



# **Update to Water Quality Permit Fee Rule Environmental Justice Assessment**

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**An Environmental Justice Assessment (per RCW  
70A.02.060)**

Prepared by

Water Quality Program

Washington State Department of Ecology  
Olympia, Washington

June 2025, Publication 25-10-054

## Contact Information

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**Website**<sup>1</sup>: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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<sup>1</sup> [www.ecology.wa.gov/contact](http://www.ecology.wa.gov/contact)

## Language Access

Under the state Environmental Justice law (RCW 70A.02), Ecology is required to conduct Environmental Justice Assessments during development of certain significant actions. This Assessment provides information about the potential impacts to overburdened communities and vulnerable populations, and strategies to mitigate identified harms and fairly distribute known benefits. For translation, interpretation, or accessibility assistance, please contact Courtney Cecale at [courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov) or (360) 480-6270.

Bajo la ley estatal de Justicia Medioambiental (RCW 70A.02), Ecología está obligada a realizar Evaluaciones de Justicia Medioambiental durante el desarrollo de ciertas medidas importantes. Esta evaluación proporciona información sobre los posibles impactos en las comunidades sobrecargadas y las poblaciones vulnerables, y las estrategias para mitigar los daños identificados y distribuir justamente los beneficios conocidos. Para asistencia de traducción, interpretación o accesibilidad, por favor póngase en contacto con Courtney Cecale escribiendo a [courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov) o llamando al (360) 480-6270.

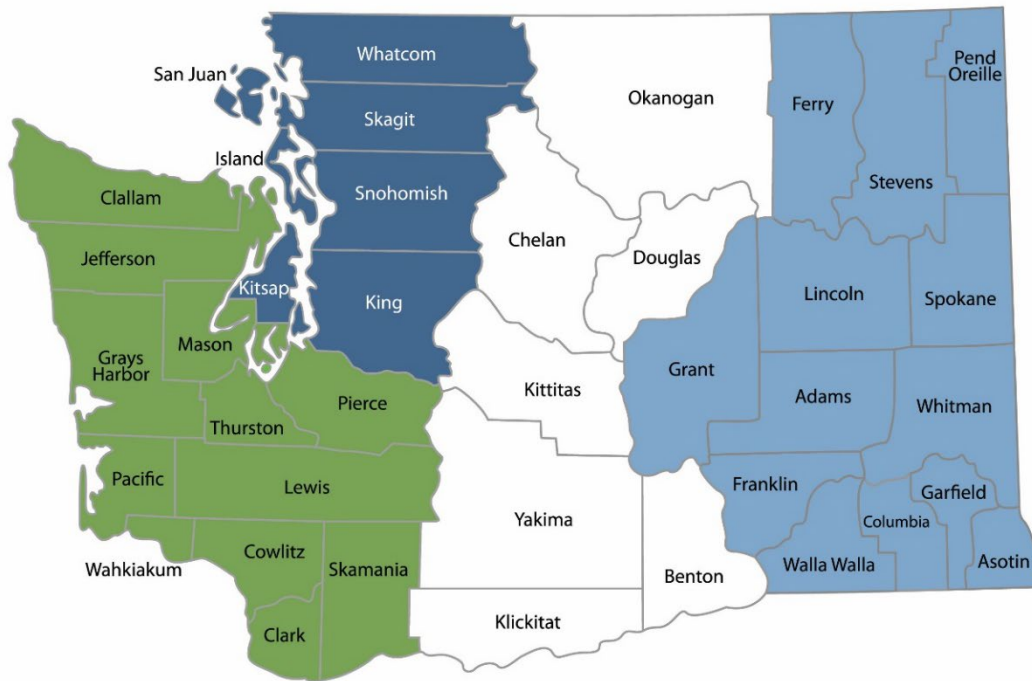
根据华盛顿州环境正义法(RCW 70A.02)，生态管理署在制定某些重大行动时必须进行环境正义评估。该评估需提供对负担过重社区和弱势群体潜在影响的信息，以及减轻已明确的危害和公平分配已知利益的策略。如需笔译、口译或无障碍协助，请联系 Courtney Cecale，电子邮件：[courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov)或电话 (360) 480-6270。

Theo luật Công Bằng Môi Trường của tiểu bang (RCW 70A.02), Bộ Môi Sinh được yêu cầu tiến hành Đánh Giá Công Bằng Môi Trường trong quá trình triển khai một số hành động quan trọng. Đánh giá này cung cấp thông tin về các tác động tiềm ẩn đối với các cộng đồng đang chịu tổn hại và các nhóm dân cư dễ bị tổn hại cũng như các chiến lược nhằm giảm thiểu tác hại đã xác định và phân chia công bằng các lợi ích đã biết. Để được hỗ trợ về thông dịch, giải thích hoặc sự giúp đỡ cho người khuyết tật, vui lòng liên hệ với Courtney Cecale theo địa chỉ [courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov) hoặc (360) 480-6270.

주 환경부는 중요한 조치를 계획할 때 환경 정의 평가를 수행해야 합니다. 이 평가는 취약계층 지역사회와 취약인구에 대한 잠재적 영향 관련 정보와, 확인된 피해를 완화하고 알려진 혜택을 공정하게 분배하기 위한 전략을 제공합니다. 번역, 통역, 또는 장애인 서비스 지원은 담당자 (Courtney Cecale)에게 이메일 [courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov) 또는 전화 (360) 480-6270으로 문의하십시오.

# Department of Ecology's Regional Offices

## Map of Counties Served



**Southwest Region**  
360-407-6300

**Northwest Region**  
206-594-0000

**Central Region**  
509-575-2490

**Eastern Region**  
509-329-3400

| 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<br>Olympia, WA 98504       | 360-407-6300 |
| <b>Northwest</b>    | Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom   | P.O. Box 330316<br>Shoreline, WA 98133    | 206-594-0000 |
| <b>Central</b>      | Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima   | 1250 West Alder St<br>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 North Monroe<br>Spokane, WA 99205    | 509-329-3400 |
| <b>Headquarters</b> | Statewide  | P.O. Box 46700<br>Olympia, WA 98504       | 360-407-6000 |

# Update to Water Quality Fee Rule Environmental Justice Assessment

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**An Environmental Justice Assessment (per RCW 70A.02.060)<sup>2</sup>**

Water Quality Program  
Washington State Department of Ecology  
Olympia, WA

**June 2025 | Publication 25-10-054**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010>

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## Executive Summary

### Significant Agency Action Overview

The purpose of this action is to update by rule the state's Water Quality Permit Fees (Chapter 173-224 WAC).

The chapter carries out Ecology's requirement to establish, by rule, annual fees to recover Ecology's program cost of administering the wastewater and stormwater permit programs. Ecology updates this chapter approximately every two years to ensure our permit fees reflect the most current costs to Ecology and impacts to our permittees. We use these fees to recover our program costs to administer our water quality permit program, which protect Washington's waters from pollution.

### Community Considerations

The action is statewide and can impact permitted facilities in any part of the state.

Ecology assessed potential connections between this action and the state's overburdened communities and vulnerable populations through three methods:

1. Research into population-wide demographic data sets and geospatial distributions of vulnerable populations and permitted facilities.
2. Discussing this action with representatives from community-serving organizations who have an interest in environmental protections and associated costs.
3. Inviting government to government consultation with federally recognized Tribal governments.

Through research, Ecology did not find any connections between this action and the State's populations with socioeconomic vulnerabilities or areas with significant environmental burdens. In discussion, representatives of vulnerable populations shared some of their priorities and possible community impacts from Ecology's permit fee structure. These ideas were incorporated into Ecology's analysis and will continue to inform this and future rule developments. No Tribes responded to Ecology's invitation for consultation on this rulemaking.

### Equitable Fee Structures

Ecology structures Water Quality Permit Fees to mitigate harms and equitably distribute benefits to the public and permitted facilities. As part of this update, Ecology rebalanced certain fee categories and subcategories to bring fees closer to alignment with anticipated costs over the next two years. This rule includes a process for small businesses, a group who is impacted by this rulemaking and may overlap with vulnerable populations, to apply for reduced permit fees. This rule also uses progressively tiered fee categories and a diversity of fee subcategories as additional measures against regressive fee structures, while fulfilling the rule's legislative mandate to recover program costs for administering water quality permits.

**Overall, Ecology has assessed the environmental justice implications of this rulemaking and has identified no likely connections between this process and vulnerable populations. Ecology supports the adoption of this rulemaking update.**



## Purpose of an Environmental Justice Assessment

The Environmental Justice (EJ) Assessment process helps assess the environmental justice impacts of Significant Agency Actions (SAAs). The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions. This information assists with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of health disparities.

Environmental justice assessments are to be completed for the following actions:

- The development and adoption of significant legislative rules as defined in RCW.05.328<sup>3</sup>
- The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out
- A capital project, grant, or loan award of at least \$12,000,000 or a transportation project, grant, or loan of at least \$15,000,000
- The submission of agency request legislation to the office of the governor or the office of financial management for approval

This assessment is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require novel quantitative or economic analysis of this action.

Ecology plans to update this document and incorporate what we learn through practice, community engagement, Tribal consultation, and any guidance we may receive from the Environmental Justice Council.

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<sup>3</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

# Section 1: Background

The information in this section is provided for the Office of Financial Management's [dashboard](#)<sup>4</sup>

## *Background Information*

1. Descriptive title of project/action:

Update to Water Quality Permit Fee Rule (173-224 WAC)

2. Date EJ Assessment initiated:

August 7, 2024

3. Ecology Program/Office:

Water Quality Program

4. Point of contact for EJ Assessment:

Faith Wimberley, Environmental Justice Planner

5. Significant Agency Action type, select one or more:

☒ Rulemaking

☐ New grant or loan program

☐ New capital project, grant, or loan of \$12 million or more

☐ Request legislation

☐ Other, explain:

6. Write a short summary of the action.

Ecology completed an agency rulemaking action to update the state's Water Quality Permit Fees (Chapter 173-224 WAC).

This chapter carries out Ecology's requirement under RCW 90.48.465 to establish, by rule, annual fees to recover Ecology's program cost of administering the wastewater and stormwater permit programs. This chapter also considers the economic impact of our fees on permitted small dischargers and public entities and makes appropriate adjustments where applicable.

Ecology updates this chapter approximately every two years to ensure our permit fees reflect the most current costs to Ecology and impacts to our permittees. We use these

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<sup>4</sup> <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

fees to recover our program costs to administer our permit programs, which protect Washington's waters from pollution.

These fees cover a wide range of pollution discharges. This includes but is not limited to, municipal stormwater and wastewater, stormwater from construction activity, concentrated animal feeding operations, aquatic pest control, and a wide variety of industrial activities. In total, Ecology's water quality permit fees cover more than 50 different types of municipal, industrial, and other discharges. For a complete list of discharges covered under this rule, please reference [WAC 173-224-040](#)<sup>5</sup>.

This rule covers a statewide geographical scope. Ecology anticipates the impacts of this rulemaking will be limited to the permittees who pay these fees. We do not anticipate this rulemaking action to introduce new environmental impacts or impacts that would be specific to overburdened communities, vulnerable populations, or Tribes.

7. Identify the method(s) for the public to comment on this proposed action for this assessment.

Ecology hosted an environmental justice focused listening session for community-based organizations representing vulnerable populations to engage with Ecology on this rulemaking action. We held the listening session on Monday, Oct. 21, 2024, from 10 a.m. - 11:30 a.m.

In spring 2025, Ecology held a public comment period for two months, with two online public hearings. The comment period and hearings were announced on Ecology's website and through multiple agency email lists that are open to the public.

8. Create/provide an Ecology webpage with information about this proposed action.

Provide link here: <https://ecology.wa.gov/WQ-fee-rule><sup>6</sup>

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<sup>5</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-224-040>

<sup>6</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-224>

## **Section 2: Notification that an Environmental Justice Assessment has been Initiated**

This section instructs Ecology staff to notify OFM about the initiation of the action.

## Section 3: Identify Affected Tribes

This section summarizes preliminary planning for Tribal Consultation. Ecology must offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

### *Preparing for Tribal Consultation*

1. Is the proposed action likely to have any local or regional impacts to federally reserved Tribal rights and resources, including but not limited to, those protected by treaty, executive order, or federal law? Choose one of the following:  
☐ Yes  
☒ No  
☐ Unsure
2. List any federally recognized Tribes that are expected to be affected by the proposed action. If it is determined during consultation that Tribes do not wish to be included, then do not include them.

Five federally recognized Tribes have current permits subject to this rulemaking in Washington State. Their fee amounts may be impacted by this rule. The Tribes are:

- Confederated Tribes of the Colville Reservation
- Cowlitz Indian Tribe
- Samish Indian Nation
- Suquamish Tribe
- Confederated Tribes and Bands of the Yakama Nation

In addition to these five Tribal permittees, other federally recognized Tribes could self-identify as affected by this action.

Ecology sent invitations to consultation to the Tribes below.

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Chehalis Reservation
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Indian Reservation
- Cowlitz Indian Tribe
- Hoh Indian Tribe
- Jamestown S'Klallam Tribe
- Kalispel Tribe of Indians
- Lower Elwha Klallam Tribe
- Lummi Nation
- Makah Tribe
- Muckleshoot Indian Tribe

- Nez Perce Tribe
  - Nisqually Indian Tribe
  - Puyallup Tribe
  - Quileute Tribe
  - Quinault Indian Nation
  - Samish Indian Nation
  - Shoalwater Bay Indian Tribe
  - Skokomish Indian Tribe
  - Snoqualmie Indian Tribe
  - Spokane Tribe of Indians
  - Squaxin Island Tribe
  - Stillaguamish Tribe of Indians
  - Suquamish Tribe
  - Swinomish Indian Tribal Community
  - Tulalip Tribes
  - Upper Skagit Indian Tribe
3. If it is determined at any other point in the process of the assessment that Tribes have self-identified as being potentially impacted by the action, then include them in the assessment and offer consultation.

Not applicable. No Tribes self-identified as being impacted by this rulemaking action.

4. Describe plans to offer consultation to identified Tribes.

Ecology invited Tribal consultation on this rulemaking at three milestones.

1. When we announce the beginning of our rulemaking process on August 7, 2024.
2. When we open the proposed changes to public comment on March 27, 2025.
3. When we officially adopt the updated rule on July 1, 2025.

## **Section 4: Offer Consultation**

This section directs Ecology staff to offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands. Summarize consultation in the next section, "Section 5: Summary of Tribal Consultation & Engagement."

## Section 5: Summary of Tribal Consultation & Engagement

### *Summary of Tribal Consultation*

1. Describe potential impacts (including harms and benefits) to federally recognized Tribal rights and interests in their tribal lands.

No potential impacts to federally recognized Tribal rights and interests in their Tribal lands have been identified because of this action.

2. Describe potential impacts related to Tribal rights and interests that are not in Tribal lands?

No potential impacts related to Tribal rights and interests that are not in Tribal lands have been identified as because of this action.

3. Summarize recommendations from Tribes to:

- a. Mitigate or eliminate potential harms from the action

Tribes offered no recommendations or feedback in response to our invitation for government-to-government consultation or our environmental justice engagement session.

- b. Equitably distribute benefits from the action

Tribes offered no recommendations or feedback in response to our invitation for government-to-government consultation or during our environmental justice engagement session.

4. Describe how consultation, engagement, and analyses of impacts to Tribes has informed the development of the action. If it has not, explain why.

Ecology received no feedback from Tribal governments in response to invitations for government-to-government consultation. No feedback was available to inform the development of this action.

5. Describe any plans to continue consultation or engagement with Tribes related to this action.

Ecology has no plans to continue consultation or engagement with Tribes related to this action.



## Section 6: Identification of Overburdened Communities & Vulnerable Populations

This section identifies overburdened communities and vulnerable populations, as identified in the [definitions of RCW 70A.02](#)<sup>7</sup>, who will be affected by the action.

### *Identify Overburdened Communities and Vulnerable Populations*

1. Identify the geographic area(s) anticipated to be affected by the action.

This rulemaking affects all geographic areas in the State of Washington.

The Water Quality Permit Fees rule covers approximately 6,500 permitted facilities located in industrial, agricultural, rural, and urban areas statewide.

The page below features a map indicating the locations of all active water quality permits in Washington State. Please note that new facilities may be permitted, and existing ones may relocate over time. As such, the locations shown reflect a snapshot in time and should not be considered a definitive representation of the geographic areas impacted by this action.

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<sup>7</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010>

# WQ Active Permit Facilities

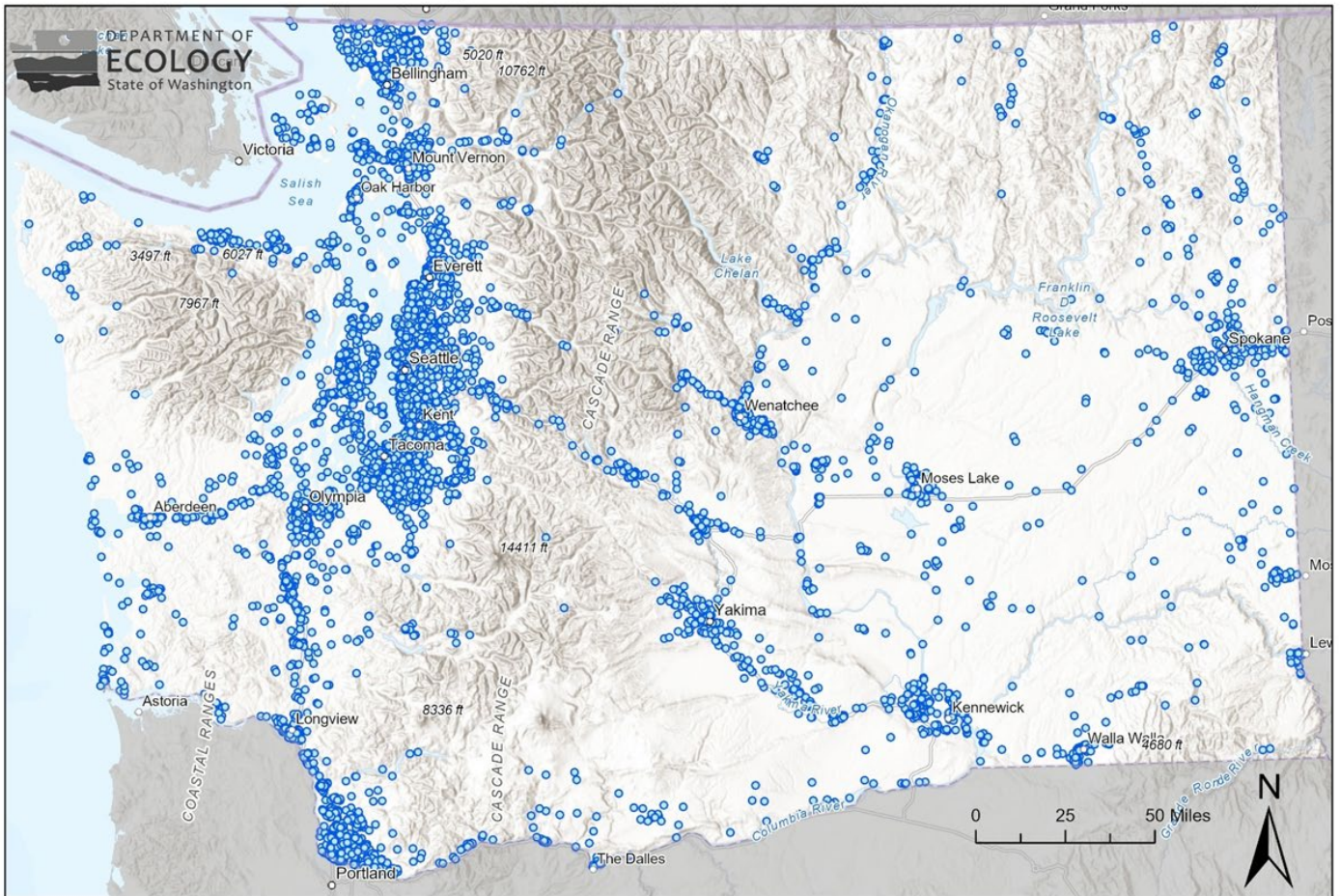


Figure 1—Water Quality Active Permit Facilities

This map shows the locations of all facilities with active Water Quality permits as of December 12, 2024<sup>8</sup>.

2. When applicable, using the [Washington State Department of Health's Environmental Health Disparities Map \(EHD Map\)](#)<sup>9</sup>, identify the EHD Map rankings for all census tracts likely to be impacted by the action.

This rulemaking could potentially affect any census tract in Washington. We chose not to list the EHD ranking of all census tracts. Permit fees are not calculated by geographies within the state.

<sup>8</sup> Credit for background layers: WA State Parks GIS, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS

<sup>9</sup> <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>

3. From the rankings identified in question 2, are there any census tracts ranked 9 and 10?

☒ Yes

☐ No

If yes, describe.

In Washington, there are rural census tracts East of Kennewick and South of Yakima that rank 9. All urban areas of the State include some census tracts with EHD Map rankings of 9 and 10, including parts of Everett, Spokane, Vancouver, Seattle, Tacoma, and Wenatchee.

4. Please describe additional cumulative health considerations relevant to this action.

Ecology has not identified cumulative health considerations anticipated to result from this action because this rulemaking pertains to financial systems.

5. When applicable, using the EPA's Environmental Justice Screening and Mapping Tool (EJScreen), identify areas likely to be impacted by the action that are at or above the 80<sup>th</sup> percentile<sup>10</sup> (in state) for the "People of color" and "Low income" socioeconomic indicators.

Ecology used EJScreen to assess impacts at or above the 80<sup>th</sup> percentile for these socioeconomic indicators in 2024, before the EPA removed EJScreen from public access. At that time, based on Ecology's assessment, we did not identify likely impacts specifically to people of color or low-income populations.

Because this rule exclusively involves permit fees, the most relevant socioeconomic indicator from EJScreen would be "Low Income". Washington has census tracts at or above the 80<sup>th</sup> percentile for this indicator in most counties. Eight of Washington's counties include populations of at least 15% who live below the federal poverty level. Six of these eight counties are in the southeast portion of Washington and the remaining two are in the northeast portion of the state.

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<sup>10</sup> The EPA identified the 80th percentile as an initial starting point and potential indicator of environmental justice considerations. <https://www.epa.gov/ejscreen/frequent-questions-about-ejscreen>

Table 1 Washington Counties with the highest percent of the population living below the federal poverty rate.

| County name         | Percent in poverty |
|---------------------|--------------------|
| Whitman County      | 23.9               |
| Adams County        | 20.9               |
| Okanogan County     | 18.9               |
| Asotin County       | 16.1               |
| Yakima County       | 15.5               |
| Ferry County        | 15.5               |
| Grays Harbor County | 14.9               |
| Kittitas County     | 14.5               |

The permit fees in this rule will be applied in census tracts where there are currently permitted facilities or where there may be future permitted facilities.

6. Identify other EJSscreen “Socioeconomic” and “Health Disparities” indicators at or above 80<sup>th</sup> percentile (in state) that are most relevant to this action.

Ecology does not consider other indicators as relevant to this action. Ecology has identified income as the main relevant indicator for this action.

7. Using EJSscreen, identify additional anticipated impacts from climate change in the impacted area, if relevant.

Ecology used EJSscreen to assess climate change impacts in 2024, before the EPA removed EJSscreen from public access. At that time, Ecology did not anticipate and did not find any connection between this rule amendment and climate change impacts.

8. Using the federal [Climate and Economic Justice Screening Tool \(CEJST\)](#)<sup>11</sup>, identify if the potentially affected area is considered disadvantaged for climate risks for additional indicators (as relevant).

This action has no anticipated connection to climate change impacts. Therefore, this screening tool is not relevant to this action.

9. Identify additional overburdened communities and vulnerable populations that are likely to be affected by the action.

Ecology identifies small business owners/operators as a population that is likely to experience an impact from this action. While not all small business owners and operators

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<sup>11</sup> This is a national tool and may provide relevant information and understanding of the climate related context of the action. Learn more about the methodology for identifying if a community is disadvantaged for climate risks here: [Methodology & data - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#)

meet the definition of vulnerable ([RCW 70A.02.010](#)<sup>12</sup>), Ecology assumes some overlap between the two groups.

10. Through community engagement, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

At Ecology's environmental justice engagement session on October 21, 2024, participants identified the following potential overburdened communities and vulnerable populations for Ecology to consider:

- Small farmers
- Small businesses
- Renters/tenants
- Communities living near dairies
- Migrant farm workers that work in businesses that pay water quality permit fees
- Tribal members
- Overburdened and rural communities

Ecology has considered how this action may affect these populations, and no likely impacts to these populations, other than the impacts to small businesses described above, have been identified because of this action.

11. Through Tribal Consultation, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

Not applicable. No Tribes responded to Ecology's invitation to consult on this rulemaking.

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<sup>12</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010>

## Section 7: Summary of Community Engagement

This section summarizes community engagement activities. Community Engagement should be tailored to specifically reach overburdened communities and vulnerable populations. Community engagement is required for all significant agency actions, but the engagement methods will vary depending on the size, scope, and topic of the project. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

### *Summarizing Community Engagement*

1. Describe the engagement activities with identified overburdened communities and vulnerable populations.

On October 21, 2024, Ecology hosted an online engagement session specifically for overburdened communities and vulnerable populations to share any topics of interest or areas of concern related to this rulemaking. Ecology's preliminary analysis of this rulemaking action did not identify probable harms to overburdened communities and vulnerable populations, and our goal from this event was to hear from communities about whether there were unidentified impacts or vulnerable populations affected by this action that Ecology missed.

This event was announced two weeks in advance directly to community-based organizations and through our [Rulemaking webpage](#)<sup>13</sup>, [Ecology's Public Input and Events Schedule](#)<sup>14</sup>, and the [Water Quality Fees GovDelivery email list](#)<sup>15</sup>. Ecology provided direct invitations to 10 community organizations representing overburdened communities and vulnerable populations expected to have a reasonable interest in the event. There were nine non-Ecology attendees at the event representing community-based organizations, municipalities, and private individuals.

The session included a presentation on the Water Quality Program's Permit Fee Rule, followed by an opportunity for Q&A and a facilitated exercise to collect written feedback from participants.

2. What actions were taken to help address barriers to meaningful engagement?

Ecology delivered outreach to reduce known barriers and maximize opportunities for participation from vulnerable populations and overburdened communities.

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<sup>13</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-224>

<sup>14</sup> <https://ecology.wa.gov/Events/Search/Listing>

<sup>15</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_152](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_152)

- Ecology held the engagement session virtually as a webinar to increase access and limit transportation and caregiving burdens.
  - We shared information on the rulemaking engagement opportunities through existing communication channels to reduce mail and email communications with interested parties.
  - We provided informal input and discussion in a dialogue-based listening session.
  - We shared contact information so that community members could communicate directly with a staff point of contact.
  - We prioritized invitations to people and organizations who are not normally involved in Ecology's work, to broaden the perspectives and participation beyond usual participants.

In addition to our outreach efforts to vulnerable populations, we also held a public comment period and provided the rulemaking notification and contact information in the following six languages: Spanish, Vietnamese, Korean, Chinese, Russian, and Ukrainian.

3. Identify overburdened communities or vulnerable populations potentially affected by the action who were not engaged and explain why not.

Direct representation of all overburdened communities or vulnerable populations potentially affected by the action identified in question 6.10 was not present at this event. Ecology is not aware of specific reasons why some of these groups were not in attendance.

4. Summarize recommendations from members of overburdened communities and vulnerable populations to mitigate or eliminate potential harms from the action and/or equitably distribute benefits from the action.

The facilitated feedback exercise from Ecology's environmental justice engagement session generated 50 responses to guided prompts on topics ranging from how attendees perceived the impacts and benefits of this rule, how the rule impacted them and their communities, and any environmental justice considerations they felt Ecology should consider in connection to this rulemaking.

Several primary themes emerged from the feedback received by attendees:

- Manage costs
  - Ensure that costs to permittees do not create an undue burden, particularly to small businesses.
  - Consider if permittees may pass their costs along to consumers and ratepayers.
  - Consider impacts to community members paying water utility fees.
- Education and transparency
  - Provide more information about how the permit fees impact various permitted industries, municipalities, and individuals.



- Explain how changes to a permit may impact the cost of permit fees.
  - Explain how the fees are used, and how they impact Ecology's work.
  - Access and outreach
    - Provide more translated materials in Spanish and other languages.
    - Provide ways for people to engage that aren't electronic.
    - Hold engagement sessions outside of work hours.
    - Find broader platforms than GovDelivery and existing distribution channels to share this information with the public.
  - Support agency work
    - Ensure the permit fees fully fund Ecology's water quality monitoring and regulatory services.
    - Ensure that the fee system is properly enforced.
  - Consider vulnerable populations
    - Renters/tenants
    - Small farmers
    - Small businesses
    - Communities living near dairies
    - Migrant farm workers that work in businesses that pay WQ permit fees.
    - Tribal members
    - Overburdened and rural communities
5. Describe any plans for ongoing engagement with overburdened communities and vulnerable populations related to this action.

Ecology offered to continue discussions with attendees of the environmental justice engagement session. Ecology received no requests for additional engagement from attendees during the draft rule proposal development period.

Ecology used the feedback received from this engagement event to inform the draft proposal of changes to the fee rule, and attendees at our environmental justice engagement session were encouraged to sign up for our email list to receive direct notice when the proposal becomes available for comment.

Because this rule is updated approximately every two years, Ecology will integrate the feedback received into outreach strategies and rule revision planning for future updates to this rule.



## Section 8: Potential Environmental Benefits & Harms from Action

This section summarizes anticipated benefits and harms from the potential action, and to assess impacts on overburdened communities and vulnerable populations. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. Answers to the questions in this section may have helped in strategizing our approach to engagement.

### *Identify Potential Environmental Benefits & Harms from Action*

1. Describe the anticipated benefits (direct and/or indirect) from this action.

This rule upholds Ecology's legal requirement to carry out our legislative mandate to fund the Water Quality permit program through permit fees. The updates in this action benefit Ecology and the people we serve across the state by ensuring that fees paid by permittees adequately fund the permit program's approved work.

This action also provides indirect benefits to permittees in the form of improved parity among permit fee payers and maximum support to small businesses. By updating this rule regularly, we ensure that fees paid by permittees cover the costs of administering the permit program. We use the routine rulemaking to identify opportunities to support small businesses and adjust fee schedules for some types of facilities.

2. Who will primarily benefit from this action?

All people in Washington State benefit from this action because everyone relies on Ecology's permitting processes to protect state waters.

Permitted facilities who pay water quality permit fees to Ecology benefit from a routine, consistent, and reasonable permit fee structure as a cost to their operations. Ecology's Water Quality Program benefits from the ongoing ability to fund its permitting program and fulfill its regulatory obligation.

3. How is the action expected to benefit specifically overburdened communities or vulnerable populations? If there is no benefit, identify potential barriers to benefitting from the action.

Ecology expects this action to benefit overburdened communities and vulnerable populations comparably to other people in Washington State through the ongoing funding of the Water Quality permit program.

The existence of water quality permit fees also benefits the people of Washington State by ensuring that government entities and businesses pay the permit costs associated with their facilities and operations rather than relying on other taxes or state revenue to subsidize the cost of water quality permitting work.

We anticipate that some updates in this action will specifically benefit small businesses.

- We added new tiers in some fee categories based on the size of the permitted entity. These tiers better align fees paid by small businesses with the lower costs typically required to manage small businesses' water quality permits.
- This rule currently contains explicit relief mechanisms for small businesses, which Ecology intends to maintain with this action.
- This rule also uses, where possible, progressive fee structures—one that applies fees that increase as facility size or capacity increases—to mitigate impacts to small businesses.

We also raised fees for large facilities in certain fee categories where the amount of separation in fees paid between small and large operations does not adequately reflect the difference in costs necessary to manage these permits.

Each time Ecology updates this rule, we perform an economic analysis known as a [Regulatory Analysis](#)<sup>16</sup>. This analysis found that while many permit fees are increasing, the increases are lower than the rate of inflation. The analysis notes that:

“After adjusting for inflation, anticipated fees are reduced from 2025 levels for all business sizes apart from large businesses that hold wastewater permits. These decreases are greatest for small and medium-sized businesses that hold stormwater permits as well as small businesses with wastewater permits.”

The figure below illustrates the relative change in fees by business size, after adjusting for inflation. See section 4.2.2 of the Regulatory Analysis for more information.

#### Average change in fees (adjusted for anticipated inflation)

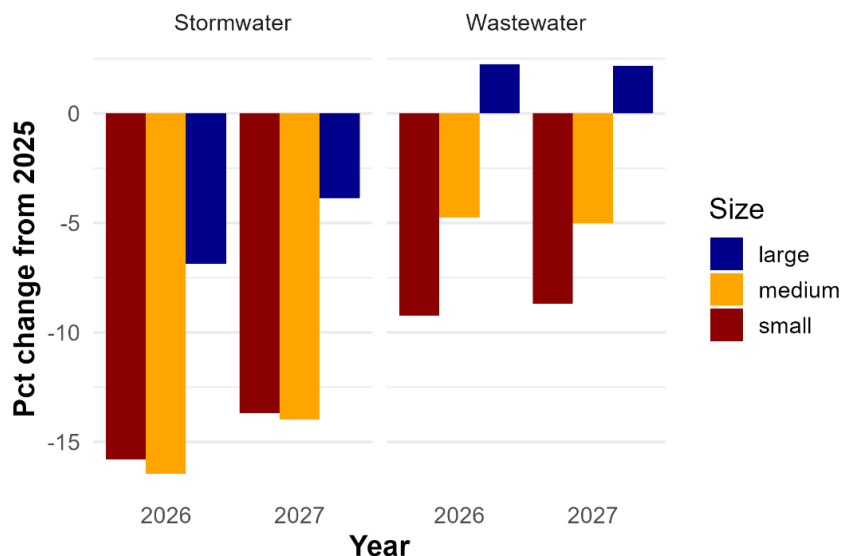


Figure 2 Average change in fees (adjust for anticipated inflation)

<sup>16</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2510055.html>

4. Describe anticipated harms (direct and/or indirect) from this action.

As this action is related strictly to permit fees, it does not introduce any potential new health or environmental harms. Ecology does recognize the potential for economic harm related to permit fees, and we addressed the potential for economic harm within the rule updates, rendering these harms unlikely.

This rulemaking is expected to raise overall permit fee costs for permit holders. Increased fees are not necessarily considered a harm. However, if costs are raised to unsustainable levels, this can have an impact on a facility's ability to continue operating and maintain employment. The cost increases are not expected to result in reduced operations or other secondary impacts to facilities. The increased costs are expected to have a minimal impact on employment.

Ecology's economic analysis, known as a Regulatory Analysis, determined that this action is likely to have a higher "per employee" impact on small businesses compared to large operations. The analysis identified an increase in overall costs to small businesses from this rule. It also determined that the increases are in alignment with general inflation, result in greater total costs to large businesses than small businesses and align with the relative costs Ecology bears to manage permits for each business size.

Ecology has also considered the potential for harm caused by a regressive fee structure—one that applies fees uniformly without considering facility size or capacity. Such a fee structure may impose undue burdens on certain facilities and the people involved in the facilities' operations. For instance, facilities with fewer financial resources may be required to pay a disproportionate share of the costs. In the case of businesses, this may lead to reduced operations or profits.

To learn more about the potential economic impacts of this action, please review Ecology's [Regulatory Analysis](https://apps.ecology.wa.gov/publications/SummaryPages/2510055.html)<sup>17</sup>.

5. Who will primarily experience the harms?

The rule amendments affect a wide variety of businesses. Ecology does not anticipate these impacts to be harmful. Across all industries there will be a relatively minor impact on permittee output (industry yield measured in dollars of revenue). Ecology estimated the impact of these changes for industries across Washington compared to their projected output.

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<sup>17</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2510055.html>

The estimated impact to industry output is collectively between \$500,000 to \$3 million annually. This impact is relatively small compared to the size of the Washington economy. For perspective, \$3 million represents 0.00027% of Washington’s baseline state output, of more than \$1.1 trillion in 2026<sup>18, 19</sup>. Table 2 shows which industries are expected to have impacts to their outputs.

Table 2 Impacts to output, percent of statewide output by sector

| Industry                                | Initial Output Impact | Output Impact in 20 years |
|---|-----------------------|---------------------------|
| Dairy product manufacturing             | -0.001%               | -0.006%                   |
| Audio and video equipment manufacturing | -0.0004%              | -0.004%                   |
| Textile mills and textile product mills | -0.0003%              | -0.003%                   |
| Rubber product manufacturing            | -0.0003%              | -0.003%                   |
| Converted paper product manufacturing   | -0.0002%              | -0.003%                   |

To learn more about the potential economic impacts of this action, please review Ecology’s [Regulatory Analysis](#)<sup>20</sup>.

6. Describe how the action may harm overburdened communities or vulnerable populations? Be as specific as possible.

Ecology does not anticipate that the changes in this action will result in impacts to overburdened communities or vulnerable populations. While this action is expected to raise costs for many facilities, changes in this rule amendment consider the potential for disproportionate impacts resulting from regressive fee structures—one that applies fees uniformly without considering facility size or capacity and mitigates these potential impacts. Such a fee structure would have imposed undue burdens on small facilities or facilities with low productivity and the people involved in the facilities’ operations. See Section 9 for steps Ecology is taking to mitigate these potential impacts.

7. Describe how the action would address environmental and health disparities.

This rule does not have a direct role in addressing environmental or health disparities.

<sup>18</sup> REMI model baseline forecast for Washington State.

<sup>19</sup> In modeling industrial impacts, we consider changes to government spending on, among other things, labor and associated spending in the broader economy that would not occur without the rule. For reporting purposes we omit (positive) impacts to state government in our summaries, and only present industry impacts (which are indirectly impacted through various government spending).

<sup>20</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2510055.html>

## Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits

This section summarizes options identified for eliminating, reducing, or mitigating harms, as well as options for equitably distributing anticipated benefits. The answers in this section should be informed by engagement, answers from the previous subsections, and any legislative or regulatory boundaries that limit possible decision making.

### *Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits*

1. Describe options to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and options to equitably distribute the benefits.

Ecology evaluated several other fee distribution options internally over the course of the rulemaking. Some alternatives did not meet the objectives of the authorizing statute (RCW 90.48.465). For example, alternatives may not have matched the complexity of permit issuance and compliance, or do not encourage recycling and pollution reduction, among other important considerations.

The fees in the rule amendment are generally based on the revenue goal for each fee category, and when applicable broken into tiers that better reflect permit complexity. Our analysis concluded that the updated fee categories were the least burdensome option available to fulfill our legal requirement to fund the water quality permit program through permit fees. While the amendment increases the overall costs of permit fees, the increases are appropriately scaled compared to inflation and the changes in this update are expected to be effective at minimizing impacts to small businesses and improving equity among permit fee payers.

Ecology does not anticipate probable harms to overburdened communities or vulnerable populations or inequitable distribution of benefits from this rulemaking action. This action updates the existing water quality permit fee schedule to cover the estimated costs of administering the program over the next two years. Ecology is legally required to recover these costs through permit fees. As costs to administer the program change, Ecology must update the permit fees to reflect those costs. As part of this update, Ecology is rebalancing certain fee categories and subcategories, to bring fees closer to alignment with anticipated costs over the next two years.

Every time Ecology updates this rule, we conduct a permit fee analysis and an economic analysis called a [Regulatory Analysis](#)<sup>21</sup>. These analyses include individually evaluating the potential impacts to more than 50 different fee categories. The analyses included looking at

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<sup>21</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2510055.html>

identifying ways to recover costs while minimizing impacts to small operations and equitably distributing fees across each fee category, so that each facility pays fees balanced with the costs Ecology incurs to manage similar permits.

The rulemaking intentionally implements progressive fee structures when consistent with our statutory requirement to recover costs. The amendments also introduce changes targeted towards relief for smaller operations and preserve the existing measures that are in place to support small businesses. Ecology has determined that the updated fee structure improves alignment between the costs to Ecology to manage various facility types and the fees those facilities pay and is the least burdensome option to fulfill our legislative mandate to fund the water quality permit program through the recovery of permit fees.

In addition to Ecology's internal analysis to identify and reduce harms, we sought feedback from external partners to consider any needs they identified in our proposal. Seeking external feedback and considering it in the development phase is a method for mitigating harms, as it improves the alignment of our amendments with needs identified by external parties. Ecology introduced new engagement opportunities focused on environmental justice considerations related to this rule to promote equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action. We conducted a review of the feedback received at this session to ensure that any draft proposal aligned with feedback from members of overburdened communities and vulnerable populations. After this review, Ecology determined that the rulemaking aligns with the feedback we received to fund water quality protections for Washington while protecting vulnerable populations.

We also engaged in public outreach to solicit feedback from any potentially impacted parties. In accordance with our routine practice, we issued an announcement of our rulemaking effort and requested feedback from every permittee under this fee rule.

2. Describe methods chosen for this action to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and methods chosen to equitably distribute the benefits.

This action is not expected to introduce any new environmental or health impacts to overburdened communities or vulnerable populations. The benefits of this action are distributed across permitted industries, independent of any geographic or demographic factors. Ecology considers the economic impacts to small businesses and municipalities when making updates to this rule and reduces these impacts by using progressively tiered fee structures and preserving and enhancing the existing safeguards in the rule for small businesses.

3. If the agency determines it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by the action, or address the equitable distribution of environmental benefits, explain why that determination was made.

Ecology does not anticipate that any environmental harms or inequitable distribution of benefits will result from this action.

Ecology has determined through careful data analysis and community engagement that this action promotes the equitable distribution of the costs and benefits associated with water quality permit fees.