



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Concise Explanatory Statement**

Chapter 173-224 WAC - Wastewater  
Discharge Permit Fees

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*Summary of rulemaking and response to comments*

July 2017  
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## Publication and Contact Information

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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**

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## **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 Washington State Department of Ecology's (Ecology) rule adoption for:

Title: Wastewater Discharge Permit

Fees WAC Chapter(s): 173-224

Adopted date: July 13, 2017

Effective date: August 13, 2017

To see more information related to this rulemaking or other Ecology rulemakings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>

## Reason for Adopting the Rule

Adoption of this rule will allow continued funding of Ecology's wastewater and stormwater permit programs that protect surface and ground waters of the state.

### *Brief History Leading to this Rule Adoption:*

The Department of Ecology has been issuing federal National Pollutant Discharge Elimination System (NPDES) permits and State Waste Discharge Permits since the 1970's. The permit program was initially funded out of state general fund monies. However, in 1988, Initiative 97 was passed by Washington State Voters mandating that Ecology create a fee program for issuing and administering wastewater discharge permits.

The wastewater permit fee portion of Initiative 97 was later codified as RCW 90.48.465 – Water Discharge Fees and requires Ecology to establish fees to collect expenses for issuing and administering wastewater and stormwater permits. In response to this mandate, Ecology adopted Chapter 173-224 WAC – Wastewater Discharge Permit Fees which establishes annual fees for over 165 categories/subcategories of permit types. Over the years, this law has been amended by the Washington State Legislature and as a result of those amendments, inequities were created between fee categories because Ecology has not been allowed to recover its true costs for issuing and managing some fee types.

Inequities created within the law include:

- Capping fees for municipal publicly-owned treatment works;
- Establishing and capping fees for dairies;
- Setting base fees for certain aquatic pest control permits,
- Requiring Ecology to mitigate impacts of fees for small business.

Due to these inequities created with state law, some fee category types became over-payers, meaning the fees they pay are greater than the costs of managing their permits, and some category types are under-payers, meaning the fees they pay are less than the costs of managing their permits. Monies received from the over-payers subsidize the costs of managing permits for the under-paying fee types. As a result of this, over-payer fee types have requested Ecology to eliminate the subsidy and have all permit fee types pay their own costs.

### ***Current Proposed Amendments***

In this rule-making proposal, Ecology is using its legislative authority for increasing fees and has begun addressing the inequities between fee payers by doing the following:

- Increase fees for the following fee types (overpaying fee payers) by:
  - 5.50% for fiscal year 2018
  - 4.50% for fiscal year 2019
- Increase fees for the following fee types (underpaying fee payers) by:
  - 6.37% for fiscal year 2018
  - 5.58% for fiscal year 2019

## **Differences between the Proposed Rule and Adopted Rule**

RCW 34.05.325(6)(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 some differences between the proposed rule filed on March 1, 2017 and the adopted rule filed on November 18, 2015. Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.

The following content describes the changes and Ecology's reasons for making them.

Ecology is correcting two errors made on the fee schedule filed with the Code Reviser's Office. OTS-8508.6 is being changed in the following manner:



Original Language

	Industrial Facility Categories	FY2018 Annual Permit Fee	FY2019 Annual Permit Fee
Page 21 –	h. In-water vessel deconstruction		

***Correction***

	Industrial Facility Categories	FY2018 Annual Permit Fee	FY2019 Annual Permit Fee
Page 21 –	In-water Vessel Deconstruction		

Original Language

Page 23	Sand and Gravel General Permit b. & c. 4.	(not created)	(not created)
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***Correction***

Page 23	Sand and Gravel General Permit b. 4.	\$ 139.00	147.00
	c. 4.	\$ 139.00	147.00

# Response to Comments

Ecology accepted comments beginning March 1, 2017 until April 11, 2017. Each comment is identified by the commenter using the Commenter Index below. Responses are directly below each comment. Appendix A of this document contains all of the comments received during the public comment period in their original form.

## Commenter Index

The table below lists the names of individuals and the organizations they represent who submitted a comment on the rule proposal and where you can find Ecology's response to the comment(s). No oral comments were received during the public hearing. Identification codes beginning with "W" indicate comments submitted in writing. Comments have been paraphrased from the original documents submitted. However, the original written document can be found in Appendix A in its original form.

Commenter/Affiliation	Identification Code
Gary Chandler Association of Washington Businesses	W-1
Kathryn VanNatta Northwest Pulp & Paper Association	W-2
Bob Cegnar Cegnar Company	W-3

### Comments Concerning Permit Fee Increases above the State's Fiscal

#### Growth Factor Comment W-1

In Ecology's Preliminary Regulatory Analysis Section 6.3.3, Ecology rejects the option to increase all categories by the state's fiscal growth factor (FGF) amounts, stating that:

This would increase fees for all permit holders by 4.08 percent for state Fiscal Year 2018 and 3.72 percent for state Fiscal Year 2019. We rejected this option because it would not have resulted in enough revenue to fully fund the program, and not meet the goal of the authorizing statute. Using the fiscal growth factor, fee revenue was projected to be about \$900,000 short of the revenue needed.

The reasons for Ecology's exceedance of percentage-based operating expenses expressed in the state's fiscal growth factor analysis are unclear to the business community. We ask that Ecology Water Quality identify contributors to operating cost inflation over and above the state's FGF.

Alternatively, if Ecology is using new permit fee revenues to improve the program service, AWB members request that Ecology describe improvements in section 1.3 of the Preliminary Regulatory Analysis document. AWB members also request that Ecology include intended improvements in a detailed CR-102 document.

AWB recognizes Ecology's statutory mandate in chapter 90.48 RCW to fully recover operating expenses via permit fees, but encourages Ecology to collaborate with the regulated community to propose fees be embodied in statute such that a more holistic conversation around cost growth, permit complexities and the economic impacts to small business might occur at the legislative level.

Finally, as part of Ecology's Least Burdensome Alternatives Analysis, AWB proposes that Ecology expand time periods between inspections for those permittees consistently meeting permit requirements. This compliance incentive could potentially reduce costs and allow regulated businesses to make significant investments in pollution reduction technology. Additionally, as part of its stakeholder outreach process, Ecology should attempt to consider permit compliance investments internal to businesses in their Small Business Economic Impact Statement; such as administration, sampling, testing, reporting, cost to implement Best Management Practices, and payment of consultants, staff, and legal counsel.

### *Ecology Response*

Based on the proposed biennial operating budgets for the 2017-19 biennium, the appropriation level for Fund 176 – Water Quality Permit Account is projected to be \$3,209,000 higher than the funding level passed in the 2015-17 biennial operating budget. The cost increases proposed for next biennium will only allow us to maintain our current level of service. None of the proposed increases involve improvements to the permit program, nor were they the result of budget requests made by the department. However, Ecology remains committed to finding improvements in our service delivery of the permit program, as we are able to do so within our existing resources.

71 percent of the proposed increases (\$2,279,000) are tied to cost of living adjustments that were collectively bargained for between the Governor's Office and the unions for next biennium; along with higher benefit costs (medical, life, insurance, etc.) that the state must now cover. 26 percent of the proposed increases (\$827,000) are due to the rising costs our facility and technology infrastructure. The remaining 3 percent (\$103,000) is the result of rising costs across statewide central services.

These are the drivers for needing to increase fees above the state's fiscal growth factors for the 2017-19 biennium. As stated in the Preliminary Regulatory Analysis Section 6.3.3, based on the proposed budget(s) for next biennium, increasing fees by the state's fiscal growth factors would not generate enough new revenue to cover the growth in costs.

Ecology is committed to collaborating with the regulated community on proposed fee increases. For a number of years, the department has operated the [Waste Discharge Permit Fee Taskforce](#), which was founded in order to provide a venue in which to have holistic conversations regarding proposed fee increases. Department staff met with members of the Task Force in April of 2016, just after the 2016 supplemental budget passed, and again in January 2017 in order to review and solicit initial feedback on the proposed increases for 2017-19. We look forward to continuing our dialogue about how we can work toward making our fee structure more balance for all permittees in the future.

Ecology continues to address the economic impacts of fee increases on small business through our [Small Business and Economic Hardship Reduction](#) application process.

## **General Comments Concerning Fees Increase for Over-Payers**

### **Comment W-2**

Comment 1: NWPPA believes the Department has not done enough to resolve fee inequity.

In the “over-paying” category, most NWPPA members are among the highest of the over-payers, who currently pay from \$35,616 for a stand-alone paper mill to \$160,273 for a bleached pulp mill. Under the proposed rule for state Fiscal Year 2018, those rates would increase 5.50% to a range of \$37,575 to \$169,088. In state Fiscal Year 2019, the fees are proposed to increase 4.50% to a range of \$39,266 to \$176,697. Ecology has acknowledged the actual cost to administer one of these permits for a pulp mill is considerably less than the proposed fee amounts. Also, the bleached pulp mill fee category is the highest water fee category to be proposed under the rule.

NWPPA appreciates that the Department of Ecology continues to acknowledge this disparity in the program and the fact that categories like pulp and paper producers continue to subsidize underpayers. This is reflected in Ecology’s proposal to mitigate the fee increase on all categories by proposing for state Fiscal Year 2018 a 5.50% increase for over-payers and 6.37% for under-payers and for state Fiscal Year 2019 a 4.50% increase for over-payers and a 5.58% increase for under-payers. However, as our Comment 1 reflects NWPPA believes the Department could do more to resolve fee inequity.

In Section 6.3 of the Preliminary Regulatory Analysis, the Department explains the fee alternatives that were considered and in Section 6.4 of the Analysis comes to the conclusion outlined in the current proposal. For the over-payer category, the proposed fee increase amounts are even above the state’s fiscal growth factors of 4.08% for state Fiscal Year 2018 and 3.72% for state Fiscal Year 2019. NWPPA questions this conclusion in the Preliminary Regulatory Analysis and asks that the Department better explain to fee payers the disparity between the fee increase and the state growth factors.

Comment 2. NWPPA comments that the over-paying category should not pay a percentage increase above the state’s fiscal growth factor of 4.08% for state Fiscal Year 2018 and 3.72% for state Fiscal Year 2019.

Comment 3. NWPPA comments that the alternative in Section 6.3.2 would have been the correct conclusion. NWPPA suggests the Department reconsider an alternative that would increase fees for the under-paying categories by 10% or some increased percentage that is reflective of a decreased fee percentage for the over-paying category that is equal to the state’s 2018 and 2019 fiscal growth factors of 4.08% and 3.73% respectively.

The alternatives in NWPPA Comments 2 and 3 would move the water fees in an equitable direction and work towards resolving fee inequity.

### ***Ecology Response***

State law (RCW 90-.48.465 – Water Pollution Control) requires Ecology to recover its costs for issuing and administering wastewater and stormwater discharge permits. State law also places fee limits on what can be charged for dairy permits, aquatic pest control permits, municipal sewage treatment plant permits, as well as requiring Ecology to mitigate the impact of fees on small business. However, what the law does not do is provide additional revenue that will off-set the revenue that is lost by the special exemptions it requires.

Factoring in the costs increases included in the proposed operating budgets for the 2017-19 biennium, Ecology looked at various options for funding the program in fiscal years 2018 and 2019.

- Option #1: Increase under-paying categories only, but by enough to fully recover costs. This would have resulted in under-payers receiving fee increases totaling 12.83% in fiscal year 2018 and 10.20% in fiscal year 2019. Ecology believes these increases are too high a burden to put on under-paying fee payers.
- Option #2: Increase fees for all non-capped categories by the state fiscal growth factors for 2018 and 2019. This would have resulted in all non-capped fee payers receiving increases of 4.08% in fiscal year 2018 and 3.72% in fiscal year 2019. Based on the projected funding level needed for the 2017-19 biennium, this option would not have generated enough new revenue to recover the state's costs.
- Option #3: Increase all non-capped categories by the same rate. While this option would have enabled the department to recover its costs next biennium, it would not have addressed the inequity issue between fee categories at all.
- Option #4: Increase over-paying fee categories by a lesser percentage than the underpaying categories. Although this would increase fees for all non-capped permit holders, setting higher fees for the under-payers continues to move us toward addressing the equity issue raised by the over-payers.

Based on comments received, Ecology did evaluate the option of limiting the over-payer fee increases to the state's fiscal growth factor. However, this change would have resulted in under-payer fee increases of 8.04% for fiscal year 2018 and 6.45% for fiscal year 2019. Ecology still believes these increases to be too high a burden to put on under-paying fee payers.

None of these options is perfect, but the one option that allows the program to be funded and is the least burdensome on both over-payers and under-payers is Option #4. Over the course of the next several rule-makings, it is Ecology's intent to continue exploring new ways to move toward payment equity between the different fee subcategories.

## **General Comments about the Permit Fee Program**

### **Comment W-3**

I have done business in Washington for over 20 years and I have yet to personally meet a representative from this area of Ecology, other than over the phone. I suggest that Ecology reduce its staff by 50 percent so that the fees collected can cover your costs. Ecology should also focus efforts on areas of concern, rather than building more bureaucracy which accomplishes nothing.

### ***Ecology Response***

State law (RCW 90.48.260) designates the Washington State Department of Ecology as the state water pollution control agency for all purposes of the federal clean water act. This designation requires Ecology to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program. Reducing our staff by 50 percent in order to reduce costs would put our delegated authority from the Environmental Protection Agency (EPA) at risk and puts the department out of compliance with state law.

## Appendix A: Copies of all written comments

DEPARTMENT OF ECOLOGY

APR 10 2017

WATER QUALITY PROGRAM

3-29-17

Dear Chuck

This total program is a joke!  
#Have been paying fees  
& participating for over 20  
years in Washington.  
#Have yet to personally  
meet a rep. from this  
area of ecology other than  
on the phone!

At 77 years old & after  
crushing rock for 43 years  
it is harder for all of us  
in business to put up with  
governmental regulations  
& waste. (B.S.)

Suggestion - Lay off  
50% + of staff so that  
fees collected cover your  
costs & only attack prob-  
lem areas of concern  
rather than building  
a B.S. bureaucracy that  
accomplishes nothing

CEGNAR COMPANY  
P.O. BOX 1393  
MOSES LAKE, WA 98837  
509-754-4786 FAX: 509-754-0102

Thank you  
Bob Cegnar



April 11, 2017

Charles Gilman  
Department of Ecology  
Water Quality Program  
PO Box 47600  
Olympia, WA 98504-7600

RE: Wastewater/Stormwater Permit Fee Rulemaking, Chapter 173-224 WAC  
Rule Proposal Comment

Dear Charles:

The Association of Washington Business (AWB) appreciates Ecology's reception of comments on the proposed changes to stormwater and wastewater permit fees, chapter 173-224 Washington Administrative Code.

AWB represents nearly 8,000 businesses and their 700,000 employees statewide. Likely every business member of AWB is covered by either an individual or municipal water quality permit, and since permit fees represent pre-operation capital or overhead costs, fee increases are both evident and meaningful to business budgets. AWB members subject to the permit fee increase include:

- Aggregate Production – Individual and General Permits
- Aluminum Alloys
- Aluminum and Magnesium Reduction Mills
- Aluminum Forming
- Aquaculture
- Aquatic Pest Control
- Boatyards (Individual and General Permits)
- Coal Mining and Preparation
- Combined Food Processing Waste Treatment
- Commercial Laundry
- Concentrated Animal Feeding Operations
- Crop Preparing (Individual and General Permits Facilities)
- Dairies
- Flavor Extraction
- Food Processing
- Fuel and Chemical Storage
- Hazardous Waste Cleanup Sites

**ASSOCIATION OF WASHINGTON BUSINESS**

*Membership Government Affairs Member Services AWB Institute*

T 360.943.1600   ✉ PO Box 658, Olympia, WA 98507-0658  
T 800.521.9325   🏠 1414 Cherry St. SE, Olympia  
F 360.943.5811    [www.awb.org](http://www.awb.org)



- Ink Formulation and Printing
- Inorganic Chemicals Manufacturing Noncontact Cooling Water With Additives (Individual and General Permits)
- Iron and Steel
- Metal Finishing
- Noncontact Cooling Water Without Additives (Individual and General Permits)
- Nonferrous Metals Forming
- Not Otherwise Classified (Individual and General Permits)
- Ore Mining
- Organic Chemical Manufacturing
- Petroleum Refining
- Photofinishers
- Power and/or Steam Plants
- Private and State Owned Facilities
- RCRA Corrective Action Sites
- Seafood Processing
- Shipyards
- Solid Waste Sites
- Stormwater Construction (Individual and General Permits)
- Stormwater Industrial (Individual and General Permits)
- Textile Mills
- Timber Products
- Vegetable/Bulb Washing Facilities
- Vehicle Maintenance and Freight Transfer

AWB members, as well as the customers they serve, rely on clean water and soil. However, as contributors to our state's regulatory responsibility to care for those resources, businesses also expect that their investments are stewarded. In Ecology's Preliminary Regulatory Analysis Section 6.3.3, Ecology rejects the option to increase all categories by the state's fiscal growth factor (FGF) amounts, stating that:

This would increase fees for all permit holders by 4.08 percent for state Fiscal Year 2018 and 3.72 percent for state Fiscal Year 2019. We rejected this option because it would not have resulted in enough revenue to fully fund the program, and not meet the goal of the authorizing statute. Using the fiscal growth factor, fee revenue was projected to be about \$900,000 short of the revenue needed.

The reasons for Ecology's exceedance of percentage-based operating expenses expressed in the state's fiscal growth factor analysis are unclear to the business community. We ask that Ecology Water Quality identify contributors to operating cost inflation over and above the state's FGF.

Charles Gilman  
April 11, 2017  
Page 3

Alternatively, if Ecology is using new permit fee revenues to improve the program service, AWB members request that Ecology describe improvements in section 1.3 of the Preliminary Regulatory Analysis document. AWB members also request that Ecology include intended improvements in a detailed CR-102 document.

AWB recognizes Ecology's statutory mandate in chapter 90.48 RCW to fully recover operating expenses via permit fees, but encourages Ecology to collaborate with the regulated community to propose fees be embodied in statute such that a more holistic conversation around cost growth, permit complexities and the economic impacts to small business might occur at the legislative level.

Finally, as part of Ecology's Least Burdensome Alternatives Analysis, AWB proposes that Ecology expand time periods between inspections for those permittees consistently meeting permit requirements. This compliance incentive could potentially reduce costs and allow regulated businesses to make significant investments in pollution reduction technology. Additionally, as part of its stakeholder outreach process, Ecology should attempt to consider permit compliance investments internal to businesses in their Small Business Economic Impact Statement; such as administration, sampling, testing, reporting, cost to implement Best Management Practices, and payment of consultants, staff, and legal counsel.

Existing authority to increase program complexity on a regular basis should not be a precursor to operating cost increases without regulatory improvements. Rather, AWB members suggest that maintaining predictable, long-term environmental protection practices serves public environmental health best.

We appreciate the opportunity to provide feedback and look forward to engaging with you further on this issue.

Sincerely,



Gary Chandler  
Vice President, Government Affairs  
Association of WA Business



Northwest Pulp & Paper  
ASSOCIATION

Via E-mail: [charles.gilman@ecy.wa.gov](mailto:charles.gilman@ecy.wa.gov)

April 11, 2017

Charles Gilman  
Department of Ecology  
Water Quality Program  
PO Box 47600  
Olympia, WA 98504-7600

*Re: **Chapter 173-224 WAC** – Wastewater/Stormwater Permit Fee Rulemaking*

Dear Mr. Gilman:

On behalf of the Northwest Pulp & Paper Association (NWPPA), we appreciate the opportunity to comment on the above-referenced rulemaking. NWPPA is a 61-year old regional trade association representing 12 member companies and 14 pulp and paper mills in Washington, Oregon and Idaho. Because many NWPPA members are located in economically stressed rural communities, these family-wage manufacturing jobs help sustain the local economy, with each mill supporting three to five additional jobs in the community.

On behalf of its members, NWPPA routinely participates in the development of water quality standards and water regulation in Washington and has participated and commented extensively on the Department of Ecology's NPDES permit fee schedule revisions over the last decade. For this rulemaking NWPPA has been carefully reviewing the number of permits, fee levels and types of facilities paying water permit fees.

We believe that the Department has correctly created "over-payer" and "under-payer" categories, based on the theoretical "fee-for-service" model and Ecology staff time actually spent administering various NPDES permits. NWPPA's pulp and paper members fall into the "over-payer" category. The Department of Ecology has appropriately recognized that pulp and paper mills have fallen into this category for many years.

**Comment 1:** NWPPA believes the Department has not done enough to resolve fee inequity.

In the "over-paying" category, most NWPPA members are among the highest of the over-payers, who currently pay from \$35,616 for a stand-alone paper mill to \$160,273 for a bleached pulp mill. Under



the proposed rule for state Fiscal Year 2018, those rates would increase 5.50% to a range of \$37,575 to \$169,088. In state Fiscal Year 2019, the fees are proposed to increase 4.50% to a range of \$39,266 to \$176,697. Ecology has acknowledged the actual cost to administer one of these permits for a pulp mill is considerably less than the proposed fee amounts. Also, the bleached pulp mill fee category is the highest water fee category to be proposed under the rule.

NWPPA appreciates that the Department of Ecology continues to acknowledge this disparity in the program and the fact that categories like pulp and paper producers continue to subsidize under-payers. This is reflected in Ecology's proposal to mitigate the fee increase on all categories by proposing for state Fiscal Year 2018 a 5.50% increase for over-payers and 6.37% for under-payers and for state Fiscal Year 2019 a 4.50% increase for over-payers and a 5.58% increase for under-payers. However, as our Comment 1 reflects NWPPA believes the Department could do more to resolve fee inequity.

### **Preliminary Regulatory Analysis – Chapter 173-224 WAC Water Quality Permit Fees – Section 6.3**

In Section 6.3 of the Preliminary Regulatory Analysis, the Department explains the fee alternatives that were considered and in Section 6.4 of the Analysis comes to the conclusion outlined in the current proposal. For the over-payer category, the proposed fee increase amounts are even above the state's fiscal growth factors of 4.08% for state Fiscal Year 2018 and 3.72% for state Fiscal Year 2019. NWPPA questions this conclusion in the Preliminary Regulatory Analysis and asks that the Department better explain to fee payers the disparity between the fee increase and the state growth factors.

**Comment 2.** NWPPA comments that the over-paying category should not pay a percentage increase above the state's fiscal growth factor of 4.08% for state Fiscal Year 2018 and 3.72% for state Fiscal Year 2019.

**Comment 3.** NWPPA comments that the alternative in Section 6.3.2 would have been the correct conclusion. NWPPA suggests the Department reconsider an alternative that would increase fees for the under-paying categories by 10% or some increased percentage that is reflective of a decreased fee percentage for the over-paying category that is equal to the state's 2018 and 2019 fiscal growth factors of 4.08% and 3.73% respectively.

The alternatives in NWPPA Comments 2 and 3 would move the water fees in an equitable direction and work towards resolving fee inequity.

NWPPA looks forward to continued dialogue with the Department of Ecology on water permit fees.

Please feel free to contact me with any questions.

Sincerely,



Kathryn VanNatta  
Director of Regulatory and Government Affairs



# Appendix B: Transcript from public hearing

## AUGUST 31, 2015 – PERMIT FEE PUBLIC HEARING TRANSCRIPT

“Hello, I’m Laura Ballard, the hearing officer for this hearing. This afternoon we are here to conduct a hearing on the proposed amendments for Chapter 173-224 WAC Wastewater Discharge Permit Fees.”

“Let the records show it’s 1:52 on April 4<sup>th</sup>, and this hearing is being held at the Department of Ecology’s headquarters building located at 300 Desmond Drive SE in Lacey, Washington 98503”. “Legal notices of this hearing were published in the Washington State Register:

- Issue Number 17-06-071
- March 15, 2017.”

“In addition, notices of this hearing were:

- Mailed to approximately 5,600 interested people,
- Email notices were sent to approximately 2,400 interested people,
- And a news release was issued on March 3<sup>rd</sup>, 2017.”

“I will now be calling up people to provide testimony. We will alternate between people here in the room and people participating via webinar.”

“If you are in the room, I will call you to testify based on the order your name appears on the sign- in sheet.”

“If you are attending via the webinar, and have not already done so, please click the raised hand button to indicate you would like to testify. If you can’t find the hand button, please use the chat feature, to let Tim, your Water Quality host, know you would like to testify.”

“When I call your name, it will be your turn to testify”.

“If you are in the room, please step up to the front, state your name for the record. If you have not given us contact information, please do so”.

“You can also provide this after the hearing”.

“If you are on the webinar, we will call your name and then unmute your phone. Once it is unmuted, please begin testifying. State your name for the record. You can either provide contact information, or send it to the meeting host, Tim, using the chat feature”.

“Your contact information is used so that we can let you know about next steps, and when the Response to Comments, or CES is available”.

“Let the record show that Ecology held the hearing on this Rule proposal and no one attended the public hearing”.

“If you would like to submit written comments, please remember they are due by April 11<sup>th</sup>”. “Mail and contact information is on the handouts”.

“All testimony received at this hearing, and via webinar, along with all written comments received no later than April 11<sup>th</sup> will be part of the official hearing record for this proposal”.

“Ecology will send out notice about the Concise Explanatory Statement, or CES publication to:

- Everyone that provided written comments or oral testimony on this rule proposal, and submitted contact information,
- Everyone that signed in for today’s hearing and provided an email address, and

- Other interested parties on the agency’s mailing list for this rule”.

The CES, among other things, will contain the agency’s response to questions and issues of concern that were submitted during the public comment period”.

“If you would like to receive a copy, but did not give us your contact information, please let one of the staff know at this hearing, or contact Charles at the contact information provided on the handouts”.

“The next step is to review the comments and make a determination whether to adopt the rule. Ecology Director, Maia Bellon will consider the rule’s documentation and staff recommendation and will make a decision about adopting the proposal”.

“Adoption is currently scheduled for June 28<sup>th</sup>, 2017. If the proposed rule should be adopted that day and filed by the Code Reviser, it will go into effect 31 days later”.

“If we can be of any further help to you, please do not hesitate to ask, or you can contact Charles if you have other questions”.

“On behalf of the Department of Ecology, thank you for coming. I appreciate your cooperation and courtesy”.

“Let the record show that this hearing is adjourned at 1:56 p.m.”



## Appendix C: Citation List

This citation list contains references for data, factual information, studies, or reports on which the agency relied in the adoption for this rule making (RCW 34.05.370(f)).

At the end of each citation is a number in brackets identifying which of the citation categories below the sources of information belongs. (RCW 34.05.272).

<b>Citation Categories</b>	
1	Peer review is overseen by an independent third party.
2	Review is by staff internal to Department of Ecology.
3	Review is by persons that are external to and selected by the Department of Ecology.
4	Documented open public review process that is not limited to invited organizations or individuals.
5	Federal and state statutes.
6	Court and hearings board decisions.
7	Federal and state administrative rules and regulations.
8	Policy and regulatory documents adopted by local governments.
9	Data from primary research, monitoring activities, or other sources, but that has not been incorporated as part of documents reviewed under other processes.
10	Records of best professional judgment of Department of Ecology employees or other individuals.
11	Sources of information that do not fit into one of the other categories listed.

1. The Office of Management fund balance sheet for Fund 176 – Water Quality Permit Fees (#11)
2. RCW 90.48.465 – Water Pollution Control (#7)