



# **Small Business Economic Impact Analysis**

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Draft Water Treatment Plant General  
Permit

National Pollutant Discharge Elimination  
System (NPDES)

And State Waste Discharge General  
Permit

By

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For the

**Water Quality Program**

Washington State Department of Ecology

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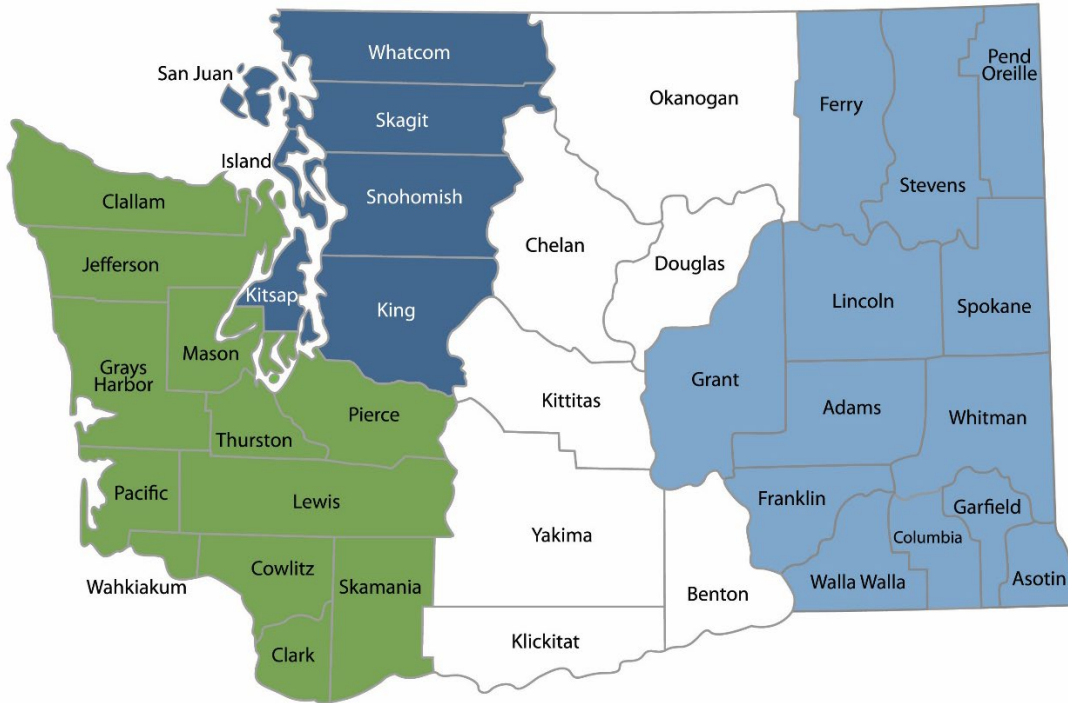
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# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	P.O. Box 46700 Olympia, WA 98504	360-407-6000

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(NPDES)  
and State Waste Discharge General Permit

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DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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# Acronyms

AKART	All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DoH	Washington State Department of Health
EPA	Environmental Protection Agency
GPD	Gallons per Day
NPDES	National Pollutant Discharge Elimination System
RCW	Revised Code of Washington
SBEIA	Small Business Economic Impact Analysis
TMDL	Total Maximum Daily Load
WAC	Washington Administrative Code
WQ	Water Quality
WSDA	Washington State Department of Agriculture
WTP	Water Treatment Plant

# Executive Summary

This Small Business Economic Impact Analysis (SBEIA) estimates the costs of complying with the draft Water Treatment Plant General Permit (“permit”). This analysis is required by state rule in Washington Administrative Code (WAC) 173-226-120<sup>2</sup>, which directs Ecology to determine if the permit imposes disproportionate burden on small businesses, and if it does, to mitigate the disproportion to the extent that is legal and feasible.

WAC 173-226-120 requires the SBEIA to include:

- A brief description of the compliance requirements of the general permit.
- The estimated costs of complying with the permit, based on existing data for businesses intended to be covered under the general permit.
- A comparison, to the greatest extent possible, of the cost of compliance for small businesses with the cost of compliance for the largest ten percent of businesses intended to be covered under the permit.
- A summary of how the permit provides mitigation to reduce the effect on small businesses (if a disproportionate impact is expected), without compromising the mandated intent of the permit.

The proposed general permit provides coverage for discharges of wastewater from water treatment filtration processes (filter backwash, sedimentation/pre-sedimentation wash-down, sedimentation/clarification, or filter-to-waste) to, and stormwater waters of, the State, if water treatment is the primary function of the facility and actual production volume of treated product water (finished water) is at least 35,000 gallons per day (gpd) as determined on an average monthly basis. The general permit does not provide coverage for water treatment plants (WTPs) with an average monthly production rate of less than 35,000 gpd under certain conditions, nor for wastewater resulting from ion exchange, reverse osmosis, or slow sand filtration processes.

The proposed general permit includes technology-based limits for pH and settleable solids, and a water quality-based limit for total residual chlorine. The proposed permit requires no additional water quality-based effluent limits, however, WTPs must monitor and report the turbidity and volume of their discharges.

Estimated costs of compliance under the Water Treatment Plant General Permit appear in Table 1.

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<sup>2</sup> Chapter 173-226 WAC Waste Discharge General Permit Program  
<https://apps.leg.wa.gov/wac/default.aspx?cite=173-226>



Table 1: Summary of compliance costs.

Permit requirements	Cost per Group 1 facility	Cost per Group 2 facility
Initial Public newspaper notice (one-time)	\$420	\$420
Capital costs for sampling and testing equipment (one-time)	\$480	\$480
Sampling and testing (annual)	\$793	\$3,435
Reporting (annual)	\$78	\$156

Currently, the general permit does not cover any businesses (all permittees are municipal facilities). However, a business meeting the criteria for coverage could be covered by this permit. If this were to happen, the general permit would likely impose disproportionately larger costs on smaller businesses. While the compliance costs we estimate vary by facility size, size is not measured by number of employees. Group 1 facilities could be large based on number of employees and Group 2 facilities could be small based on number of employees. Since proportionality is determined by cost per employee, and the costs do not vary by number of employees, it necessarily must be disproportionate.

The general permit likely imposes disproportionate costs on small businesses, so Ecology took the legal and feasible actions described in this report to reduce small business compliance burden.

Ecology considered options for lessening the burden of permit compliance on businesses where possible while protecting water quality and maintaining compliance with federal and state law and rule. There are currently no exemptions for businesses with fewer than 50 employees. There are included, however, mitigation opportunities for all businesses.

Factors that mitigate disproportionate costs:

- Permittees may request a reduction in sampling frequency based on consistent attainment of permit limits. For permittees in Monitoring Group 1 who obtain consistent attainment, the new sampling frequency is quarterly. For permittees in Monitoring Group 2 who obtain consistent attainment, the new sampling frequency is monthly.
- Facilities with an actual production rate of less than 35,000 gallons per day of treated product water are exempt from the permit unless they:
  1. Are a significant contributor of pollutants to waters of the state, including groundwater; or
  2. May reasonably be expected to cause a violation of any water quality standard.
- Group 1 facilities (those producing less than 4 million gpd or use only ground water for their water source sample less frequently than Group 2 facilities. This lessens the burden on the relatively smaller sites.

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# Chapter 1: Introduction to the Small Business Economic Impact Analysis

This Small Business Economic Impact Analysis (SBEIA) estimates the costs of complying with the draft Water Treatment Plant General Permit (“permit”). It compares the costs of complying with the permit for small businesses to the costs of compliance for the largest 10 percent of businesses, to determine whether the permit disproportionately impacts small businesses. This analysis is required by state rule in Washington Administrative Code (WAC) 173-226-120<sup>3</sup>, which directs Ecology to determine if the permit imposes disproportionate burden on small businesses, and if it does, to mitigate the disproportion to the extent that is legal and feasible.

## 1.1 Scope

WAC 173-226-120 requires the SBEIA to include:

- A brief description of the compliance requirements of the general permit.
- The estimated costs of complying with the permit, based on existing data for businesses intended to be covered under the general permit, including:
  - The minimum technology-based treatment requirements identified as necessary under WAC 173-226-070.
  - The monitoring requirements contained in the general permit.
  - The reporting and recordkeeping requirements.
  - Plan submittal requirements.
  - Equipment.
  - Supplies.
  - Labor.
  - Increased administrative costs.
- A comparison, to the greatest extent possible, of the cost of compliance for small businesses with the cost of compliance for the largest ten percent of businesses intended to be covered under the permit.
- A summary of how the permit provides mitigation to reduce the effect on small businesses (if a disproportionate impact is expected), without compromising the mandated intent of the permit.

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<sup>3</sup> Chapter 173-226 WAC Waste Discharge General Permit Program  
<https://apps.leg.wa.gov/wac/default.aspx?cite=173-226>

## 1.2 Definitions of small and large businesses

For the purposes of the SBEIA, a small business is an independent entity with 50 or fewer employees. Government enterprises are excluded. Employment is typically based on the highest available level of ownership data.

## 1.3 Permit Coverage

### 1.3.1 Overview

The proposed general permit provides coverage for discharges of wastewater from water treatment filtration processes (filter backwash, sedimentation/pre-sedimentation wash-down, sedimentation/clarification, or filter-to-waste) to, and stormwater waters of, the State, if water treatment is the primary function of the facility and actual production volume of treated product water (finished water) is at least 35,000 gallons per day (gpd) as determined on an average monthly basis. The general permit does not provide coverage for water treatment plants (WTPs) with an average monthly production rate of less than 35,000 gpd under certain conditions, nor for wastewater resulting from ion exchange, reverse osmosis, or slow sand filtration processes.

The proposed general permit includes technology-based limits for pH and settleable solids, and a water quality-based limit for total residual chlorine. The proposed permit requires no additional water quality-based effluent limits, however, WTPs must monitor and report the turbidity and volume of their discharges.

The relevant baseline (the relevant regulation if this general permit did not exist) includes existing federal and state regulations, discussed in more detail below. We analyze the additional costs resulting from the general permit that are more stringent than those in the federal regulation or other state laws and regulations, comparing Ecology's general permit to a baseline of no previous general permit.

### 1.3.2 Background

The Federal Clean Water Act (CWA) sets water quality goals for navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the CWA is the NPDES permits, which the Environmental Protection Agency (EPA) administers. The EPA has delegated responsibility for administering the NPDES permit program in the state of Washington to the state (Ecology). The delegation of authority is based on chapter 90.48 RCW, which defines Ecology's authority and obligations in administering the NPDES permit program. Ecology also directly implements the federal regulations when developing state NPDES permits.

All permittees covered under a general permit receive the same permit conditions. This reduces the overall workload associated with writing and administering general permits.

This analysis does not include benefits to the people of Washington State (such as environmental or economic benefits). This analysis also does not include environmental impacts. This analysis only estimates the costs borne by expected permittees resulting from compliance with requirements of the general permit.

The Washington State Department of Health (DoH) provides most of the regulatory control over WTPs, specifically regarding their production of potable and industrial water. The DoH focuses on the equipment, chemicals, and operations WTPs use during production of finished water. Ecology's regulatory interest in WTPs focuses on their generation, treatment, and disposal of wastewaters created during production and stormwater generated onsite.

Ecology first issued the WTP wastewater discharge general permit on December 3, 1997. In the iterations since, the permit has undergone many changes. The current proposed permit will be the sixth version of the permit.

### **1.3.3 Compliance Requirements**

WAC 173-226-120 describes the costs that Ecology is required to examine in this economic impact analysis. However, there are certain requirements Ecology does not include in the analysis, and these requirements are discussed in this section.

The baseline is the relevant regulation if the general permit did not exist. When adopting a general permit, at a minimum, Ecology must meet federal requirements. Ecology must also comply with any state rules. The baseline is therefore one of no permit – we will compare the additional compliance costs as a result of requirements of the general permit to a state of the world where the general permit does not exist.

In the absence of a general permit, permittees are still required to comply with federal and other state regulations. In order to be considered as additional costs in this economic impact analysis, the general permit requirements must be more stringent than the requirements under state or federal law. This general permit is not responsible for the costs associated with complying with federal or state law.

As such, this economic impact analysis will only analyze the additional costs resulting from the general permit that are more stringent than those in the federal regulation or other state laws and regulations relative to the baseline. Pertinent standards set in state and federal law/rule include:

- Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC).
- Ground Water Quality Standards (chapter 173-200 WAC).
- Sediment Management Standards (chapter 173-204 WAC).
- Whole Effluent Toxicity Testing and Limits (chapter 173-205 WAC).
- Human health based criteria in the National Toxics Rule (40 CR 131.36).

- National Primary Drinking Water Regulations (40 CFR chapter 1, Part 141).

Discharges not in compliance with the above standards are not authorized.

### 1.3.4 Permit Coverage

The draft permit covers the discharge of larvicides and the incidental discharge of adulticides to water bodies in Washington. Ecology may require individual permits where a proposed activity requires additional guidance, or when an individual Permittee requests an individual permit and Ecology agrees to develop and issue one.

The permit covers all WTPs that discharge backwash effluent to Surface Waters of the State and that meet all of the following criteria:

1. Produce potable water or non-potable industrial water (primary treatment/settled water) where the treatment and distribution of water is the primary function of the facility.
2. Have an actual production rate equal to or greater than 35,000 gpd of treated product water (finished water) as determined on an average monthly basis.
3. The wastewater discharge is from water treatment filtration processes (filter backwash, sedimentation/pre-sedimentation basin washdown, sedimentation/clarification, or filter-to-waste).
4. The water treatment works are not part of a larger, permitted facility, such as a pulp and paper mill.

### 1.3.5 Application for coverage

The general permit requires applicants to submit a complete application for permit coverage to Ecology at least 180 days prior to commencement of the activity which may result in the discharge of any pollutant to Waters of the State. All new applicants for this permit and any existing Permittee that plans a significant process change, must circulate notice within the geographical area of the proposed discharge and certify this fact to Ecology. Such notice must be published twice, with at least a 1-week interval between, in the newspaper of greatest general circulation within the county in which the discharge is proposed to occur.

**Baseline:** An application is required.

**Change:** Public Notice.

**Description of cost:** Cost of notification.

### 1.3.6 Discharge limits

The permittee must comply with standards. The application of larvicides and adulticides must not cause or contribute to a violation of the:

- Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC).
- Ground Water Quality Standards (chapter 173-200 WAC).
- Sediment Management Standards (chapter 173-204 WAC).

Permittees must also comply with all other applicable federal and state laws. Requirements for discharge limits are mandated by existing federal and state regulations.

**Baseline:** Permittees must comply with applicable federal and state laws.

**Change:** None.

**Description of cost:** None.

### 1.3.7 Monitoring requirements

Permittees must monitor the wastewater discharged to surface waters in accordance with the monitoring schedule appropriate for their facilities, based on the design maximum production capacity of product water (drinking and industrial water) and the source of the raw source water (surface water or groundwater). WTP facilities are divided into two monitoring groups as follows:

1. **Group 1:** Facilities designed to produce less than 4 million gpd **or** use only groundwater for their source water.
2. **Group 2:** Facilities designed to produce 4 million gpd or more **and** treat surface water or ground water under the direct influence of surface water.

Group 1 is required to conduct monthly grab samples and daily recording of discharge events and volume.

Group 2 is required to conduct weekly grab samples and daily recording of discharge events and volume.

The permit requires monitoring of total residual chlorine, pH, and settleable solids to document compliance with permit limits. Monitoring for total daily discharge volume, total daily number of discharge events, and turbidity is also required to further characterize and quantify the effluent. Since WTPs are typically aware of the rates and volumes of their wastewater discharges, providing monthly summaries of these values in their discharge monitoring reports will not be a significant burden.

**Baseline:** No requirement for monitoring.

**Change:** Required monitoring and take grab samples when necessary.

**Description of cost:** Cost of grab sampling.

### 1.3.8 Reporting and recordkeeping

Facilities must use Discharge Monitoring Report (DMR) forms to report the sampling data they collect each reporting period. Permittees must keep all records and documents required for this permit for a minimum of five years.

WAC 173-226-090(2)(c) requires permittees to keep all records and documents for five years.

**Baseline:** Permittees must meet their reporting requirements through periodic reporting. Permittees must keep all records and documents required by this permit for a minimum of five years.

**Change:** Monthly DMR submission.

**Description of cost:** Preparation and submission of DMR monthly.

## 1.4 Excluded costs

This SBEIA does not include the costs of complying with existing laws and rules, as permittees would be required to comply with requirements regardless of whether the permit reiterated or referenced them, or if the permit did not exist. Costs excluded from all SBEIAs include the costs of complying with:

- State ground water quality standards (WAC 173-200).
- State surface water quality standards (WAC 273-201A).
- State sediment management standards (WAC 173-204).
- Wastewater discharge permit fees (WAC 173-224).
- Federal laws and rules, including but not limited to the Clean Water Act and federal National Pollutant Discharge Elimination System (NPDES) regulations if discharging to surface waters.

## 1.5 Compliance costs included in the SBEIA

According to WAC 173-226-120, Ecology must estimate the following costs in the SBEIA:

- Monitoring
- Reporting
- Recordkeeping
- Equipment
- Supplies
- Labor
- Administrative costs



# Chapter 2: Costs of Compliance with the General Permit

This analysis estimates the costs of complying with the draft general permit for water treatment plants. It also compares the costs of complying with the draft general permit for small businesses to the costs of compliance for large businesses, to determine whether the requirements of the draft general permit disproportionately impact small businesses.

The scope of the analysis includes only the direct compliance costs imposed by the draft general permit to the expected permittees. Ecology is not required to evaluate benefits of the general permit in this analysis.

The Regulatory Fairness Act (RCW 19.85.020(3)) defines a small business as any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.

## 2.1 Compliance costs

Costs associated with permit requirements include costs of complying with:

- Application for coverage
- Monitoring requirements
- Reporting

### 2.1.1 Application for Coverage

The permittee must publish a public notice at the time of application for two consecutive weeks. We obtained estimates for the cost of public notice from local and regional newspapers, of \$210, on average, per notice. <sup>4</sup>Two notices would cost \$420.

### 2.1.2 Monitoring requirements

Monitoring includes testing for settleable solids, pH, Total residual chlorine, and turbidity either monthly (Group 1 facilities) or Weekly (Group 2 facilities). Each requires attaining a grab sample. Testing settleable solids requires an Imhoff Cone<sup>5</sup>. Testing for pH requires a pH monitor<sup>6</sup>. Measuring turbidity requires a turbidity meter<sup>7</sup>. These parameters may be done on-

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<sup>4</sup> Average cost of one-paragraph notice across surveyed newspapers. Surveyed papers include the Seattle Times, Seattle Journal of Commerce, Spokesman Review, and Tri-City Herald. Overall range of costs surveyed is between \$80 and \$350 per notice.

<sup>5</sup> An online sampling of prices yielded an average price of roughly \$50.

<sup>6</sup> An online sampling of prices yielded an average price of roughly \$80.

<sup>7</sup> An online sampling of prices yielded an average price of roughly \$350.

site. The testing of total residual chlorine must be performed by an accredited laboratory. If sent off-site, this testing is estimated to cost \$40 per sample<sup>8</sup>.

The Bureau of Labor Statistics<sup>9</sup> identified labor costs of \$26.05 per hour for employees. It is estimated that sampling and testing will take one hour per monitoring cycle. Including lab costs yields total estimated costs of \$66.05 per cycle. For Group 1 facilities (monthly monitoring), this results in annual costs of \$792.60. For Group 2 facilities (weekly monitoring), this results in annual costs of \$3,434.60.

### 2.1.3 Reporting

Permittees must submit monthly DMRs documenting the sampling data they collected over the reporting period. For Group 1 facilities, this is estimated to take .25 hours per month. For Group 2 facilities, this is estimated to take .5 hours per month. Assuming labor costs of \$26.05 per hour yields annual costs of \$78.15 for Group 1 facilities and \$156.30 for Group 2 facilities.

## 2.2 Total Costs

This section presents the total costs of compliance under the Water Treatment Plant General Permit.

Table 2: Summary of compliance costs.

Permit requirements	Cost per Group 1 facility	Cost per Group 2 facility
Initial Public newspaper notice (one-time)	\$420	\$420
Capital costs for sampling and testing equipment (one-time)	\$480	\$480
Sampling and testing (annual)	\$793	\$3,435
Reporting (annual)	\$78	\$156

<sup>8</sup> Personal communication between Shon Kralej and Columbia Laboratories, February, 2024

<sup>9</sup> [http://www.bls.gov/oes/current/oes\\_wa.htm](http://www.bls.gov/oes/current/oes_wa.htm) on February 22, 2024 for occupation 47-3019.

## Chapter 3: Relative Compliance Costs for Small and Large Businesses

This chapter compares the costs of compliance per employee for small businesses to the compliance cost per employee at the largest ten percent of businesses covered by the permit. The governing rule (173-226-120) allows for this comparison to be made on one of the following bases:

- Cost per employee
- Cost per hour of labor
- Cost per one hundred dollars of sales

We use cost per employee, because this data is readily and most comprehensively available for businesses operating in Washington State.

Currently, the general permit does not cover any businesses (all permittees are municipal facilities). However, a business meeting the criteria for coverage could be covered by this permit. If this were to happen, the general permit would likely impose disproportionately larger costs on smaller businesses. While the compliance costs we estimate vary by facility size, size is not measured by number of employees. Group 1 facilities could be large based on number of employees and Group 2 facilities could be small based on number of employees. Since proportionality is determined by cost per employee, and the costs do not vary by number of employees, it necessarily must be disproportionate.

# Chapter 4: Mitigation of Disproportionate Impacts

The general permit likely imposes disproportionate costs on small businesses, so Ecology took the legal and feasible actions described in this chapter to reduce small business compliance burden.

## 4.1 Mitigation options under WAC 173-226-120

The governing rule states the following options should be considered to reduce the impact of the permit on small businesses.

- Establishing differing compliance or reporting requirements or timetables for small businesses.
- Clarifying, consolidating, or simplifying the compliance and reporting requirements under the general permit for small businesses.
- Establishing performance rather than design standards.
- Exempting small businesses from parts of the general permit.

The Waste Discharge General Permit Program rule requiring economic Impact analysis (WAC 173-226-120) states that mitigation only needs to be undertaken when it is legal and feasible in meeting the stated objectives of the federal Clean Water Act, and chapter 90.48 RCW, the State Water Pollution Act. This provision is an important restriction. If a proposed mitigation measure violates federal law or rules, or if it violates state law or rules, then it cannot be undertaken.

The conditions of the general permit based on federal rules are requirements of federal law. Significant mitigation of these conditions would be a violation of federal NPDES program rules, which establish effluent standards. Because these conditions are a consequence of federal law, Ecology cannot mitigate them, and we cannot reduce the associated compliance costs. Recall that these costs were not included in this analysis, as they are not a result of general permit requirements in excess of requirements in federal and state rule. The general permit must contain effluent limits that are at least as strict as federal effluent standards.

Conditions required to meet the AKART requirement of the state Water Pollution Control Act (chapter 90.48 RCW) are also legal requirements that Ecology cannot allow permittees to violate. Thus, Ecology cannot mitigate compliance costs based on the AKART requirement. Recall that these costs were not included in this analysis, as they are not a result of general permit requirements in excess of requirements in federal and state rule.

Ecology also places conditions in general permits to ensure discharges do not violate the state surface water quality, ground water quality, or sediment management standards (chapters 173-200, 173-201, 173-204, 173-224 WAC). These conditions are legal requirements that Ecology cannot allow permit holders to violate. Compliance costs associated with these permit conditions cannot be mitigated. Recall that these costs were not included in this analysis, as

they are not a result of general permit requirements in excess of requirements in federal and state rule.

The above circumstances severely limit Ecology's ability to reduce the cost, to comply with the rule, on small businesses. The only costs we can legally mitigate are the costs imposed by permit conditions that are stricter than those required by law.<sup>10</sup> Because, for the most part, the permit simply contains conditions needed to comply with these laws, usually only minor mitigation measures can legally be undertaken. The cost reductions that result are usually small.

#### **4.1.1 Impact of mitigation on effectiveness of general permit**

The general permit rule<sup>11</sup> states mitigation only needs to be undertaken when it is legal and feasible in meeting the stated objectives of the federal Clean Water Act and chapter 90.48 RCW, the State Water Pollution Control Act. Even if a proposed mitigation measure is legal, if it would limit the general permit's effectiveness in controlling water pollution too much, it should not be undertaken.

Ecology has reduced the cost of the permit where possible. Reducing costs does not remove the disproportionate impact. There is no basis that would allow Ecology to be more lenient on small businesses without an unreasonable risk of violating federal or state water quality laws and rules.

If Ecology issues a general permit that allows permittees to harm the quality of the water receiving the discharge then Ecology would be in violation of state and federal law. The elements in the following section can potentially reduce the cost of the permit. Most of the mitigation presented is not only for small businesses, but applies to all permittees and therefore will benefit small and large businesses alike.

## **4.2 Mitigation actions**

Ecology considered options for lessening the burden of permit compliance on businesses where possible while protecting water quality and maintaining compliance with federal and state law and rule. There are currently no exemptions for businesses with fewer than 50 employees. There are included, however, mitigation opportunities for all businesses.

Factors that mitigate disproportionate costs:

- Permittees may request a reduction in sampling frequency based on consistent attainment of permit limits. For permittees in Monitoring Group 1 who obtain consistent attainment, the new sampling frequency is quarterly. For permittees in

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<sup>10</sup> chapter 90.48 RCW

<sup>11</sup> chapter 173-226 WAC

Monitoring Group 2 who obtain consistent attainment, the new sampling frequency is monthly.

- Facilities with an actual production rate of less than 35,000 gallons per day of treated product water are exempt from the permit unless they:
  1. Are a significant contributor of pollutants to waters of the state, including groundwater; or
  2. May reasonably be expected to cause a violation of any water quality standard.
- Group 1 facilities (those producing less than 4 million gpd or use only ground water for their water source sample less frequently than Group 2 facilities. This lessens the burden on the relatively smaller sites.

### **4.3 Conclusion**

This analysis found that the Water Treatment Plant General Permit would likely impose disproportionate costs on small versus large businesses complying with it. We note that there currently are no businesses covered by the general permit, but a business meeting coverage criteria could be covered in the future. In compliance with WAC 173-226-120, Ecology included elements in the general permit that reduce compliance costs, and attempted to reduce disproportionate costs. Further cost reductions, or reductions to disproportion, were not possible due to limitations of federal and state rules protecting the environment and regulating Permittee behavior.

# References

RCW 34.05.272 requires Ecology to categorize sources of information used in significant agency actions made in the Water Quality Program.

## **Independent peer review**

**Review is overseen by an independent third party.**

n/a

## **Internal peer review**

**Review by staff internal to Ecology.**

n/a

## **External peer review**

**Review by persons that are external to and selected by Ecology.**

n/a

## **Open review**

**Documented open public review process that is not limited to invited organizations or individuals.**

n/a

## **Legal and policy documents**

**Documents related to the legal framework for the significant agency action, including but not limited to: federal and state statutes, court and hearings board decisions, federal and state administrative rules and regulations, and policy and regulatory documents adopted by local governments.**

Chapter 173-200 WAC: Water quality standards for groundwaters of the state of Washington.

Chapter 173-201A WAC: Water quality standards for surface waters of the state of Washington.

Chapter 173-204 WAC: Sediment management standards.

Chapter 173-224 WAC: Water quality permit fees.

Chapter 173-226 WAC: Waste discharge general permit program.

Chapter 90.48 RCW: Water Pollution Control.

## Independent data

Data from primary research, monitoring activities, or other sources, but that has not been incorporated as part of documents reviewed under independent, internal, or external peer review.

Seattle Times (2024). Personal communication, phone call 2/20/24. Email: [legals@seattletimes.com](mailto:legals@seattletimes.com).

Seattle Daily Journal of Commerce (2024). Personal communication, phone call 2/20/24. Email: [Legals@dj.com](mailto:Legals@dj.com).

Spokesman-Review (2024). Personal communication, phone call 2/20/24. Email: [legals@spokesman.com](mailto:legals@spokesman.com).

Tri-City Herald (2023). Personal communication, phone call 9/20/23. Email: [legals@tricityherald.com](mailto:legals@tricityherald.com)

US Bureau of Labor Statistics (2022). May 2022 State Occupational Employment and Wage Estimates, Washington State. [https://www.bls.gov/oes/current/oes\\_wa.htm](https://www.bls.gov/oes/current/oes_wa.htm)

US Bureau of Labor Statistics (2024). Consumer Price Index.

## Records of the best professional judgment of Ecology employees or other individuals.

n/a

## Other

Sources of information that do not fit into other categories.

n/a