerning proposed fee increases for aquatic pest control

Comment W-20

I appreciate being given the opportunity to comment on a proposed increase of the Wastewater Discharge Permit Fees. Last October 2010, we paid a little over \$400.00 for this permit. That was our first year ever having to pay for the permit. In previous years, the Washington State Dept. of Health made that payment. I am not sure what the Dept of Health was charged for their general permit, even if it was equal to the \$400.00 each of the mosquito control districts are now charged, with the number of entities covered under the permit that are being charged, that means you have already more than enough of an increase into the thousands of dollars. It seems now that since the permit is in the private hands (in other words the tax payers) we can have the fees increased each year for our permit. When is it supposed to stop? Since the permit is for five years, the fees should remain the same for the same five years. I have seen some of the reports that are made up from our records and I know that it can take quite a bit of time to record the information. It just seems to me that the amount of time and the steady increases seem to have no end. When does it all stop? The products that we are using have been tested by professionals at rates far above label rates in water to check their safety and reliability to the environment. It seems crazy that any permit should be required. The use of science is not being used nor has it been understood with the products that we are using. This permit is based more on the emotion and complaints of those who do not understand nor care as long as they get their way. This permit isn't for the environment as much as it is for the person or persons that like to complain. There are worse things used and consumed in our homes which can cause disease, the mosquito districts try to control disease and we are asked to pay for it. I therefore opposed any cost and especially any increase in the cost of the Wastewater Discharge Permit Fees for Mosquito Control. Thank you again for the opportunity to comment and give my feelings. I appreciate it.

Comment W-26

Benton County appreciates the opportunity comment on the Department of Ecology's proposal to increase some annual NPDES permit fees for 2012 and 2013. One justification listed for the increase is that certain permit holders are not paying the full cost of their permits. I have no doubt that Ecology spends a great deal of time and effort creating the initial permits, and believe that the administrative costs should be recovered over the five years the permit is in effect. Mosquito control districts in Washington State had a blanket permit under the Department of Health until 2009 when we were required to obtain individual permits. The funds Ecology collects from mosquito control increased from around \$400 to \$5,753 (16 districts X the \$359.56 BCMCD was charged). Adding another 4.34% and 4.62% would not devastate our budget, but I would like to know how the money is spent. In 2010, 34 agencies submitted end of the year pesticide reporting for mosquito control. If all these entities are permit holders at the current rate, we generate over \$12,000. Under our NPDES permit, I am required to submit annual reports to the Department of Ecology. I believe that it is important for Ecology to have this information as the agency responsible for our state waters. I pay the administrative costs to prepare the reports and enter the information into Ecology's database, and would appreciate if that database were accessible to the public. Occasions arise when it would be helpful to know the total amount of pesticides discharged by mosquito control districts and other aquatic pest control operators. California has a pesticide use reporting system that is accessible online; I would like to see Washington implement something similar in the future. If no one is analyzing the data within Ecology, why should I be

required to spend taxpayer dollars gathering and reporting this information? I would also like to see the Department of Ecology conducting water monitoring and comparing those results to the WSDA water monitoring results. With both agencies working together, Washington could truly have the most comprehensive program in the country. Ecology says that the money collected from the permits will be used for monitoring and evaluating compliance. If federal requirements for mosquito control NPDES permit change to include water quality testing, I fear that the cost of that testing will fall to the permit holders. Mosquito control districts will not be able to absorb these costs, increased permit fees, and the indirect cost of the permit. As a result of NPDES permitting, Benton County Mosquito Control spends additional labor hours on paperwork, purchases more expensive pesticide products, and hires only aerial contractors that have GPS technology (that is more expensive). These steps are taken in order to comply with the permit regulations and protect our district from lawsuits. This comes at a great expense to the taxpayers with no benefit to the water or the environment. If the Reducing Regulatory Burdens Act (HR 872) passes the United States Legislature, NPDES permits will no longer be federally mandated for mosquito control. If Ecology is not recovering the cost of the permitting program through fees and is issuing more permits each year it would make sense for Washington State to eliminate unnecessary regulatory burdens. If HR 872 passes, Ecology should consider eliminating the permits that were created in response to the *Headwaters, Inc. v. Talent Irrigation District* lawsuit. Thank you for the opportunity to provide public comment. Benton County Mosquito Control believes in maintaining a healthy and safe environment for our residents. We must also be fiscally responsible, so if you move forward with this increase in permit fees I would like to see a yearly analysis of how the permit program benefits our residents.

Ecology Response: Monies received from aquatic pest control permit holders does not adequately cover for the cost of issuing and managing those permits. Revenues received from aquatic pest control permits (e.g., irrigation districts, mosquito control districts, oyster growers, aquatic species control and eradication, invasive moth control, and rotenone control) totaled approximately \$52,597.00 for the biennium.

Ecology's expenditures in issuing and managing all of those permits totaled approximately \$412,949. There is a multitude of permit management activities paid for from permit fees. Some of these activities include: reviewing permit applications, issuing permit coverage's, reviewing discharge monitoring reports, providing technical assistance, etc.

The last mosquito control permit issuance was to the Washington State Department of Health (DOH) that agreed to allow mosquito control districts to apply pesticides under its permit coverage. When the permit came up for renewal, it was decided by both the DOH and Ecology that this arrangement did not work well. It was decided that each mosquito control district that wanted to spray for mosquito control would be required to obtain its own permit coverage directly from Ecology. There is a cost for Ecology to issue and manage each one of those permits. .

Historically, revenues from other wastewater permit holders have been subsidizing the aquatic pest control permits. However, Ecology has been working toward eliminating the subsidies that occur. While the proposed fee increases will increase revenues, the revenue will still not be enough to eliminate the current subsidy.

Whether or not a permit is needed for mosquito control has already been addressed with the issuance of Ecology's permit coverage and is not part of this rule-making.

Comments concerning proposed fee increases for municipal stormwater

Comment W-21

We are not in favor of the proposed NPDES Municipal Permit fee increase. The deferral of additional stormwater management funds towards the permit fee will reduce the amount of money available to implement permit requirements, potentially impacting water quality improvement projects. In addition, future permit requirements, such as monitoring and LID, will likely involve substantial financial investment over the next few years and funds would be best directed towards meeting those future requirements. We contend that it's in the public's best interest as well as the best interest of surface water quality to direct existing limited local stormwater management funds towards local projects.

Ecology response: Ecology understands the impact of increasing fees for municipal stormwater permittees. However, Ecology only received \$1.2 million dollars in revenue from these permit holders in Fiscal Year 2010, but had expenditures in managing their permits that totaled \$1.8 million dollars. This category is being subsidized by other permit types who have requested the subsidy be eliminated.

Comment W-32

During our Phase II permit, the City increased its residential stormwater utility fees to offset the added costs of complying with permit requirements. For a small town, they are among the highest in southwest Washington. Revenues from this increase were not enough to meet the permit requirements. We will not increase these rates as our residents shouldn't be asked for more burden during these hard economic times. Some of the reasons include that 1) in our area unemployment rates are well over Washington and United States' rates, 2) our poverty rate is well above Washington State, and 3) residents in the area have publicly opposed high stormwater utility fees in allowed venues such as council meetings. Due to the depressed local economy and to live within our financial means, the City made substantial layoffs at the beginning of this year. No Cost-of-Living Adjust was allowed for 2011 – that is 1%. Yet Ecology wants a fee raise of almost 9% in the next two years. In addition, fee revenues since 1998 have doubled per fee payer. Ecology needs to live within its means as we do here in the City. The City is against a fee increase in its Phase II municipal stormwater permit.

Ecology response:

Because the median household income is less than the state average, the City of Kelso is considered a disadvantaged community and is assessed a stormwater rate that totals \$.58 per year per housing unit. This amount is half what non-disadvantaged communities are assessed. The fee proposal, if passed, would increase the rate to \$.62 per year per housing unit for FY 2012 and \$.65 per year per housing unit for FY 2013.

The revenues received from permit holders within this fee category (\$1.2 million dollars) are less than the expenditures (\$1.8 million dollars) Ecology spent to issue and manage these permits. This category is being subsidized by other permit category types.

These fee increases will not result in salary increases for Ecology staff. Salary increases have not occurred in the last two fiscal years and like other governments, the Ecology permit program faced large reductions in staffing over the past several years. However, further degradation of the program will result in water quality impairment. The Washington State Legislature recognized this concern and put the proposed fee increases of 4.34 percent for FY 2012 and 4.62 percent for FY 2013 in Ecology's biennial budget.

Appendix A: Copies of all written comments

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Poston, Bev (ECY)

From: Bill Bradbrooke [bradbrooke1@gmail.com]
Sent: Friday, July 22, 2011 8:05 AM
To: Poston, Bev (ECY)
Subject: NO Increase in DOE Waste & Storm Water discharge fees!

July 22, 2011. This is being called the **Second Great Depression**. It is no time for the Department of Ecology to increase fees for the discharge of stormwater and wastewater! Now is the time for the DOE to **REDUCE** stormwater and wastewater discharge fees. Trust in government is at a low ebb and proposals to increase the fees only exacerbate this distrust. Such proposals are thoughtless and overbearing. I call on the Department of Ecology and every one of its employees to become a thinking, caring member of the community they serve. Reduce the cost of regulation!

--

~ Bill Bradbrooke
2132 North Steele Street
Tacoma WA 98406
tel. (253) 209-0493
bradbrooke1@gmail.com

Poston, Bev (ECY)

From: Linda Dennis [catspayneuter@msn.com]
Sent: Sunday, July 24, 2011 2:44 AM
To: Poston, Bev (ECY)
Subject: taxes on CAFO- yes, I agree

Hi Bev,

Just wanted to let you know that I totally agree with taxing the concentrated animal feeding operations. They are the most vile, evil, greedy things around. Animals there are terribly abused, kept in horrendous living conditions, suffer all their short lives just to be killed in inhumane ways. CAFO's only care about their own profit, they don't care how many animals suffer due to them, or how much they pollute the environment or how much they endanger our food supply .

Tax them the most you can! The other proposed taxes I read about with the CAFO's also sound like good ideas. Might as well tax those who hurt animals and the environment the most, I feel. Thank you for reading this.

If you have a spare 15 min. or so (I'm sure you are very busy), it is so worth it to check out a video called: From Farm to Fridge on the web. The group that produced it is called Mercy for Animals(they are wonderful). It will probably bring tears to your eyes, but it is a huge eye opener as to what goes on behind closed doors at CAFOs. I hope you will check it out, it is totally legit.

Thank you,

Linda 

Poston, Bev (ECY)

From: Lloyd Ludtke [lloyd@ludtke.com]
Sent: Tuesday, August 02, 2011 1:14 PM
To: Poston, Bev (ECY)
Subject: How do you come up with a rate increase every year.

Unfortunately this email as testimony will fall on deaf ears as I have said the same things before and the rate increases continue. You are now asking for more when everyone else is doing with less. Where does the DOE get their right to just increase every year when the people they serve (that's us) cannot do the same as we must compete for our business with others that do the same thing. Give us a break and help control the spiraling costs of everything we do due to folks like yourselves who have figured out a way to increase rates because they have no competition and some rule or regulation allows it to happen.
Respectfully, Lloyd A. Ludtke.

Poston, Bev (ECY)

From: Kevin DeVries [Kevind@exxelpacific.com]
Sent: Tuesday, August 02, 2011 3:53 PM
To: Poston, Bev (ECY)
Subject: Increase

Bev - I will keep this email very short as I have my hands full trying to run a business and keep my head above water in this dismal economy.

I just want to say that I strongly oppose your increase in fees. This state is in serious trouble and to think that we can continually raise fees to buy our way out is ridiculous and an insult. You want to know how ridiculous it is? Let me give you an example. When permits, fees and services for a project exceed the value of raw land, we have a serious problem. Housing will never be affordable. Time for me to get back to work.

Kevin R. DeVries

President

323 Telegraph Road

Bellingham, WA 98226

Phone: 360.734.2872

Cell: 360.815.5221

www.exxelpacific.com

<<http://www.exxelpacific.com/>>

Poston, Bev (ECY)

From: Scott Pearson [raymondpw@willapabay.org]
Sent: Tuesday, August 02, 2011 4:39 PM
To: Poston, Bev (ECY)
Subject: Fee Increase

I am apposed to such a large increase; 10% over two years is absurd. The Legislature originally enacted and funded the Department of Ecology to perform certain tasks. These tasks have grown to encompass a much broader range of activities; regulating just about every facet of life, often times to the point of inactivity. I support regulations to protect the safety and welfare of the public. But I find that the regulations have often times become to strict and that this overregulation has driven up operating costs. The Department needs to operate within its budget rather than increasing permit fees, of which in most cases there is no choice but to pay what ever the fee is.

The Department should cut spending by 6% over two years and increase said permit fees by 2% each year for a total of 4% to keep up with inflation-despite the fact that economists say inflation has been flat-lined for two years.

A 10% increase would not receive my approval!

Respectfully,

Scott Pearson

Administrative Assistant
Public Works Department
300 First Street
Raymond, WA 98577
Ph: (360) 942-4108
Fx: (360) 942-4138
raymondpw@willapabay.org

Poston, Bev (ECY)

From: gerryelane@aol.com
Sent: Wednesday, August 03, 2011 9:12 AM
To: Poston, Bev (ECY)
Cc: Tharinger, Steve; kevin.vandewege@leg.wa.gov
Subject: Increase in Discharge Permit Fees

Dear DOE:

It is outrageous that you even consider increasing fees in our current economic environment. Private manufacturing facilities that operate in a competitive world do not have that luxury. We employ 35 souls, we are barely keeping our head above water, and DOE is not the only public regulatory agency that extracts "fees" from us and companies like us. The proposed fee increase simply increases our cost of operation with no demonstrable benefit.

I find it almost funny that the same notice you sent to us not only asks for public comment but states the date on which DOE "expects to adopt" the increase. I have very little confidence that "public comment periods" do little more than fulfill a well intended legislated mandate.

Please find a way to decrease your operating costs, as we have to, and do not increase the Discharge Permit Fees.

Sincerely,

Gerry Lane
General Manager
Allen Logging Co.
176462 Highway 101
Forks, Wash
98331

cc kevin.vandewege@leg.wa.gov
steve.tharinger@leg.wa.gov

Poston, Bev (ECY)

From: Brian Shay [BShay@cityofhoquiam.com]
Sent: Wednesday, August 03, 2011 11:12 AM
To: Poston, Bev (ECY)
Cc: Probart, Ashley
Subject: Another Ecology Fee Increase on Water and Wastewater Discharge Fees

To Whom it May Concern,
I oppose further increases in permit fees for Wastewater and Water Treatment Plants by Ecology.

The Consumer Price Index for the last 12 months is -.2% . Current population data from the US Census shows Hoquiam's population has declined by about 100 people in the last decade. Another rate increase is unjustified and only a means for Ecology to balance its budget deficit on the backs of the municipalities.

-Brian Shay
City of Hoquiam
City Administrator

Department of Ecology News Release - July 21, 2011

11-202

Public may comment on proposal to increase fees for some categories of water quality permits

OLYMPIA – The Washington Department of Ecology (Ecology) invites the public to weigh in on its proposal to increase annual wastewater and stormwater discharge permit fees for some types of activities that are not currently paying the full cost of their permits.

The fees – paid by businesses, industries and local governments – help offset the state's expenses to issue and administer wastewater and stormwater discharge permits. The permits are the state's primary tool to prevent water pollution.

In accordance with state law, the proposed increase will align fees to the state's official fiscal growth calculation.

Ecology proposes to adopt Chapter 173-224 WAC (Washington Administrative Code). The rule proposal will be published in the Washington State Register on Aug. 3, 2011.

The proposed rule would increase annual permit fees by 4.34 percent for fiscal year 2012 (July 1, 2011, through June 30, 2012) and 4.62 percent for fiscal year 2013 (July 1, 2012, through June 30, 2013) for the following permit fee categories:

- Aquatic Pest Control.
- Boatyards.
- Concentrated Animal Feeding Operations.
- Dairies.
- Industrial, Municipal, Construction, and Individual Stormwater General Permits.

- Municipal Domestic Wastewater Treatment Plants.
- Private and Government-Owned Domestic Wastewater Treatment Plants.
- Water Treatment Plants.

Fees for other permit fee categories will remain at the current rates.

The water quality permit fee program is authorized and required under the Federal Clean Water Act National Pollution Elimination Discharge System (NPDES) program.

Ecology's permit fee program uses the funding to:

- Process permit applications and modifications.
- Monitor and evaluate compliance with permits.
- Conduct inspections.
- Secure laboratory analysis of samples taken during inspections.
- Review plans and documents directly related to programs that treat water before it is discharged.
- Support overhead expenses that are directly related to these activities.

Ecology will hold a public hearing via videoconference on August 24 beginning at 1:30 p.m. at the following locations:

Lacey - Ecology's Headquarters Building, 300 Desmond Drive, Room R3A-19.

Yakima - Ecology's Central Regional Office, 15 W Yakima Ave Suite 200.

Spokane - Ecology's Eastern Regional Office, 4601 N Monroe Street, Room 1-SW-11.

You can provide your comments by testifying at one of the public hearings, or by emailing your comments to bev.poston@ecy.wa.gov. You may also mail your comments to Department of Ecology, Attn: Bev Poston, PO Box 47600, Olympia, WA 98504-7600.

Ecology must receive your comments by 5 p.m., Sept. 1.

Ecology expects to adopt this rule no earlier than September 20, 2011.

If you have questions, you may contact Bev Poston at 360-407-6425 or bev.poston@ecy.wa.gov.

To obtain a copy of the proposed rule changes, please visit our website (http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.html).

This rule process ensures that the costs of Washington's water quality permit program are funded. Read more about Ecology's rule-making determinations under Gov. Gregoire's executive order affecting rule development in 2011 (http://www.ecy.wa.gov/laws-rules/rulemaking_suspension.html).

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Media Contact: Sandy Howard, 360-407-6408 (desk), 360-791-3177 (cell), sandy.howard@ecy.wa.gov

Brian Shay
Hoquiam City Administrator
609 8th Street

Hoquiam, WA 98550
bshay@cityofhoquiam.com
360-637-6017

City Mission Statement: The City of Hoquiam is committed to improving the quality of life for our citizens by diversifying the industrial base, increasing business, housing and recreation opportunities, while providing safe neighborhoods for all.

Poston, Bev (ECY)

From: John Axford [jdaxford@yahoo.com]
Sent: Wednesday, August 03, 2011 1:11 PM
To: Poston, Bev (ECY)
Subject: WAC 173-224 Fee Increase

Hi -

is there any particular reason fees for storm water permits are being increased? It seems the increases proposed rather exceed the rate of inflation.

I'd oppose fee increases used to help balance the overall state budget.

I do support a permit fee structure that covers the administrative and enforcement costs for the relevant regulatory effort.

Thanks,

John Axford

Poston, Bev (ECY)

From: Jim Eichner [jim.eichner@comcast.net]
Sent: Wednesday, August 03, 2011 2:24 PM
To: Poston, Bev (ECY)
Subject: Comment on proposed increased permit fees Chapter 173-224 WAC

I am not in favor of raising permit fees and rates.

I am in favor of economic incentives in the form of lower fees for those who are innovating and improving water quality issues.

More revenue won't fix our water problems. It will just grow bureaucracy.

Sincerely,

Jim Eichner
Woodinville, WA

Poston, Bev (ECY)

From: Bill Terhaar [billt@pacificrimland.com]
Sent: Wednesday, August 03, 2011 2:54 PM
To: Poston, Bev (ECY)
Subject: Fee Increase

Bev: I am writing to let you know that we are totally against any fee increase as proposed regarding the Wastewater Discharge Permits. Our site is inactive, and has been for over 10 years, and there is no discharge from the site.

This proposed fee increase is an attempt to fund your program/office. There is no need for any reports or monitoring other than to fund your office. Enough is enough. Apparently DOE policy is that once you are in the system you can never get out. We want out!

Your proposed fee increase is also out of line as it is in excess of the cost of living.

I suggest that DOE eliminate the waste and excessive bureaucracy, tighten your belt and live within your means.

CONFIDENTIALITY NOTICE: If you have received this communication in error, please notify us immediately. This message is intended only for the use of the person, firm, or company it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is prohibited.

Poston, Bev (ECY)

From: Donald O'Malley [omalleydm@cableone.net]
Sent: Wednesday, August 03, 2011 6:11 PM
To: Duncan, David Joseph (ECY); Poston, Bev (ECY)
Subject: Permit Fee Increase

The Dept. of Ecology, Gov. Gregoire, and all the Western Washington Tree Huggers are out of their minds. Enough is enough!

We, in this little Eastern Washington County of Asotin with a population of less than 22,000 men, women and children and no commercial industry or income (over 3500 families on welfare) cannot continue to play this game or pay for a bunch of touche, feeley stuff like "process applications, monitor compliance, conduct inspections, support overhead expenses" etc. 4%+ increases are nuts with this country in the tank.

I am a little guy in an area where my vote doesn't mean a hill of beans, but I want you to know how fed up I am with the DOE and their actions.

Go ahead and sue me, fine me or hang me, but be aware that I'm done trying to work with the Washington State DOE!

--

Donald and Marilyn O'Malley

Poston, Bev (ECY)

From: Carter, Arlene [acarter@ci.yakima.wa.us]
Sent: Thursday, August 04, 2011 11:27 AM
To: Poston, Bev (ECY)
Subject: Comments to Wastewater Discharge Permit Fees, Rule Proposal Notice

Ms. Poston,

This email contains written comments regarding the Department of Ecology's proposal to increase annual permit fees.

This comment questions Ecology's rationale for basing a Wastewater Treatment Plant's permit fee on Residential Equivalents.

A fee calculation based on discharge volume and loading provides an incentive for municipalities to reduce water usage and ultimately, wastewater discharge volumes. The Residential Equivalent calculations are time consuming and complex especially when calculating wholesaling worksheets for multiple municipalities. A more straightforward and equitable approach is to base the permit fees on yearly discharge volume and loading of the Wastewater Treatment Plant.

Thank you for the opportunity to provide this comment.

Arlene Carter
Pretreatment Supervisor
City of Yakima Wastewater Division
(509) 575-6077
acarter@ci.yakima.wa.us

Poston, Bev (ECY)

From: Darren Talley [Darren@TalleyFinancial.com]
Sent: Thursday, August 04, 2011 1:13 PM
To: Poston, Bev (ECY)
Subject: Wastewater Discharge permit fees

Dept. of Ecology,

Regarding fee increase Chapter 173-224 WAC. Please do not increase any fees. If anything during the current economic environment eliminate fees to Dept of Eco. all together. Cut back your expenses at the Dept. of Eco.

Thank you,

Darren Talley

Darren Talley
PO Box 969
Chelan, WA 98816
509.682.2444 - voice home
Darren@TalleyFinancial.com

Poston, Bev (ECY)

From: Jeff Dean [jeffdeanjdc@gorge.net]
Sent: Thursday, August 04, 2011 2:55 PM
To: Poston, Bev (ECY)
Subject: FW: Wastewater Discharge Permit Fees, Chapter 173-224 WAC

Jeff Dean
Project Manager
jeffdeanjdc@gorge.net
(509) 364-3537 OFFICE
(509) 364-3317 FAX
55 Mt. Adams Highway
Glenwood, WA 98619



From: Jeff Dean [<mailto:jeffdeanjdc@gorge.net>]
Sent: Thursday, August 04, 2011 2:52 PM
To: 'Bev.postion@ecy.wa.gov'
Subject: Wastewater Discharge Permit Fees, Chapter 173-224 WAC

Bev,

When I have visited Department of Ecology Headquarters Building several things bothered me...a lot.

1. There were a multitude of newspaper dispensers at the main door. Our employees do not buy a paper and sit and read them at work. Department of Ecology shouldn't either.
2. The building, at Lacy, is a huge waste of space. Consolidate other agencies into that building or something. I hope department of ecology never gets big enough to fill that thing.

In summary, tighten your belt and do more with less. Show me the department of ecology is frugal and well run and I'll support a fee increase. We are not in favor of any fee increases for any sector of business.

We've put miles and miles of silt fence in on public and private projects at substantial costs. Condit Dam (in Klickitat County) removal will put 500,000 cubic yards of silt into the Columbia River in 1 day. You could put all the silt fence up on all the projects in Washington State for the next 50 years and never put that much silt into the water systems.

This illustrates the Department of Ecology is ineffective. My preference would be to abolish the Department of Ecology.

Jeff Dean
Project Manager
jeffdeanjdc@gorge.net
(509) 364-3537 OFFICE
(509) 364-3317 FAX
55 Mt. Adams Highway
Glenwood, WA 98619

Poston, Bev (ECY)

From: Tim McCarty [TMcCarty@ci.walla-walla.wa.us]
Sent: Thursday, August 04, 2011 5:14 PM
To: Poston, Bev (ECY)
Subject: Proposal to increase fees for some categories of water quality permits

The City of Walla Walla has increased its water and wastewater rates to support the replacement of its aging infrastructure in large part as a response to mandated water leakage standards; it is currently engineering long term water treatment processes at a projected \$20 million cost, also as mandated; it has raised stormwater rates significantly to comply with related mandates; it will be retiring multimillion dollar bonds for upgrading its Water and Wastewater facilities well into the 2020's; it is mediating groundwater contamination at its landfill; it is recycling and composting waste. The citizens of the City of Walla Walla, many of them of very modest means, have shouldered the burden of a responsible community in its environment. This proposed increase in fees for water quality permits is not a welcome addition to that burden. Please reconsider. Thank you for the opportunity to comment.

Poston, Bev (ECY)

From: C Norris [norris.court@gmail.com]
Sent: Friday, August 05, 2011 10:41 AM
To: Poston, Bev (ECY)
Subject: Permit Fees Increase

To Whom It May Concern,

I'm writing in regards to the recent rule proposal notice by the Department of Ecology and their plans to raise many of the wastewater discharge permit fees by 4.62%. This is extremely upsetting news that the Department of Ecology believes that continuously increasing the cost of the permits has no bearing on those who are required to obtain them. The entire nation is facing another recession, yet government backed entities continue to take and require more funds from private corporations and individuals who are actually providing jobs. The increases in fees are unnecessary. The Department of Ecology should only be getting more efficient since this rule was implemented, and does not need additional funds to operate. They should be held accountable like any private business and recognize that money does not grow on trees, and these fee increases will kill jobs. Maybe it will save some jobs at the department of ecology for the year, but eventually, they will be lost due to the overall economy not doing anything. Just because they can request a fee increase, does not mean they should. They should live/budget within their means and make adjustments accordingly like the rest of us private workers.

Sincerely,

Courtney Norris
Concerned Citizen

Poston, Bev (ECY)

From: Gerry Millman [gmillman@greatwesternlumber.net]
Sent: Tuesday, August 09, 2011 2:54 PM
To: Poston, Bev (ECY)
Cc: Ericksen, Doug; Buys, Vincent; Overstreet, Jason; Tom Westergreen
Subject: Proposed Fee Increase

To Whom it May Concern:

We are opposed to the Department of Ecology proposed wastewater discharge permit fee hikes totalling 8.96% over the next 2 years.

Small businesses such as ours are struggling just to stay in business. We have continued to spend money to comply with the permit, but our budgets are being overextended and these fee increases will make things even more difficult. Our business is having to learn how to do with less revenue- our revenues are down, yet our costs are going up. I would suggest that the DOE do the same as most private businesses- learn to do with less revenue. This 9% increase is far too large, and will most definitely be a burden on our small business. I suggest you freeze the permit fees, and work on streamlining your agency, just as us taxpayers are doing.

Gerry Millman
Great Western Lumber Company
360/966-3061
360/966-7301

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Poston, Bev (ECY)

From: John Brumfield [brumfld@techline.com]
Sent: Wednesday, August 10, 2011 7:35 AM
To: Poston, Bev (ECY)
Subject: Wastewater Discharge Permit Fees

I have just received the notice regarding the proposal to raise the fees for Wastewater Discharge permits.

I am opposed to any fee increases. In this unstable economy any increase puts a burden on us all.

Thank you,
John Brumfield
Brumfield Construction, Inc.
(360) 268-9231
(360) 580-5388

Poston, Bev (ECY)

From: STEVE MYRON [ksmyron@msn.com]
Sent: Thursday, August 11, 2011 2:07 PM
To: Poston, Bev (ECY)
Subject: Wastewater Discharge Permit Fees

I believe the proposed fee increase of 4.34 and 4.62 percent in 2012 and 2013 are excessive. Many in private industry are struggling to show a profit or even stay in business. Many workers are going on 3 or 4 years without raises. Many more are simply unemployed, going on years. I think it is inequitable that a government entity would propose for itself a cash infusion that is not in line with the public it is serving. I also think it is offensive to take it out of the pockets of the people who have been under pressure for long enough. I would hope that the Dept of Ecology of Washington State will find a way to tighten it's belt and put this increase off until the rest of the economy is in sync.

Kathy Myron
Puyallup, WA

ADAMS COUNTY MOSQUITO CONTROL DISTRICT
OTHELLO, WASHINGTON 99344

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

August 11, 2011

Dear Ms. Bev Poston,

I appreciate being given the opportunity to comment on a proposed increase of the Wastewater Discharge Permit Fees. Last October 2010, we paid a little over \$400.00 for this permit. That was our first year ever having to pay for the permit. In previous years, the Washington State Dept. of Health made that payment. I am not sure what the Dept of Health was charged for their general permit, even if it was equal to the \$400.00 each of the mosquito districts are now charged, with the number of entities covered under the permit that are being charged, that means you have already have more than enough of an increase into the thousands of dollars. It seems now that since the permit is in the private hands (in other words the tax payers) we can have the fees increased each year for our permit. When is it supposed to stop? Since the permit is for five years, the fees should remain the same for the same five years.

I have seen some of the reports that are made up from our records and I know that it can take quite a bit of time to record the information. It just seems to me that the amount of time and the steady increases seem to have no end. When does it all stop?

The products that we are using have been tested by professionals at rates far above label rates in water to check their safety and reliability to the environment. It seems crazy that any permit should be required. The use of science in not being used nor has it been understood with the products that we are using. This permit is based more on the emotion and complaints of those who do not understand nor care as long as they get their way. This permit isn't for the environment as much as it is for the person or persons that like to complain. There are worse things used and consumed in our homes which can cause disease, the mosquito districts try to control disease and we are asked to pay for it.

I therefore oppose any cost and especially any increase in the cost of the Wastewater Discharge Permit Fees for Mosquito Control. Thank you again for the opportunity to comment and give my feelings. I appreciate it.

Respectfully Submitted,

Tom Haworth, Manager
Adams Co. Mosquito Control District
PO Box 262
Othello, WA 99344

Comment w-20

Poston, Bev (ECY)

From: Darrel Webster [webster@cbcbox.com]
Sent: Friday, August 12, 2011 1:29 PM
To: Poston, Bev (ECY)
Cc: Darrel Webster
Subject: Wastewater Discharge Permit Fees, Chapter 173-224 WAC

From reading the Rule Proposal Notice, it appears to me that the fees will be adopted no earlier than September 20, 2011.

Will the comments really affect the proposed rule and fee increase?

The Department of Ecology is asking for a fee increase of 4.34% for 2012 and 4.62 percent for 2013. WHY? Everything else has stopped growing or been cut to the bones.

Does the DOE really think that operation costs have not gone up for the organizations that are already under the Wastewater Discharge Rules for the State of Washington?

Every company and government operation has had to reduce operation costs during this time of tight money, with an economy that is hurting. Asking companies to pay more when the DOE cannot reduce its own costs is not fair and it hurts companies who are working on or under 3% margins.

I would hope the DOE would take another look at what is being proposed and come up with ways to reduce the DOE's own operating costs. This would help companies, municipalities, and other government entities to get through these trying times.

Darrel Webster
Maintenance Superintendent
Commencement Bay Corrugated
Office # 253-770-6381
Cell # 253-677-5313

Ecology's response to your comments

All of the comments Ecology receives will become part of the official record. We will respond to all comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is published after the rule is adopted. You will find your name listed in the document with a reference to where in the document Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than September 20, 2011

Contact information

Bev Poston
360-407-6425
bev.poston@ecy.wa.gov

More information

To obtain a copy of the proposed rule changes, please visit the following website:

www.ecy.wa.gov/programs/wq/permits/permit_fees/index.html

An increase in permit fees means an increase in wastewater treatment costs and a corresponding user charge increase. This is not acceptable. It is not acceptable for water treatment plants or storm water permits either, suck it up. Do more with less like so many others have in times like these,

Cost increases for fees are akin to tax increases, they require a super majority on a vote by the citizens. I believe any proposed fee increase should be subject to the same requirement,

Gordon Buchner

Comment W-22

Poston, Bev (ECY)


From: Dave Henline [dhenline@investco.com]
Sent: Wednesday, August 17, 2011 1:07 PM
To: Poston, Bev (ECY)
Subject: WAC 173-224 Adoption

A 4.34 % fee increase is out of line and should not be adopted. A fee decrease should be considered and would be more appropriate to align with our current economic climate on both the state and national level.
Regards

DAVE HENLINE | SR DEVELOPMENT MANAGER
TARRAGON
1302 Puyallup Street | Sumner, WA | 98390
P: 253.863.6200 | F: 253.447.3040 | C: 253.230.1871
www.tarragon.com

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Poston, Bev (ECY)

From: Steve [steve@jajack.com]
Sent: Thursday, August 18, 2011 3:23 PM
To: Poston, Bev (ECY)
Subject: Wastewater Permit Fees - public comments

Wastewater Discharge Permit Fees - Chapter 173-224 WAC

While I know it's futile to complain, I'd like to point out that the fee increase is about 1.5% above inflation. There seems to be no incentives for the government to exercise cost controls like the real world must. Just raise fees....I want your life.

Poston, Bev (ECY)

From: Connole, Russ W. [RCONNOLE@spokanecounty.org]
Sent: Wednesday, August 24, 2011 4:48 PM
To: Poston, Bev (ECY)
Cc: Zarecor, Matt
Subject: Comments on Proposed NPDES Municipal Permit Fee Increase

We are not in favor of the proposed NPDES Municipal Permit fee increase.

The deferral of additional stormwater management funds towards the Permit fee will reduce the amount of money available to implement Permit requirements, potentially impacting water quality improvement projects. In addition, future Permit requirements, such as monitoring and LID, will likely involve substantial financial investment over the next few years and funds would be best directed towards meeting those future requirements.

We contend that it's in the public's best interest as well as in the best interest of surface water quality to direct existing limited local stormwater management funds towards local projects.

Thank you for the opportunity to comment.

Russ Connole
Project Manager
Engineering & Roads, Stormwater Utility
Spokane County
1026 W. Broadway Ave.
Spokane, WA 99260
509-477-7245
rconnole@spokanecounty.org

Poston, Bev (ECY)

From: Angela Beehler [angela@mosquitocontrol.org]
Sent: Friday, August 26, 2011 4:44 PM
To: 'bev.poston@ecy.wa.gov.'
Subject: Comments on Proposed Fee Increase

August 26, 2011

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

SUBJECT: Public Comment on Proposal to Increase Fees for Aquatic Pest Control Permits

Benton County Mosquito Control appreciates the opportunity to comment on the Department of Ecology's proposal to increase some annual NPDES permit fees for 2012 and 2013.

One justification listed for the increase is that certain permit holders are not paying the full cost of their permits. I have no doubt that Ecology spends a great deal of time and effort creating the initial permits, and believe that the administrative costs should be recovered over the five years the permit is in effect.

Mosquito control districts in Washington State had a blanket permit under the Department of Health until 2009 when we were required to obtain individual permits. The funds Ecology collects from mosquito control increased from around \$400 to \$5,753 (16 districts x the \$359.56 BCMCD was charged). Adding another 4.34% and 4.62% would not devastate our budget, but I would like to know how that money is spent. In 2010, 34 agencies submitted end of the year pesticide reporting for mosquito control. If all these entities are permit holders at the current rate, we generate over \$12,000.

Under our NPDES permit I am required to submit annual reports to the Department of Ecology. I believe that it is important for Ecology to have this information as the agency responsible for our states waters. I pay the administrative costs to prepare the reports and enter the information into Ecology's database, and I would appreciate if that database were accessible to the public. Occasions arise when it would be helpful to know the total amount of pesticides discharged by mosquito control districts and other aquatic pest control operators. California has a pesticide use reporting system that is accessible online; I would like to see Washington implement something similar in the future. If no one is analyzing the data within Ecology, why should I be required to spend taxpayer dollars gathering and reporting this information?

I would also like to see the Department of Ecology conducting water monitoring and comparing those results to the WSDA water monitoring results. With both agencies working together, Washington could truly have the most comprehensive program in the country. Ecology says that the money collected from the permits will be used for monitoring and evaluating compliance. If federal requirements for mosquito control NPDES permits change to include water quality testing, I fear that the cost of that testing will fall to the permit holders. Mosquito control districts will not be able to absorb these costs, increased permit fees, and the indirect costs of the permit.

As a result of NPDES permitting, Benton County Mosquito Control spends additional labor hours on paperwork, purchases more expensive pesticide products, and hires only aerial contractors that have GPS technology (which is more expensive). These steps are taken in order to comply with the permit regulations and protect our district from lawsuits. This comes at a great expense to the taxpayers with no benefit to the water or the environment.

If the Reducing Regulatory Burdens Act (HR 872) passes the United States Legislature, NPDES permits will no longer be federally mandated for mosquito control. If Ecology is not recovering the cost of the permitting program through fees and is issuing more permits each year, it would make sense for Washington State to eliminate unnecessary regulatory burdens. If HR 872 passes, Ecology should consider eliminating the permits that were created in response to the Headwaters, Inc. v. Talent Irrigation District lawsuit.

Thank you for the opportunity to provide public comment. Benton County Mosquito Control believes in maintaining a healthy and safe environment for our residents. We must also be fiscally responsible, so if you move forward with an increase in permit fees I would like to see a yearly analysis of how the permit program benefits our residents.

Sincerely,

[cid:image003.png@01CC640F.3D2F0340](#)

Angela Beehler

District Manager

Benton County Mosquito Control

Phone: (509)967-2414

Fax: (509)967-2490

www.MosquitoControl.org

Poston, Bev (ECY)

From: Sunrise Inc [sunriserockson@cs.com]
Sent: Tuesday, August 30, 2011 4:15 PM
To: Poston, Bev (ECY)
Subject: Proposed Rule Change

Department of Ecology:

We are commenting on the proposed Rule change Chapter 173-224 WAC that will increase the annual permit fees for wastewater, etc. We are not in favor of this rule change and permit fee increases. As a small business we cannot continue to pay more and more to the state when our sales volume and profits are drastically lower due to the "recession". This is not the time to put an additional financial burden on businesses in Washington- we feel that it should be apparent to DOE that we are all struggling. Cut costs like we have to. At this rate there will be no one left to tax in a few years.

Sincerely,
John Harris
President
Sunrise Trucking & Contracting Inc.

Anton P Cebe
22732 Hwy 97
Cle Elum WA 98922

August 30, 2011

VIA EMAIL

Re: Wastewater Discharge Permit Fees, Chapter 173-224 WAC

Department of Ecology
Attn: Bev Poston <bev.poston@ecy.wa.gov>
PO Box 47600
Olympia WA 98504

To Whom It May Concern:

It was recently brought to my attention that the Department of Ecology (DOE) intends to implement an increase in the fees associated with certain Waste Water Discharge Permit holders. In light of the proposed increased fees, I am compelled to write this letter. As required, please consider this as an official public comment.

Everyday, the people of this great nation are forced to tighten their belts. Most Americans are struggling with lower incomes – if they have jobs – and the value of the houses and stock portfolios are down. In today's tough economy, business owners are also faced with the difficult task of doing much more with a lot less. Nevertheless, every one of us is asked to pay more for all goods and services.

As a result, many local governments have renewed interest in the support of increases on their fees. Conversely, raising fees on certain permit fee categories is a bad idea. The economy is too fragile for that. An increase on fees means businesses will be forced to cut back on other essential business expenses including, but not limited to, wages.

The current unemployment rate in Washington State is hovering around 9%. Employers have found it necessary to cut back in all areas of doing business. Our local government needs to tighten their belts just like the people of this great state have had to do.

It is definite that our federal and local government's are in deep financial trouble. Without a doubt, this trouble is in need of great consideration on what the exact nature of the problem is.

Fiscal responsibility is essential to creating a better, stronger, more prosperous nation for the next generation. The choices we make today – or fail to make – will determine what kind of future our children and grandchildren inherit 20 and 40 years from now. Rather than raise fees, our local government also needs to address waste, fraud and abuse as

Comment W-28

another avenue for our local government to find needed funds. Balancing a budget on the backs of the states businesses is not the answer!

Sincerely,

Anton P Cebe

Cc Rob McKenna

1125 Washington Street SE
PO Box 40100
Olympia WA 98504

Sen. Janea Holmquist <holquist.janea@leg.wa.gov>

Judy Warnick <Warnick.j@leg.wa.gov>

Bill Hinkle <billhinkle@mac.com>

Sen. Mike Carrell <carrell_mi@leg.wa.gov>

Rep. Doc Hastings

2715 St. Andrews Loop, Suite D
Pasco, WA 99301
(509) 543-9396
Fax: (509) 545-1972

Poston, Bev (ECY)

From: Essig, James [James.Essig@gcinc.com]
Sent: Wednesday, August 31, 2011 10:13 AM
To: Poston, Bev (ECY)
Subject: Ecology Fee Schedule

Bev,
Granite Construction would like to submit comment in regards to the Fee Schedule for the Sand and Gravel General Permit.

A fee structure should be developed that considers an operation which is primarily asphalt and or concrete recycling yard. There are several locations within the industry that are inactive asphalt plants which continue to import asphalt grindings and rubble from construction projects. This material will be utilized to produce new asphalt after it has been crushed and screened accordingly. The processing of the recycled asphalt only occurs on a periodic basis (every 2 to 3 years) as needed. The contractor would mobilize a portable crusher to the site do a major production run and then the processing side of the operation would lie dormant for a period of time. So although the site would be considered inactive based on the current definition from DOE since the processing is only occurring on a limited basis, the site typically is active with incoming trucks staging material to be recycled in the future. The current fee schedule does not directly address these types of operations and Granite is in the opinion that there should be an appropriate fee to cover these types of operations.

Asphalt recycling will continue to become more and more common as America rebuilds it's infrastructure. Although Asphalt Recycling is commonly associated with the operation of an Asphalt plant there are in some cases that an operation will recycle material without actually producing new asphalt at that current location. Although not optimal due to material handling and trucking, asphalt recycling operations have the potential to serve several Asphalt Plants within a given vicinity.

Please contact me with any questions so I can clarify my point if needed .

Thank You

James Essig
Resource Development, P.M.
Western Washington
ph:(360)-410-8117
1525 E. Marine View Drive
Everett, WA 98201

GRANITE

STRAND APPLES

P.O. BOX 56 • COWICHE, WASHINGTON 98923

AREA CODE 509 • 678-4501



August 31, 2011

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

Re: Comment of Waste Water Permit Fee Increase

To Whom It May Concern:

We oppose the size of the proposed increase in the annual permit fees. I believe that you have usually been 50% to 100% above the CPI for probably at least 15 years (could you send us the % increases for those years?).

When you compound the extra money over time, your fees become unrealistically high. I assume that the vast percentage of your budget for administering these fees is compensation and utilities (both addressed in the CPI). A 2.00 percent increase would be more appropriate.

Roger Strand
Strand Apples, Inc.
President

Comment w-30



Phone (509) 452-8555
Fax (509) 452-8754

105 S. 18th Street, Suite 116
Yakima WA 98901

August 30, 2011

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

Subject: Proposed wastewater and stormwater permit fee increases for FY 2012 and FY 2013

Thank you for the opportunity to comment on the Department of Ecology's (Ecology) proposal to increase permit fees for certain categories of wastewater and stormwater permits.

The Yakima Valley Growers-Shippers Association (YVGSA) represents the growers, packers and shippers of apples, pears, cherries and soft-fruits in the Yakima production district of South East Washington State. Our members produce and market fresh tree fruit worth well over \$1 billion each year, and have continued to create jobs, exports, economic growth and tax revenue during the recent economic downturn. However, the benefits of this industry to the State should not be taken for granted. With the U.S. market for fruits and vegetables remarkably open to imports and more than a third of Washington State tree fruit exported, our industry is in direct competition with producers from countries with much lower labor and regulatory compliance costs. As a result, we are troubled by Ecology's proposal to significantly increase wastewater and stormwater permit costs over the next two years. Whether assessed directly on our members or passed on through municipal governments, Ecology's proposal will increase base operating costs of fruit packers and shippers with adverse affects on international competitiveness and profitability.

Rising operating costs are not unique to the State government and according to the U.S. Bureau of Labor Statistics the consumer price index inflation rate over the previous twelve months was 3.6 percent. However, Ecology's proposed increases of 4.32 percent in 2012 and 4.62 percent in 2013 are significantly higher than this general inflation rate. It is unreasonable to expect that these above-average cost increases should be passed on in full at a time when private industry and local government must find efficiencies to reduce costs. Moreover, Ecology is proposing these above-average increases even as the Legislature has mandated a three percent reduction in the salaries of State employees, where these employees are the primary cost of operating a regulatory permit program.

In conclusion, the fee increases proposed by Ecology far exceed the general inflation rate, do not reflect the actual decrease in one of the most significant operating costs in State government in the current biennium, and demonstrate no effort to reduce costs and find efficiencies in the delivery of the program.

Comment w-31

In addition, the proposed increase would have an adverse impact on private sector employers subject to, or served by public agencies subject to, these permits even amid growing concerns about the risk of a "double-dip" recession. For these reasons the Yakima Valley Growers-Shippers Association requests that the proposed fee increases be rejected or at the very least significantly reduced.

Sincerely,



Jon DeVaney
Executive Director

Poston, Bev (ECY)

From: Van McKay [vmckay@kelso.gov]
Sent: Thursday, September 01, 2011 4:48 PM
To: Poston, Bev (ECY)
Subject: Kelso comments on Wastewater Discharge Permit Fees

Hello Bev Poston:

Thank you for the opportunity to comment on the increase in annual permit fees for the City of Kelso's Phase II Municipal Stormwater Permit.

During our Phase II permit, the City increased its residential stormwater utility fees to offset the added costs of complying with permit requirements. For a small town, they are among the highest in southwest Washington. Revenues from this increase were not enough to meet the permit requirements. We will not increase these rates as our residents shouldn't be asked for more burden during these hard economic times. Some of the reasons include that 1) in our area unemployment rates are well over Washington and United States' rates, 2) our poverty rate is well above Washington State, and 3) residents in the area have publicly opposed high stormwater utility fees in allowed venues such as council meetings.

Due to the depressed local economy and to live within our financial means, the City made substantial layoffs at the beginning of this year. No Cost-of-Living Adjustment was allowed for 2011 – that is 0%. Yet Ecology wants a fee raise of almost 9% in the next two years. In addition, fee revenues since 1998 have doubled per fee payer. Ecology needs to live within its means as we do here at the City.

The City is against a fee increase in its Phase II municipal stormwater permit.

Sincerely,

Van McKay
Senior Engineer
City of Kelso

This e-mail and related attachments and any response may be subject to public disclosure under state law.

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Appendix B: Transcripts from public hearing.

Ecology held three public hearings via video-conference at 1:30 p.m. on August 24, 2011 at the following locations:

Lacey	Ecology Headquarters Building	300 Desmond Drive Lacey Washington
Spokane	Ecology Eastern Regional Office	4601 Monroe Street Spokane Washington
Yakima	Ecology Central Regional Office	15 West Yakima Avenue Yakima Washington

Public Hearing Transcript

Public Hearing Transcript
Wastewater Discharge Permit Fees
August 24, 2011

I'm Bari Schreiner, hearing's officer for this hearing. This afternoon we are here to conduct a hearing on the rule proposal for Chapter 173-224 WAC Wastewater Discharge Permit Fees.

Let the record show it's 1:53 p.m. on August 24, 2011. Ecology is using video conferencing for this hearing with the following locations:

- The hearing officer at the Ecology Headquarters Building is Bari Schreiner. We are 300 Desmond Drive, Lacey WA 98504 *The room location was changed to ROA-32 from Room R3A-19.*
- The hearing officer at the Ecology Central Regional Office is Bonnie Wagoner at 15 W Yakima Ave, Suite 200, Yakima WA 98902 - *The room location was changed to the Waterfall from the Sundance Room.*
- The hearing officer is Cynthia Wall at the Ecology Eastern Regional Office at 4601 N Monroe St, Spokane WA 99205 *The room location was changed to 1-NW-18 from room Room 1-SW-11.*
- *Signs were posted at all the buildings and the front desk staff were instructed to let participants know about the room changes.*

A legal notice of this hearing was published in the *Washington State Register* August 3, 2011 as *Washington State Register* 11-15-075

In addition, notices of the hearing were directly mailed to 6,000 permit holders, members of the Water Quality Advisory Committee, Members of the Permit Fee Advisory Committee, and the Agency email list, WAC Track.

The hearing officers at each location will call people up to testify. We are going to rotate. We are going to start in Spokane. Is there anybody there. No...just making sure.

We will move on to the Central Office in Yakima. Is there anybody who wants to provide testimony. No.

Here in Lacey, is there anybody who wants to come up and provide testimony. No. Ok. Let the record show that about 5 people attended this public hearing today and no one wanted to provide oral testimony.

Submitting written comments:

If you would like to send Ecology written comments, please remember they are due no later than 5:00 PM September 1, 2011.

Send them to:

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

You can email them to: bpos461@ecy.wa.gov or you can fax them to (360) 407-7151

All testimony received and all written comments received no later than 5:00 p.m. on September 1, 2011 will be part of the official record for this proposal.

Ecology will send notice about the Concise Explanatory Statement when we respond to the comments we receive and any concerns we heard. We'll send this publication to everyone that provided written comments on this rule proposal and provided us contact information. Everyone that signed in at today's hearing that provided an email address and other interested parties on the agencies mailing lists for this rule.

If you would like to receive a copy but did not give us contact information please either let me know or contact Bev Poston at the address that was provided for submitting comments.

The next step is to move toward adoption. Ecology Director Ted Sturdevant will consider the rule documentation and staff recommendations and will make a decision about adopting the proposal.

Adoption is currently scheduled for no earlier than September 20, 2011. If the proposed rule should be adopted that day and filed with the Code Reviser, it will go into effect 31 days later.

If we can be of further help to you, please do not hesitate to ask or you can contact Bev Poston if you have other questions.

On behalf of the Department of Ecology, thank you for coming. I appreciate your patience this afternoon.

Let the record show that this hearing is adjourned at 1:57 p.m.