
SENATE BILL 5534

State of Washington

52nd Legislature

1991 Regular Session

By Senators Metcalf and Matson.

Read first time February 5, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to water discharge permit fees; and amending RCW
2 90.48.465.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.48.465 and 1989 c 2 s 13 are each amended to read
5 as follows:

6 (1) The department shall establish annual fees to collect expenses
7 for issuing and administering each class of permits under RCW
8 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be
9 established by rule within one year of March 1, 1989, and thereafter
10 the fee schedule shall be adjusted no more often than once every two
11 years. This fee schedule shall apply to all permits, regardless of
12 date of issuance, and fees shall be assessed prospectively. All fees
13 charged shall be based on factors relating to the complexity of permit
14 issuance and compliance and may be based on pollutant loading and
15 toxicity and be designed to encourage recycling and the reduction of

1 the quantity of pollutants. Fees shall be established in amounts to
2 ~~((fully))~~ recover ~~((and not to exceed))~~ fifty percent of the expenses
3 incurred by the department in processing permit applications and
4 modifications, monitoring and evaluating compliance with permits,
5 conducting inspections, securing laboratory analysis of samples taken
6 during inspections, reviewing plans and documents directly related to
7 operations of permittees, overseeing performance of delegated
8 pretreatment programs, and supporting the overhead expenses that are
9 directly related to these activities.

10 (2) ~~((The annual fee paid by a municipality, as defined in 33~~
11 ~~U.S.C. Sec. 1362, for all domestic wastewater facility permits issued~~
12 ~~under RCW 90.48.162 and 90.48.260 shall not exceed the total of a~~
13 ~~maximum of five cents per month per residence or residential equivalent~~
14 ~~contributing to the municipality's wastewater system.))~~ The department
15 shall adopt by rule a schedule of credits for any municipality engaging
16 in a comprehensive monitoring program beyond the requirements imposed
17 by the department, with the credits available for five years from March
18 1, 1989, and with the total amount of all credits not to exceed fifty
19 thousand dollars in the five-year period.

20 (3) The department shall ensure that indirect dischargers do not
21 pay twice for the administrative expense of a permit. Accordingly,
22 administrative expenses for permits issued by a municipality under RCW
23 90.48.165 are not recoverable by the department.

24 (4) In establishing fees, the department shall consider the
25 economic impact of fees on small dischargers and the economic impact of
26 fees on public entities required to obtain permits for storm water
27 runoff and shall provide appropriate adjustments.

28 (5) All fees collected under this section shall be deposited in the
29 water quality permit account hereby created in the state treasury.

1 Moneys in the account may be appropriated only for purposes of
2 administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

3 (6) The department shall submit an annual report to the legislature
4 showing detailed information on fees collected, actual expenses
5 incurred, and anticipated expenses for the current and following fiscal
6 years.

7 (7) The legislative budget committee in 1993 shall review the fees
8 established under this section and report its findings to the
9 legislature in January 1994.